

PUD 89

CERTIFIED MAIL

July 9, 1990

Mr. Keola Childs  
Executive Vice President  
Maryl Development, Inc.  
P. O. Box 1928  
Kailua-Kona, HI 96745-1928

Dear Mr. Childs:

Planned Unit Development (PUD 89-2)  
Maryl Development, Inc.  
Tax Map Key: 6-6-01:Portion 38

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your Planned Unit Development request for a Planned Unit Development (PUD) permit to allow the development of a 44-lot subdivision development. The subject property which consists of 50+ acres is identified by Tax Map Key 6-6-01: por. 38 and is located on the south side of Kawaihae Road and across Hale Kea Development, Lalamilo, South Kohala, Hawaii.

The approval is based on the following:

The construction of the project will begin within 30 days of the date of Final Approval of the subdivision. Construction should be completed within 8 months thereafter.

The proposed development substantially conforms to the General Plan. The proposed development is low density and conforms to the zoning designation (A-1a) of the property in addition to the Waimea Design Plan. The density of one (1) unit per acre is within the limits of the General Plan's Low Density designation.

This proposed 44-one (1) acre lot size development will constitute an environment of sustained desirability and stability, will be in keeping with the character of the surrounding area, and will result in an intensity of land

JUL 10 1990

utilization no higher than as permitted or otherwise specified for the district in which this development occurs. The proposed 44-lot subdivision meets with the Agricultural one acre (A-1a) minimum lot size requirement. This proposed development meets with the Low Density designation of the General Plan which is defined as "Single Family Residential in character." Further it will be in keeping with openness of the adjoining properties which are used as pasture for cattle and the adjoining Single Family Residential (RS-100) zoned lots.

The petitioner is proposing one access off of Kawaihae Road resulting in two cul-de-sacs which would serve a total of 44 lots which is more than the maximum allowable 18 lots. The proposed non-dedicable roadway consists of a 50-foot right-of-way with 20 foot pavement with 6-foot grassed shoulder and swales. In addition, an 80-foot future road easement is denoted as a future access to the adjoining 200+ acre parcel located along the southern boundary. Although the petitioner is not providing the minimum roadway standards as required, they are providing another design scheme, which will address the same roadway issues, in terms of access, drainage, etc. The minimizing of pavement is a desirable feature from the standpoint of maintaining the porosity of the watershed. As such, the approval of a variance from the minimum roadway standards is considered and determined to be to be justified.

The Planned Unit development is approved subject to the following conditions:

- A. The applicant, its assigns or successors shall be responsible for complying with all stated conditions of approval.
- B. The development shall be limited to the 44-lot subdivision and shall be restricted to one single family dwelling per lot. The deed covenants shall incorporate this one single family dwelling per lot restriction.
- C. The roadways within the development will remain in private ownership unless it is brought up to County dedicable standards. The applicant shall file a recordable agreement, indicating the applicant's liability, indemnification of the County of liability, and other necessary provisions. This agreement shall be developed with the Department of Public Works and Corporation Counsel's office prior to final subdivision approval. This agreement shall be included within the deeds of all future lot owners in this subdivision. A recorded copy of this restriction shall be filed with the Planning Department and Department of Public Works.

Mr. K. Childs  
July 9, 1990  
Page 3

- D. Final subdivision approval shall be received within two years of the approval of this permit.
- E. All other applicable County and State rules, regulations and requirements shall be complied with.

Should the applicant, its assigns or successors fail to comply with the above requirements, the Planning Director may nullify the Planned Unit Development Permit.

If you have any questions on this matter, please feel free to contact us.

Sincerely,  
  
DUANE KANUHA  
Planning Director

MO:mra

cc: Subd. File  
DPW