

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 18, 2015

Brian A. Anderson
64-5085 Kalake Street
Kamuela, HI 96743

Dear Mr. Anderson:

SUBJECT: Application: PUD PERMIT -PUD 49 (PUD 92-03)
Agent: BRIAN A. ANDERSON
Applicant: BRIAN A. ANDERSON
Owners: JPL HAWAII, LLC
(Formerly Waikoloa Homesite Venture)
Request: AMENDMENT TO PUD 49
Tax Map Key: (3)6-9-008:002

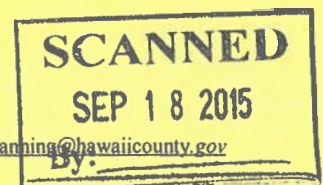
In response to your request to amend Planned Unit Development Permit No. 49 (PUD 92-03), which was submitted to this office on August 24, 2015, we hereby approve the requested amendment in accordance with the original **Section 25-6-14. Time extensions and amendments** (a) which allowed amendments to a P.U.D. permit or to the conditions of a P.U.D. permit may be granted by the director upon finding that no change has occurred in relation to the property since the P.U.D. permit was issued or that the approval is still valid with respect to any changed conditions.

The request involves a minor amendment to the approved PUD 49 to allow for adjustments to widening the pavement width and reducing the landscaping width within the existing approved 80-foot wide roadway easement used as the entrance road. There is no change to the 80-foot wide roadway easement.

This approval is based on the following description of the Request, Background Information, and Findings which will amend the original PUD No. 49 approved on December 7, 1992.

REQUEST TO AMEND EXISTING PUD 49

REQUEST TO AMEND PUD 49



SEP 18 2015

1. **Request/Reason:** JPL Hawaii LLC, the current owner of record, submitted a request to amend PUD 49 on August 24, 2015. Request to allow deviation from roadway requirement improvements as outlined in Chapter 23 of the Subdivision Code.
 - A. **Minimum right-of-way and pavement widths.** (HCC §23-41). 2) The new design request would allow a deviation from the approved revised design concept which allowed for an 80-foot wide easement entrance road to include a 20-foot median strip, 14-foot pavement for each lane (28 feet total) and a 16-foot wide grassed drainage swale, landscaped or natural lava swales. The new design request would allow for the same 80-foot wide easement entrance road to include a 16-foot median strip, 16-foot pavement for each lane (32 feet total) and a reduced 16-foot wide grassed drainage swale, landscaped or natural lava swales.
 - B. **Golf Course.** Delete all references to club house and golf carts. (Exceptions granted G, H & I) The golf course is not being constructed.
 - C. **Reasons.** This request will allow the owners to conform to the design of the Waikoloa Beach Resorts and the Kohala Coast area. Also, these standards are conducive to the rural character of the area and the abundant open space and recreational amenities within the development. Their request is that they be allowed to design to the same specifications allow for consistent quality throughout the Waikoloa Resort. It also allows for a wider roadway which would provide safer conditions for bicycle traffic.

BACKGROUND INFORMATION

2. **Property Description:** The subject property consisting of 252.001 acres is zoned Multiple Residential – 6,000 square feet (RM-6), Multiple Residential – 8,000 square feet, Neighborhood Commercial – 10,000 square feet (CN-10) and Open (O).

The original applicant, which was Waikoloa Homesite Venture Inc., on behalf of the landowner, proposed to develop the subject properties, consisting of a total of approximately 9.18 acres, into 195 single-family residential lots of no less than 10,000 square feet and a Roadway Lot, pursuant to Chapter 25, Zoning, Article 6, Optional Development Regulations, Division 1, Planned Unit Development (P.U.D). Variances from minimum roadway and minimum yard requirements of Hawaii County Code, Chapter 23, Subdivisions, and Chapter 25, Zoning, were requested as part of the original PUD application.

STATUS REPORT OF SUBDIVISION

3. **Subdivision No. 93-181 Status Report:** Tentative Approval granted on April 5, 1994,

subsequently, a revised Tentative Approval was granted May 1, 2015. Time Extensions were granted to submit Final Plat Map and secure Final Subdivision Approval. Most recent Time Extension is granted till May 1, 2018 to secure Final Subdivision Approval.

ORIGINAL PUD REQUEST

4. **Previous Landowner:** Waikoloa Homesite Venture (Larry J. Hansen, Vice President), submitted the original PUD application dated August 11, 1992. Subsequently, the property was acquired by JPL Hawaii LLC.
5. **Subject Property:** The proposed project is located within the Waikoloa Beach Resort Community at 'Anaeho'omalu Bay in the District of South Kohala and is specifically identified by Tax Map Key: 6-9-008:002.
6. **Original PUD 49 Request and Reasons:** The applicant's original PUD request allowed certain Deviations from the County of Hawai'i Subdivision Code. These deviations pertained primarily to roadways within the development. The approved deviations will allow for development of the property and will be in keeping with the character off the surrounding developments.

EXCEPTIONS ORIGINALLY GRANTED BY PUD 49

7. **Exceptions Granted with PUD 49:** Detailed description and reasons for the applicant's overall design concept, including design for individual lots, along with all approved exceptions from complying with Chapter 25 (Zoning) and Chapter 23 (Subdivisions), were included in the PUD approval letter dated December 7, 1992.
8. **Summary of original exceptions granted with PUD 49 from Chapter 23 (Subdivision):**
 - A. Section 23-40 Street Location and Arrangement: Allow a Greeter Station to be constructed within a roadway right-of-way.
 - B. Section 23-41- Minimum Right-of-Way and Pavement widths: Allowed Pavement widths to be 29-feet wide which would allow openness of roadway but discourage on-street parking.
 - C. Section 23-48 – Cul-de-sacs: Allowed Cul-de-sac length for Road "B" to be 1,000 feet in length and serve 44 lots for Phase IV lots.
 - D. Section 23-89 – Sidewalks: Allowed Sidewalks to be omitted except for along the entry roadway from Waikoloa Beach road to the clubhouse entry on one side.

- E. Section 23-92 – Land surface drainage: Allowed Drainage catch basin to be spaced more than 500 feet apart.
- F. Section 23-93 Street Lights: Street lights omitted: Approved request to allow no street lights for roadway.
- G. Clubhouse rotary of 50' radius at end of entry roadway section. Approval allows a turnaround within a straight roadway.
- H. Cart crossing at grade; allowed a cart crossing on the surface of roadways rather than underground.
- I. Edge of tees and greens less than 100' from edge of property line to Multiple Residential Zoned District; request is to allow distances to edges of tees and greens for 6 holes.

DESCRIPTION OF AFFECTED PROPERTIES

- 9. **State Land Use (SLU):** Urban
- 10. **Zoning:** Multiple Residential – 6,000 square feet (RM-6), Multiple Residential – 8,000 square feet (RM-8), Neighborhood Commercial – 10,000 square feet (CN-10) and Open (O).
- 11. **General Plan:** The LUPAG maps designate the area Resort Node and are in compliance with the Land Use Pattern allocation Guide Map of the County of Hawaii.
- 12. **South Kohala Community Development Plan (SKCDP):** The South Kohala Community Development Plan is divided into four focus areas, Waimea Town Plan, Waikoloa Village Plan, Kawaihae Community Plan and Puako Plan. Although Waikoloa Village Resorts is not referred to within the South Kohala Community Development Plan, the area is consistent with the South Kohala Community Development Plan (SKCDP).
- 13. **Surrounding Zoning/Land Use:** The subject property is located in a Resort Community, known as Waikoloa Beach Resorts. Properties surrounding the subject property are zoned Multiple Residential, Resort-Hotel, Open and Agricultural.
- 14. **Special Management Area:** SMA Major Use Permit No. 25 as amended for development of the entire Waikoloa Resort Complex, dated March 4, 1977.

