



Planning Commission

Lorraine R. Inouye
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

December 3, 1991

Mr. Sidney Fuke
100 Pauahi Street
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application 91-16
Applicant: Alan C. Beall
Two Bird-watching Platforms & Related Improvements
Tax Map Key: 7-3-26:Portion of 22

The Planning Commission at its duly held public hearing on November 3, 1991, voted to approve your application, Special Permit No. 790, to allow for two bird-watching platforms and related improvements for use by the applicant and his guests on approximately 2,000 square feet of land situated within the State Land Use Agricultural District. The property is located along the makai side of Hao Street approximately 2,000 feet mauka of the Kaloko Drive-Hao Street intersection, Kaloko Mauka Subdivision, Increment III, Kaloko, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The requested use would not be contrary to the objectives of the State Land Use Law for the agricultural district. Construction will involve nothing that would interfere with permitted uses of the property, such as forestry or agriculture.

The desired use will not adversely affect the surrounding properties. Surrounding uses include pasture and low density residential. Since the proposed use will not involve any increase in noise, odors, visual impacts, or visits to the

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property by the public, impacts to surrounding properties will be no greater than the existing residential use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The proposal will not result in an increased density of use. The site will not be open to visits by the public. Therefore, infrastructural needs are not anticipated to increase.

The land upon which the proposed use is sought is not unsuited for the uses permitted within the district. However, the proposed use will not interfere with permitted uses.

The use will not substantially alter or change the essential character of the land and the present use. Minimal land alterations will take place to allow the proposed use.

The request is not contrary to the General Plan. The proposed use is compatible with the Orchard designation of the LUPAG Map of the General Plan.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures associated with the proposed use.
3. Construction of the bird-watching platforms shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The bird-watching platforms shall not be used for overnight accommodations.

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5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
6. Comply with all other laws, rules, regulations and requirements of State and County agencies.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Mike Luce, Chairman
Planning Commission

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jdk

xc: Alan C. Beall
Department of Public Works
Department of Water Supply
Department of Public Works-Building
County Real Property Tax Division
West Hawaii Office
State Land Use Commission,
DLNR
Plan Approval Section