



## Planning Department

County of Hawaii • 25 Aupuni Street, Room 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye  
Mayor

Norman K. Hayashi  
Director

Tad Nagasako  
Deputy Director

PUD 46

June 9, 1992

Sandra Pechter Schutte, Esq.  
Roehrig, Roehrig, Wilson, Hara,  
Schutte & De Silva  
101 Aupuni Street, #124  
Hilo, HI 96720

Dear Ms. Schutte:

Planned Unit Development Application (PUD 92-1)  
Applicant: Paniau Partners  
Tax Map Key 6-9-01:7

Upon reviewing the application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your client's Planned Unit Development Application. This would permit the development of a 10-lot single-family residential subdivision with a 50-foot right-of-way with a 20 foot pavement and four foot wide stabilized gravel shoulders and other roadway standards deviation. The property is identified by Tax Map Key 6-9-01:7 and is located at the southern end of Puako Beach Drive in Puako, South Kohala, Hawaii.

The approval is based on the following:

The construction of the project will be completed within a reasonable period of time from the date of approval. The applicant intends to commence construction immediately upon receipt of all required permits and to complete construction within four months thereafter.

The proposed development substantially conforms to the General Plan. The County General Plan document designates the property to be Resort under the LUPAG Map. Under this designation, single family residential developments are allowed. The proposed density of .74 units per acre is well below the allowable density which conforms to the General Plan.

This single family residential 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 utilization no higher than, and standards of open space at least as high as permitted or otherwise specified for the district in which this development occurs. The proposed 10 lots is well below the maximum

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allowable density of one unit per each 10,000 square feet of land area. Under the present zoning (RS-10), a maximum of 33 single family dwellings are allowed on the property. The adjoining properties surrounding this property is located within the County's Open (O) and Unplanned (U) and State Land Use Conservation Districts. The low density development would be in keeping with the surroundings.

The development of a harmonious, integrated whole justifies exceptions from the Codes. The development is proposed as a planned, low density residential community which is planned around the unique site characteristics such as the topographical features, ocean views, archaeological sites, anchialine ponds and select mature vegetation. In order to preserve these unique features on the property, deviations of the code requirements are necessary. The proposed roadway use will be limited to only the 10 single family residential units and their guests and is not proposed as a through street. In essence it would appear to be like a driveway serving the 10 units within this planned development. No traffic congestion is anticipated due to the number of residences the roadway will serve. As such the approval of the deviation from the minimum roadway standards is considered and determined to be justified.

Based on the foregoing, the Planning Director has further concluded that the Planned Unit Development Application be 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 of the property shall be limited to 10 single family residential lots and shall be restricted to one single family dwelling per lot. A restrictive covenant shall be incorporated in the deed covenants and a copy of this restriction shall be submitted to the Planning Department for its file prior to securing final subdivision approval.
- C. The roadway within the development will remain in private ownership. The applicant shall file a recordable agreement, indicating the applicants liability, maintenance and other necessary provisions. This agreement shall be developed with the Department of Public Works and the Corporation Counsel's office prior to final subdivision approval. This agreement shall also be included within the deeds of all future lot owners in the subdivision.

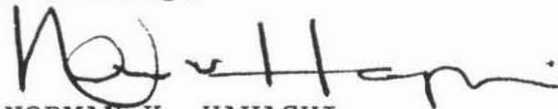
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- D. The roadway shall be designed for speeds of 20 MPH and be able to accommodate emergency vehicles.
- E. Final subdivision approval shall be secured within two (2) years of the approval of this permit.
- F. All other applicable County and State rules, regulations, and requirements be complied with.

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

Should you have any questions on this matter, please feel free to contact Masa Onuma of this office.

Sincerely,



NORMAN K. HAYASHI  
Planning Director

MO:smo  
5493D - Enclosure  
cc: Paniau Partners  
DPW (w/Encl)  
West Hawaii Office (w/Encl)  
Subd Section (w/Encl)