CRITERIA FOR APPROVAL OF AMENDMENT REQUEST

In accordance with requirements of Section 25-6-10 (Criteria for granting a PUD): The original PUD 49 approved on December 7, 1992 met all of the following review criteria:

- a. **The construction on the project shall begin within a reasonable period of time from the date of full approval and shall be completed within a reasonable period of time.**
- b. **The proposed development substantially conforms to the General Plan.**
- c. **The proposed development shall constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding neighborhood and shall result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or as otherwise specified for the district in which this development occurs.**
- d. **The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and that the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations. In addition the request is consistent with Section 25-6-14 time extension and amendments allows the Director to grant an amendment.**

APPROVAL OF AMENDMENT REQUEST – PUD CONDITIONS

Based on the forgoing findings, the request to amend PUD 49 would be consistent with the general purpose of the zoning district and intents of the Zoning Code, Subdivision Code, and PUD criteria which requires conformance with the County General Plan.

Furthermore, given the PUD background and comprehensive planning to develop the area or subdivision, the deviations requested by the applicant relates to roadway improvements and building open space requirements will not be materially detrimental to the public’s welfare and will not cause substantial adverse impact to the area’s character and/or adjoining subdivisions or surrounding neighborhood.

In view of the above, the Planning Director approves the applicant’s request to amend PUD 49 to allow for requested deviation from road requirements as outlined in Chapter 23 of the Subdivision Code. The requested deviations will consist of: 1) an asphaltic concrete pavement with grass, landscaped or lava shoulders drainage swales, cross-section as shown on Figure-1. 2) No curbs (except along the Median strips) or gutters will be installed. 3) Right-of-way widths will vary from

40' for interior roads to 80 feet for the entrance road, as originally approved, and the deletion of all deviations relating to the golf course, club house and golf carts. The following new conditions shall replace the original conditions of PUD 49 for the development of the 195-unit Waikoloa Homesite Venture subdivision on the subject property, which include new conditions C and E.

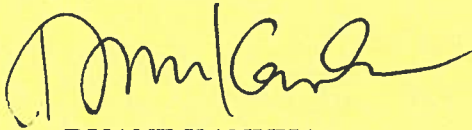
- A. The applicant, its successors or assigns be responsible for complying with all of the stated conditions of approval.
- B. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns.
- C. Revised Plat Maps regarding the roadway improvements shall be submitted for SUB 93-000181 (JPL Hawaii, LLC).
- D. Each lot created by subject PUD shall have no more than one dwelling per building site. No ohana dwelling or second dwelling shall be permitted on any lot created as a result of PUD No. 49. The subject property or any of the proposed lots created as a result of the proposed subdivision or subsequent subdivision phases may not be subject to a condominium property regime.
- E. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burial, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- F. The applicant shall comply with all other applicable rules, regulations and requirements.
- G. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the Planned Unit Development (PUD) 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.
- H. If the applicant should require an extension of time, the applicant may request time extension pursuant to Section 25-6-14 (Time extensions and amendments).

Brian A. Anderson
JPL Hawaii, LLC
Page 7
September 18, 2015

- I. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the Planned Unit Development Permit.

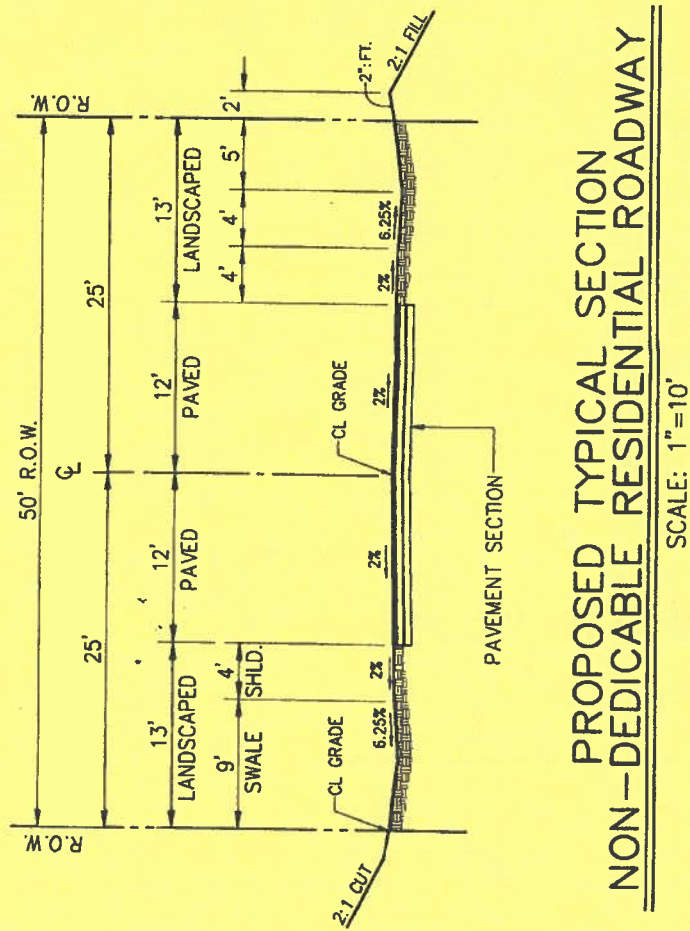
Sincerely,



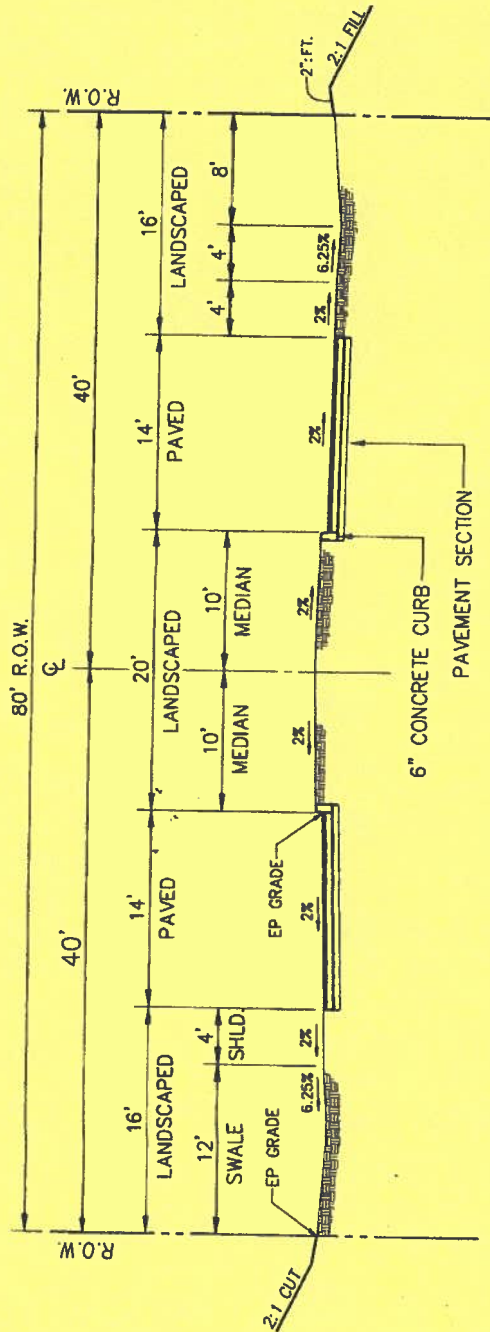
DUANE KANUHA
Planning Director

LHN:nci
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xc: Planning Division



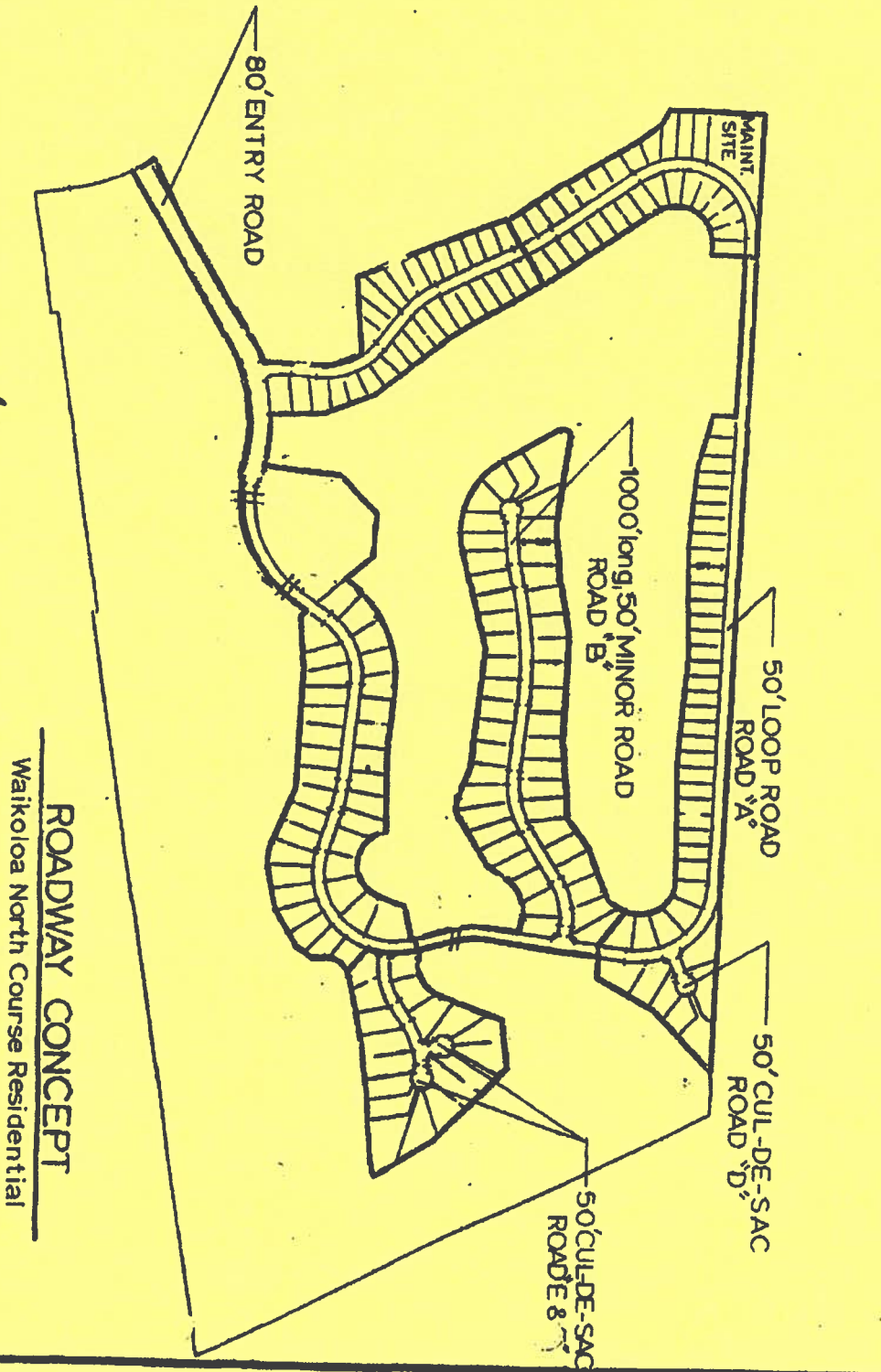
INABA ENGINEERING, INC.
CIVIL ENGINEERING - LAND SURVEYING
273 WAMANUJENUE AVENUE
HILO, HAWAII 96720
EI NO. 14010



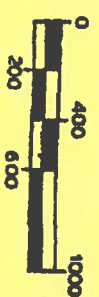
PROPOSED TYPICAL SECTION
 NON-DEDICABLE ENTRY ROADWAY

SCALE: 1"=10'

INABA ENGINEERING, INC.
 CIVIL ENGINEERING - LAND SURVEYING
 273 WAMANUENUE AVENUE
 HILO, HAWAII 98720
 EI NO. 14010



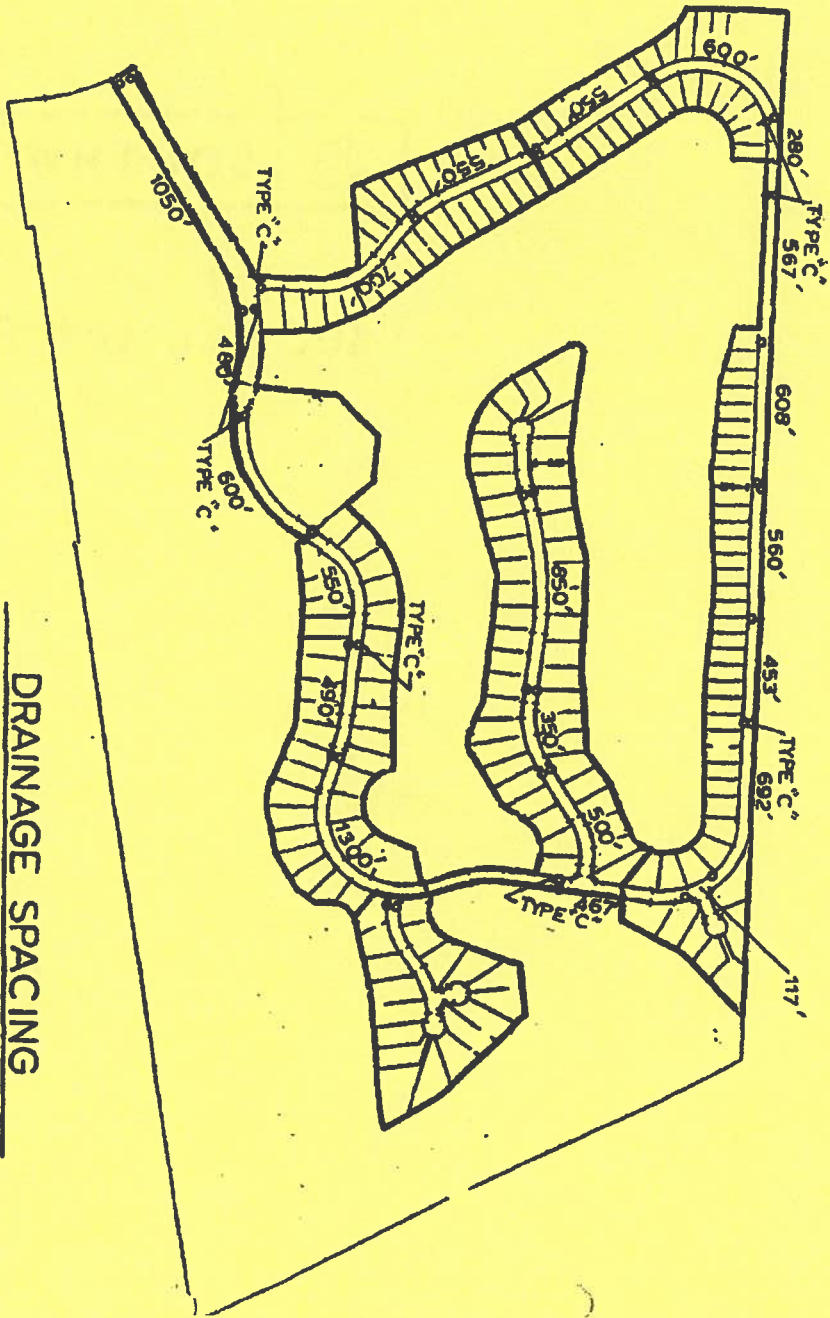
ROADWAY CONCEPT
Waikoloa North Course Residential



THE KEITH COMPANIES - HAWAII, INC.
Engineering • Public Works
Planning • Environmental Services
Business Planning • Architecture

400 Keolu Blvd., Suite 100
Honolulu, HI 96825
Phone: 808-948-4800

EXHIBIT 3

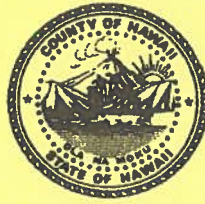


Engineering • Public Works
Planning • Environmental Services
Surveying • Architecture

 THE KEITH COMPANIES, INC.
400 Honolulu St
Honolulu, HI 96813
808-535-4800

DRAINAGE SPACING
Wai'oloa North Course Residential

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

May 21, 2015

Brian A. Anderson
64-5085 Kalake Street
Kamuela, HI 96743

Dear Mr. Anderson:

SUBJECT: Application: PUD PERMIT -PUD 49 (PUD 92-03)
Agent: BRIAN A. ANDERSON
Applicant: BRIAN A. ANDERSON
Owners: JPL HAWAII, LLC
(Formerly Waikoloa Homesite Venture)
Request: AMENDMENT TO PUD 49
Tax Map Key: (3)6-9-008:002

In response to your request to amend Planned Unit Development Permit No. 49 (PUD 92-03), which was submitted to this office on July 3, 2014, we hereby approve the requested amendment in accordance with the original **Section 25-6-14. Time extensions and amendments** (a) which allowed amendments to a P.U.D. permit or to the conditions of a P.U.D. permit may be granted by the director upon finding that no change has occurred in relation to the property since the P.U.D. permit was issued or that the approval is still valid with respect to any changed conditions.

This request was submitted prior the council adopting Ord. 15-33 which now requires the Planning Commission to PUD approval amendments.

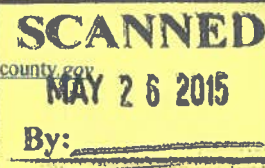
This approval is based on the following description of the Request, Background Information, and Findings which will amend the original PUD No. 49 approved on December 7, 1992.

REQUEST TO AMEND EXISTING PUD 49

REQUEST TO AMEND PUD 49

1. **Request/Reason:** JPL Hawaii LLC, the current owner of record, submitted a request to amend PUD 49 on July 4, 2014, as follows:

MAY 26 2015



A. Request to allow deviation from roadway requirement improvements as outlined in Chapter 23 of the Subdivision Code.

- a. **Minimum right-of-way and pavement widths.** (HCC §23-41). 2) The new design request would allow a deviation from the original design concept which allowed for a 195 single-family lot subdivision with access off a loop road and a cul-de-sac serving more than 18- lots. It also “will allow” for a 50 foot radius at the end of the entry road section, golf cart crossing on grade over roadways, center median, 29-foot wide pavements with rolled curb gutters and landscaped shoulders as approved by PUD 49. The new design request would allow for an 80-foot wide easement entrance road to include a 20-foot median strip, 14-foot pavement for each lane (28 feet total) and a 16-foot wide grassed drainage swale, landscaped or natural lava swales. It would also allow for interior roads with a 50-foot wide easement, pavement width of 24 feet with 13 feet drainage swales of grass, landscaped or natural lava swales.
- b. **Golf Course.** Delete all references to club house and golf carts. (Exceptions granted G, H & I) The golf course is not being constructed.

Reasons: This request will allow the owners to conform to the design of the Waikoloa Beach Resorts and the Kohala Coast area. Also, these standards are conducive to the rural character of the area and the abundant open space and recreational amenities within the development. Their request is that they be allowed to design to the same specifications allow for consistent quality throughout the Waikoloa Resort.

2. **Time Extension for Amendment:** The applicant granted the Planning Director an extension of time is issue a decision on the PUD Amendment until May 20, 2015.

BACKGROUND INFORMATION

3. **Property Description:** The subject property consisting of 252.001 acres is zoned Multiple Residential – 6,000 square feet (RM-6), Multiple Residential – 8,000 square feet, Neighborhood Commercial – 10,000 square feet (CN-10) and Open (O).

The original applicant, which was Waikoloa Homesite Venture Inc., on behalf of the landowner, proposed to develop the subject properties, consisting of a total of approximately 9.18 acres, into 195 single-family residential lots of no less than 10,000 square feet and a Roadway Lot, pursuant to Chapter 25, Zoning, Article 6, Optional Development Regulations, Division 1, Planned Unit Development (P.U.D). Variances from minimum roadway and minimum yard requirements of Hawaii County Code, Chapter 23, Subdivisions, and Chapter 25, Zoning, were requested as part of the original PUD application.

Brian A. Anderson
JPL Hawaii, LLC
Page 3
May 21, 2015

STATUS REPORT OF SUBDIVISION

4. **Subdivision No. 93-181 Status Report:** Tentative Approval granted on April 5, 1994, subsequently, a revised Tentative Approval was granted May 1, 2015. Time Extensions were granted to submit Final Plat Map and secure Final Subdivision Approval. Most recent Time Extension is granted till May 1, 2018 to secure Final Subdivision Approval.

ORIGINAL PUD REQUEST

5. **Previous Landowner:** Waikoloa Homesite Venture (Larry J. Hansen, Vice President), submitted the original PUD application dated August 11, 1992. Subsequently, the property was acquired by JPL Hawaii LLC.
6. **Subject Property:** The proposed project is located within the Waikoloa Beach Resort Community at 'Anaeho'omalu Bay in the District of South Kohala and is specifically identified by Tax Map Key: 6-9-008:002.
7. **Original PUD 49 Request and Reasons:** The applicant's original PUD request allowed certain Deviations from the County of Hawai'i Subdivision Code. These deviations pertained primarily to roadways within the development. The approved deviations will allow for development of the property and will be in keeping with the character off the surrounding developments.

EXCEPTIONS ORIGINALLY GRANTED BY PUD 49

8. **Exceptions Granted with PUD 49:** Detailed description and reasons for the applicant's overall design concept, including design for individual lots, along with all approved exceptions from complying with Chapter 25 (Zoning) and Chapter 23 (Subdivisions), were included in the PUD approval letter dated December 7, 1992.
9. **Summary of original exceptions granted with PUD 49 from Chapter 23 (Subdivision):**
 - A. **Section 23-40 Street Location and Arrangement:** Allow a Greeter Station to be constructed within a roadway right-of-way.
 - B. **Section 23-41- Minimum Right-of-Way and Pavement widths:** Allowed Pavement widths to be 29-feet wide which would allow openness of roadway but discourage on-street parking.
 - C. **Section 23-48 – Cul-de-sacs:** Allowed Cul-de-sac length for Road "B" to be 1,000 feet in length and serve 44 lots for Phase IV lots.

- D. Section 23-89 – Sidewalks: Allowed Sidewalks to be omitted except for along the entry roadway from Waikoloa Beach road to the clubhouse entry on one side.
- E. Section 23-92 – Land surface drainage: Allowed Drainage catch basin to be spaced more than 500 feet apart.
- F. Section 23-93 Street Lights: Street lights omitted: Approved request to allow no street lights for roadway.
- G. Clubhouse rotary of 50' radius at end of entry roadway section. Approval allows a turnaround within a straight roadway.
- H. Cart crossing at grade; Allowed a cart crossing on the surface of roadways rather than underground.
- I. Edge of tees and greens less than 100' from edge of property line to Multiple Residential Zoned District; request is to allow distances to edges of tees and greens for 6 holes.

DESCRIPTION OF AFFECTED PROPERTIES

- 10. **State Land Use (SLU):** Urban
- 11. **Zoning:** Multiple Residential – 6,000 square feet (RM-6), Multiple Residential – 8,000 square feet (RM-8, Neighborhood Commercial – 10,000 square feet (CN-10) and Open (O).
- 12. **General Plan:** The LUPAG maps designate the area Resort Node and are in compliance with the Land Use Pattern allocation Guide Map of the County of Hawaii.
- 13. **South Kohala Community Development Plan (SKCDP):** The South Kohala Community Development Plan is divided into four focus areas, Waimea Town Plan, Waikoloa Village Plan, Kawaihae Community Plan and Puako Plan. Although Waikoloa Village Resorts is not referred to within the South Kohala Community Development Plan, the area is consistent with the South Kohala Community Development Plan (SKCDP).
- 14. **Surrounding Zoning/Land Use:** The subject property is located in a Resort Community known as Waikoloa Beach Resorts. Properties surrounding the subject property are zoned Multiple Residential, Resort-Hotel, Open and Agricultural.
- 15. **Special Management Area:** SMA Major Use Permit No. 25 as amended for development of the entire Waikoloa Resort Complex, dated March 4, 1977.

CRITERIA FOR APPROVAL OF AMENDMENT REQUEST

In accordance with requirements of Section 25-6-10 (Criteria for granting a PUD):

The original PUD 49 approved on December 7, 1992 met all of the following review criteria:

- a. The construction on the project shall begin within a reasonable period of time from the date of full approval and shall be completed within a reasonable period of time.**
- b. The proposed development substantially conforms to the General Plan.**
- c. The proposed development shall constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding neighborhood and shall result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or as otherwise specified for the district in which this development occurs.**
- d. The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and that the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations. In addition the request is consistent with Section 25-6-14 time extension and amendments allows the Director to grant an amendment.**

APPROVAL OF AMENDMENT REQUEST – PUD CONDITIONS

Based on the forgoing findings, the request to amend PUD 49 would be consistent with the general purpose of the zoning district and intents of the Zoning Code, Subdivision Code, and PUD criteria which requires conformance with the County General Plan.

Furthermore, given the PUD background and comprehensive planning to develop the area or subdivision, the deviations requested by the applicant relates to roadway improvements and building open space requirements will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and/or adjoining subdivisions or surrounding neighborhood.

In view of the above, the Planning Director approves the applicant's request to amend PUD 49 to allow for requested deviation from Road requirements as outlined in Chapter 23 of the Subdivision Code. The requested deviations will consist of: 1) an asphaltic concrete pavement with grass, landscaped or lava shoulders drainage swales, cross-section as shown on Figure-1. 2) No curbs

(except along the Median strips) or gutters will be installed. 3) Right-of-way widths will vary from 40' for interior roads to 80 feet for the entrance road and the deletion of all deviations relating to the golf course, club house and golf carts. The following new conditions shall replace the original conditions of PUD 49 for the development of the 195-unit Waikoloa Homesite Venture subdivision on the subject property, which include a new condition "D".

- A. The applicant, its successors or assigns be responsible for complying with all of the stated conditions of approval.
- B. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns.
- C. Each lot created by subject PUD shall have no more than one dwelling per building site. No ohana dwelling or second dwelling shall be permitted on any lot created as a result of PUD No. 49. The subject property or any of the proposed lots created as a result of the proposed subdivision or subsequent subdivision phases may not be subject to a condominium property regime.
- D. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burial, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- E. The applicant shall comply with all other applicable rules, regulations and requirements.
- F. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the Planned Unit Development (PUD) 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.

- G. If the applicant should require an extension of time, the applicant may request time extension pursuant to Section 25-6-14 (Time extensions and amendments).

Brian A. Anderson
JPL Hawaii, LLC
Page 7
May 21, 2015

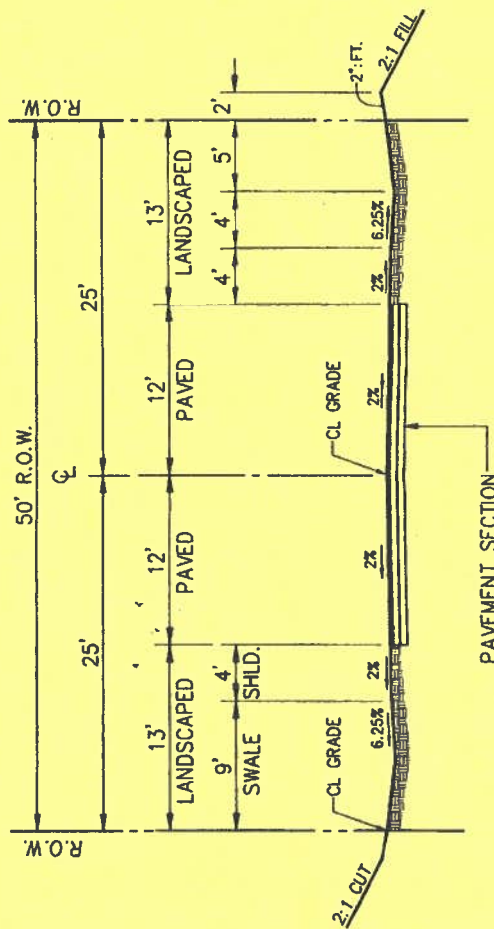
H. Should any of the conditions not be met or substantially complied with in a timely fashion,
the Director shall initiate the nullification of the Planned Unit Development Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Kanuha". The signature is stylized and cursive.

DUANE KANUHA
Planning Director

LHN:nci
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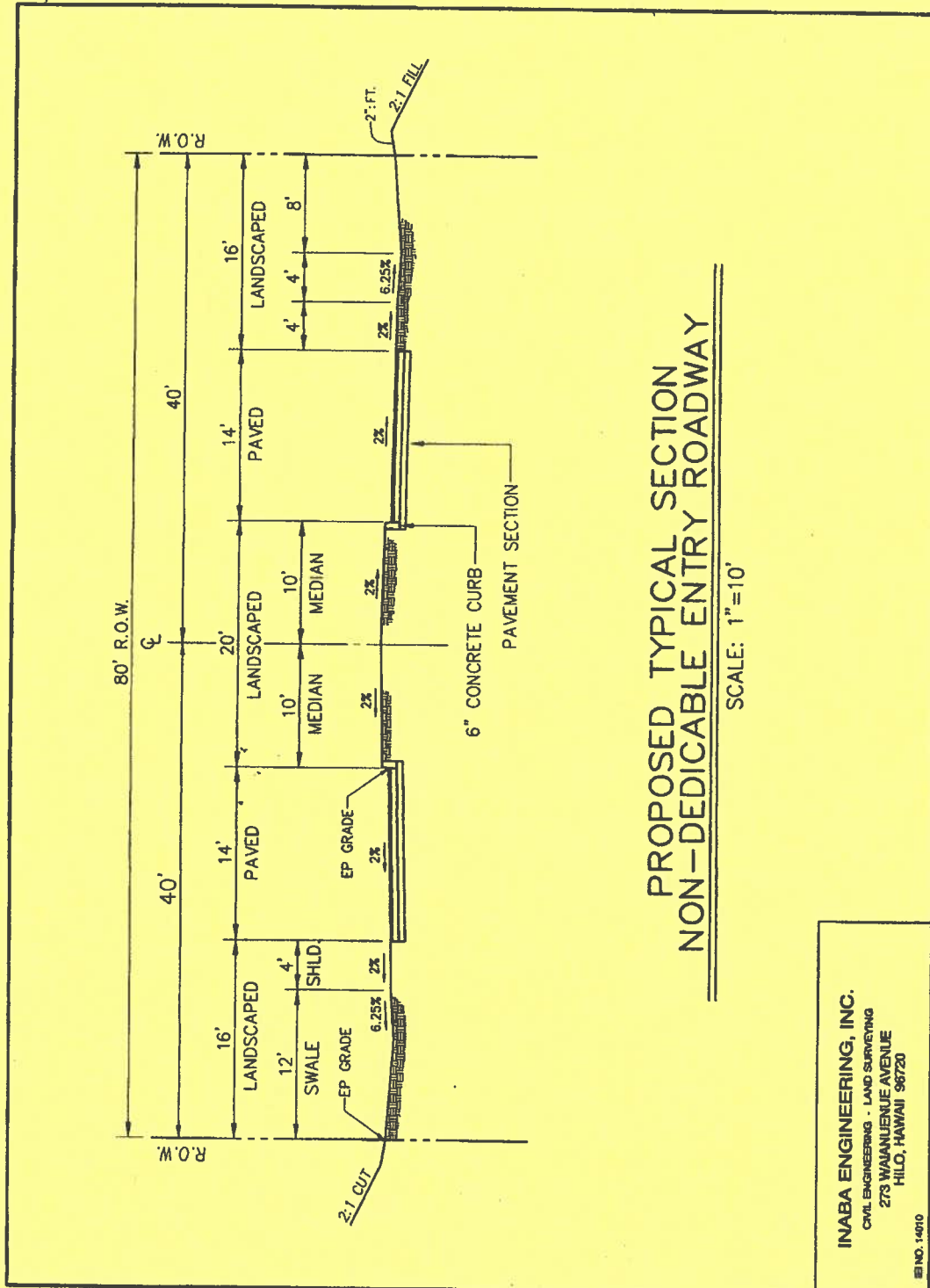


**PROPOSED TYPICAL SECTION
 NON-DEDICABLE RESIDENTIAL ROADWAY**

SCALE: 1"=10'

INABA ENGINEERING, INC.
 CIVIL ENGINEERING - LAND SURVEYING
 275 WAIANUENUE AVENUE
 HILO, HAWAII 96720

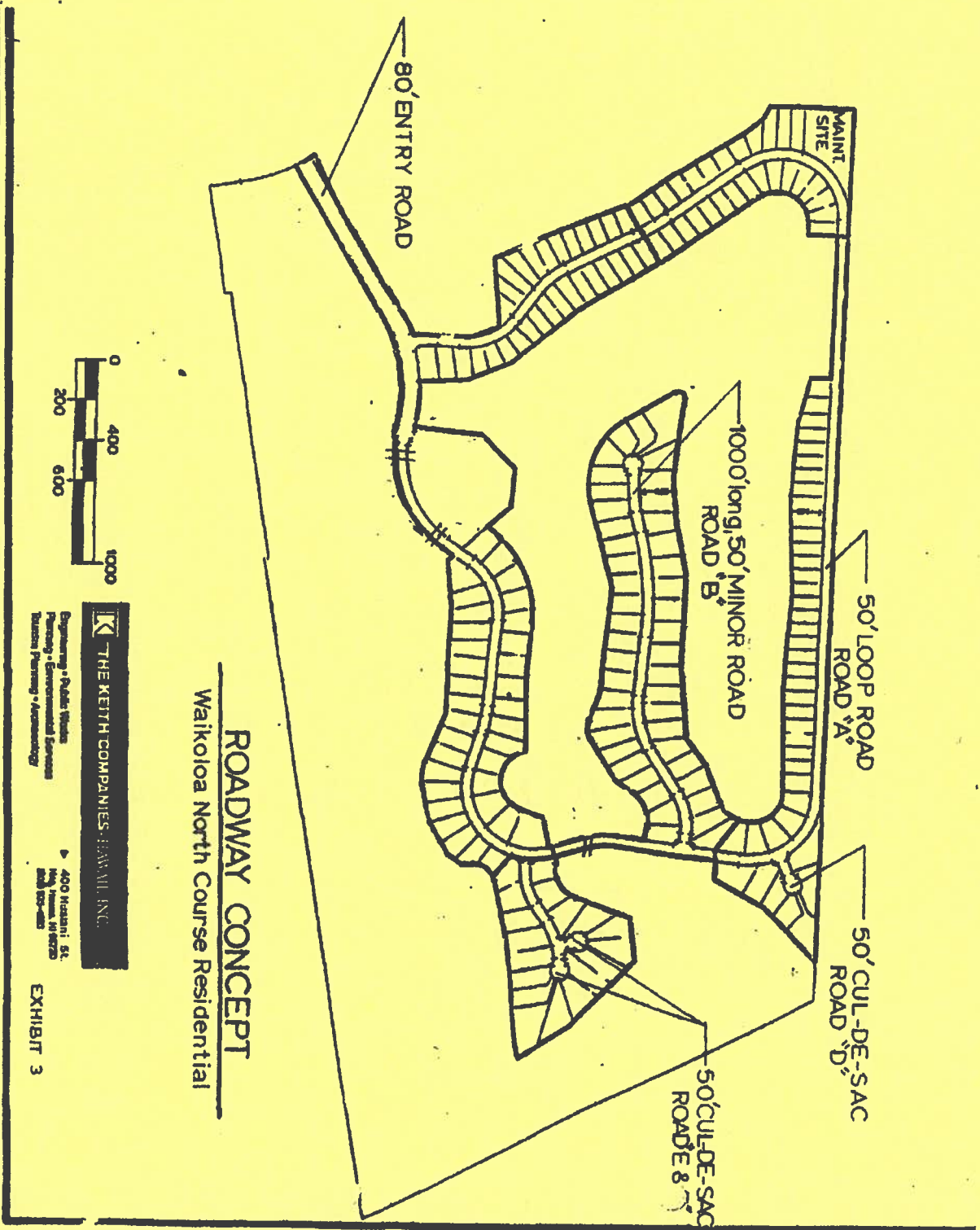
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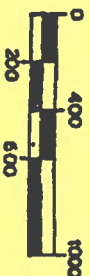
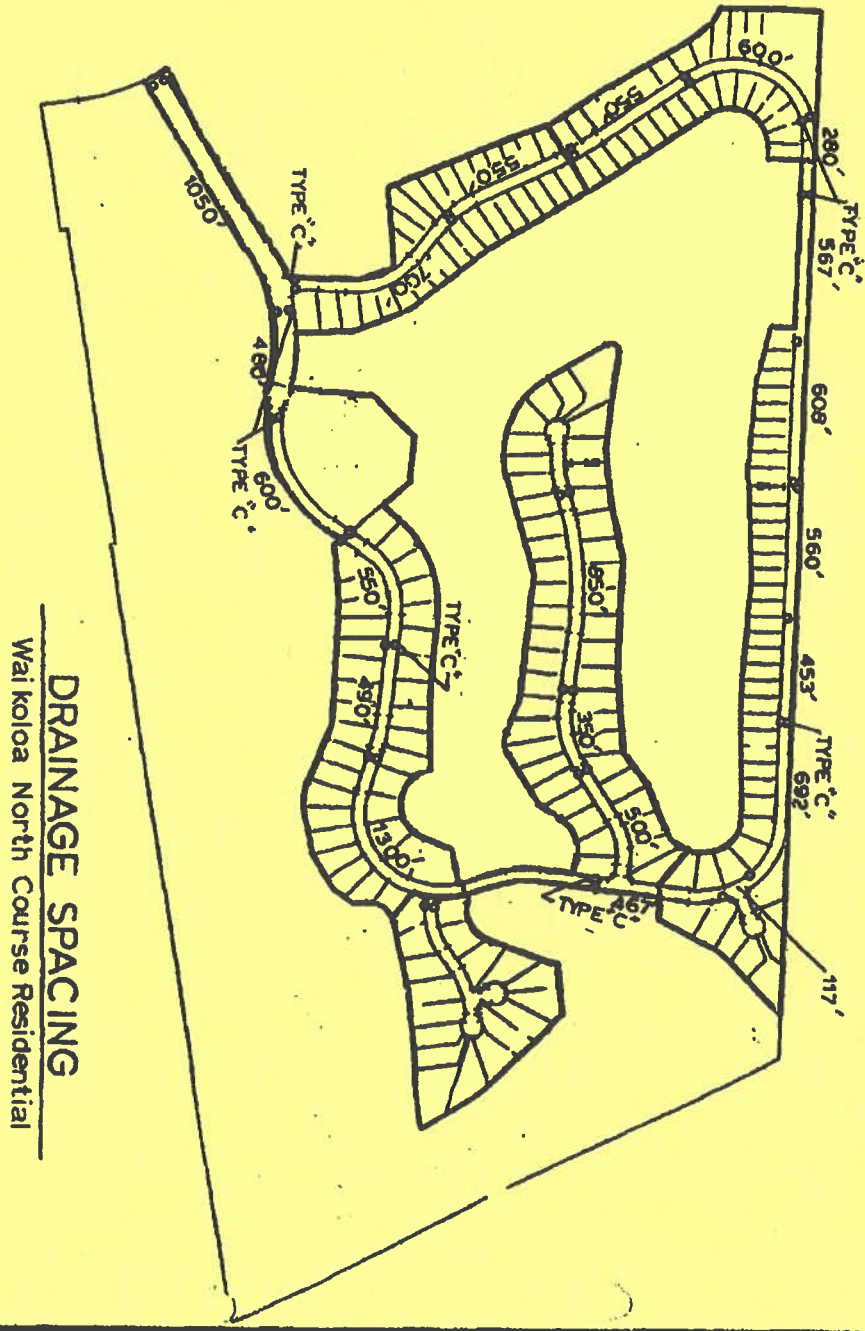


**PROPOSED TYPICAL SECTION
 NON-DEDICABLE ENTRY ROADWAY**

SCALE: 1"=10'

INABA ENGINEERING, INC.
 CIVIL ENGINEERING - LAND SURVEYING
 275 WAIANUENUE AVENUE
 HILO, HAWAII 96720
 EIR NO. 14010





DRAINAGE SPACING
Wai Koloa North Course Residential

THE KEITH COMPANIES (HAWAII) INC.
Engineering • Public Works
Planning • Environmental Services
Topical Planning • Architecture
400 Pittman St
Honolulu, HI 96813
808-531-4800

December 7, 1992

Mr. Larry Hansen
Waikoloa Homesite Venture
1001 Bishop Street
1510 Pacific Tower
Honolulu, HI 96813

Dear Mr. Hansen:

Planned Unit Development (PUD)
Permit Application (PUD 92-3)
Applicant: Waikoloa Homesite Venture
Tax Map Key 6-9-08:2

Upon reviewing the application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your Planned Unit Development (PUD) Permit Application. This would allow the development of a 195 single family lot subdivision with access off of a loop road and a cul-de-sac serving more than 18 lots. Deviations from the roadway requirements includes a clubhouse rotary of 50' radius at the end of the entry road section, golf cart crossing on grade over roadways, center median, no street lights for roadways, no sidewalks, 29-foot wide pavements with rolled curb and gutters and landscaped shoulders and drainage catch basin spaced more than 500 feet apart. Also requested is to allow the edge of tees and greens to be less than 100 feet from the property lines. The property is identified by tax map key 6-9-08:2 and is within Waikoloa Beach Resort and mauka side of the resort to Queen Kaahumanu Highway adjoining Mauna Lani Resort on the north and west, Waikoloa, South Kohala, Hawaii.

The approval is based on the following:

The construction of the project should be completed within a reasonable period of time from the date of approval. The construction of the infrastructure improvements for Phase I is scheduled for completion in the first quarter of 1994.

DEC 7 - 1992

The proposed development substantially conforms to the General Plan and zoning designation. The County General Plan document specifies the development as one of the Island's Major Resort Area. The present zoning of the property is RM-6 and RM-8 which allows approximately 7.26 and 5.45 units per acre. Based on the existing zoning, approximately 417 multi-family units can be constructed on the property. The proposal is to create a 195 single family lot residential subdivision which is well below the allowable density which conforms to the General Plan and the Zoning Code.

This single family residential development will constitute an environment of sustained desirability and stability, will be in keeping with the character of the surrounding developments 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 development will result in a lesser density in keeping with the open feeling of the adjoining golf course.

The proposed development is a harmonious, integrated whole that justifies exception from the code. The roadway improvements will be in harmony with the surrounding open character of the adjoining golf course. The cul-de-sac serving more than 18 residential lots as well as the private loop road will create a circulation and roadway plan that provides small residential enclaves within the larger neighborhoods. This in turn will reduce the amount of land disturbance and increase open space.

There are certain deviations from the golf setback requirements (100 ft. from edges of greens and tees to property line) being proposed. In most instances, the lesser setbacks are along property lines bordering the road right-of-ways. As such, the approval of the deviations was considered and determined to be justified.

Based on the foregoing, the Planning Director has further concluded that the Planned Unit Development (PUD) Permit Application be approved subject to the following conditions:

- A. The applicant, its assign or successor, shall be responsible for complying with all stated conditions of approval.
- B. The development conform substantially to the plans as submitted. A deed restriction limiting one (1) single family dwelling per lot be attached to those properties on which were developed for one (1) single family dwelling.

Mr. Larry Hansen
Page 3
December 7, 1992

- C. A subdivision application be applied for within one (1) year of the date of this permit and final approval secured within two (2) years thereafter.
- D. 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/purchasers in this development. A recorded copy of this restriction shall be filed with the Planning Department and Department of Public Works.
- E. The deviations from the standards of the code shall not affect the health, safety and welfare of the people. Any deviations which affects these shall be subject to the approval of the Planning Director in consultation with the appropriate agency which has jurisdiction on the subject matter.
- F. All other applicable County and State rules, regulations and requirements be complied with.

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

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

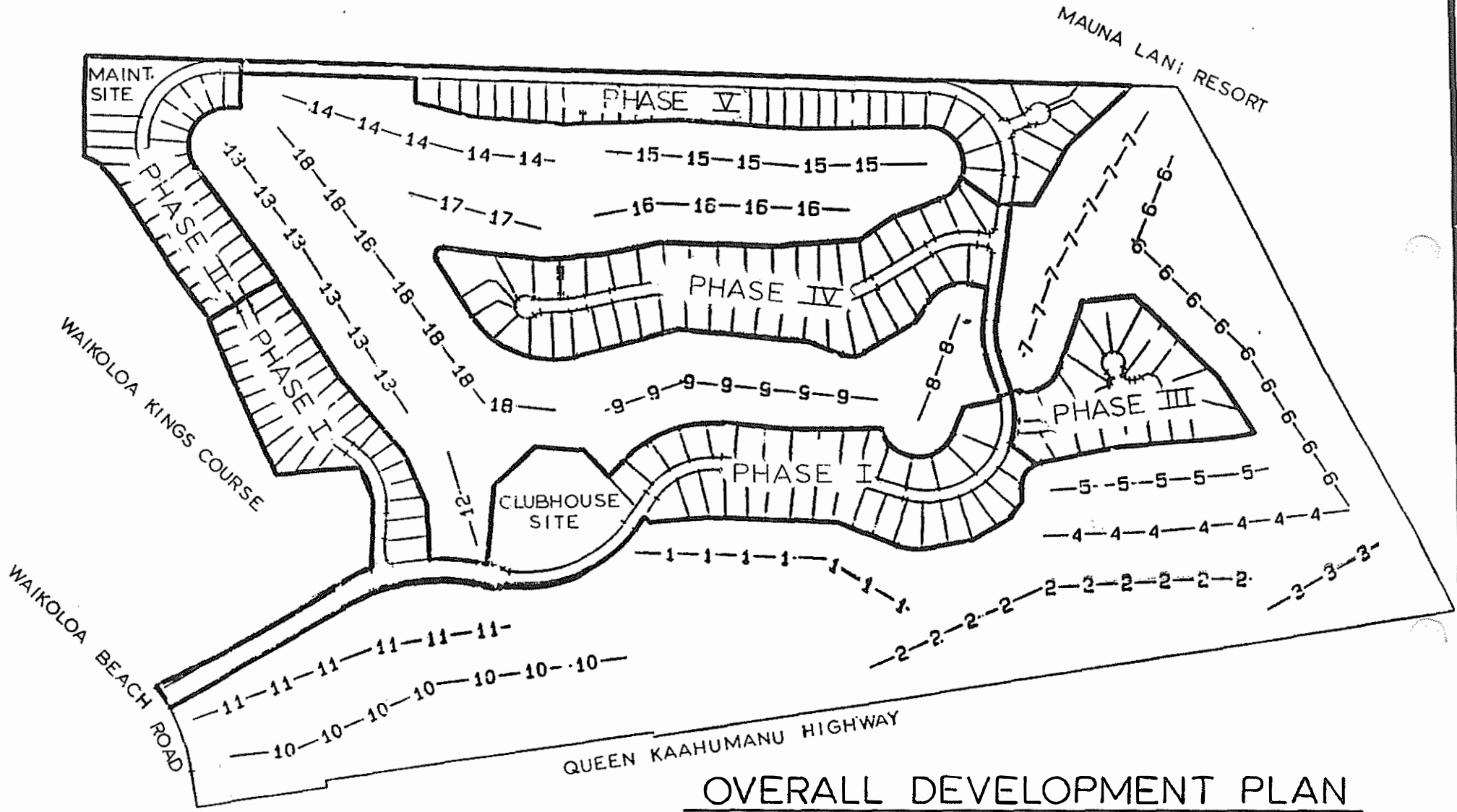
Sincerely,



NORMAN K. HAYASHI
Planning Director

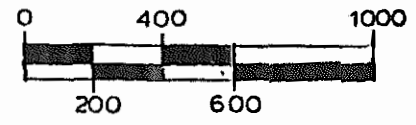
MO:lm
7286D

xc: West Hawaii Office
Department of Public Works
Subdivision Section



OVERALL DEVELOPMENT PLAN

Waikoloa North Course Residential



THE KEITH COMPANIES - HAWAII, INC.

Engineering • Public Works
 Planning • Environmental Services
 Tourism Planning • Archaeology

▶ 400 Hualani St
 Hilo, Hawaii, HI 96720
 (808) 935-4883

EXHIBIT A

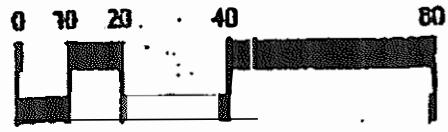
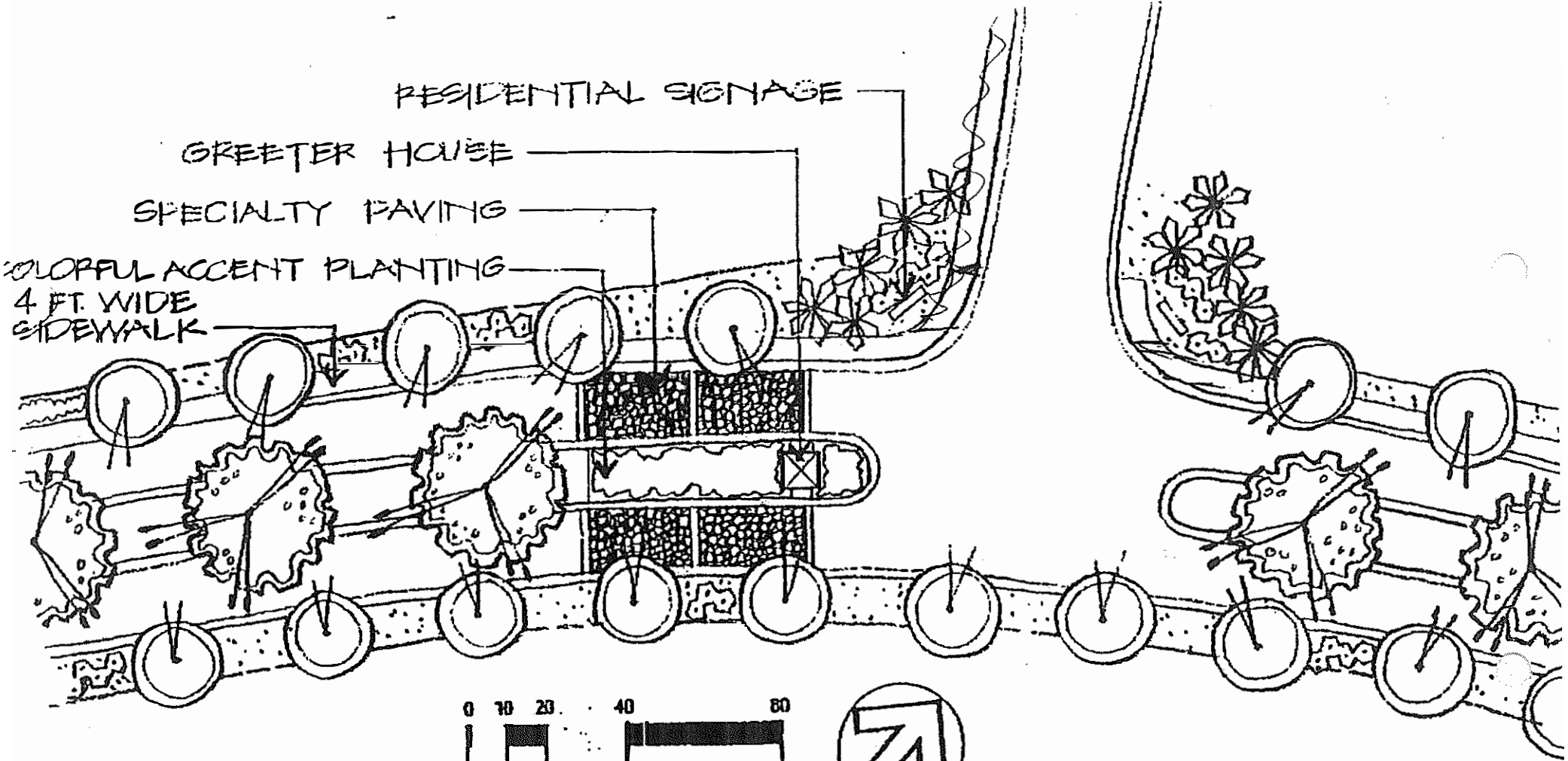
TO
RESIDENTIAL

RESIDENTIAL SIGNAGE

GREETER HOUSE

SPECIALTY PAVING

COLORFUL ACCENT PLANTING
4 FT. WIDE
SIDEWALK



Scale 1"=40'



Tongg
Clarke &
Mechler

Landscape Architecture & Planning

615 Piikoi St. Suite 1501
Honolulu, Hawaii 96814
Phone: (808) 521-2908

RELOCATED GREETER HOUSE

WAIKOLOA HOMESITES VENTURE
ELLEAR GOLF CLUB

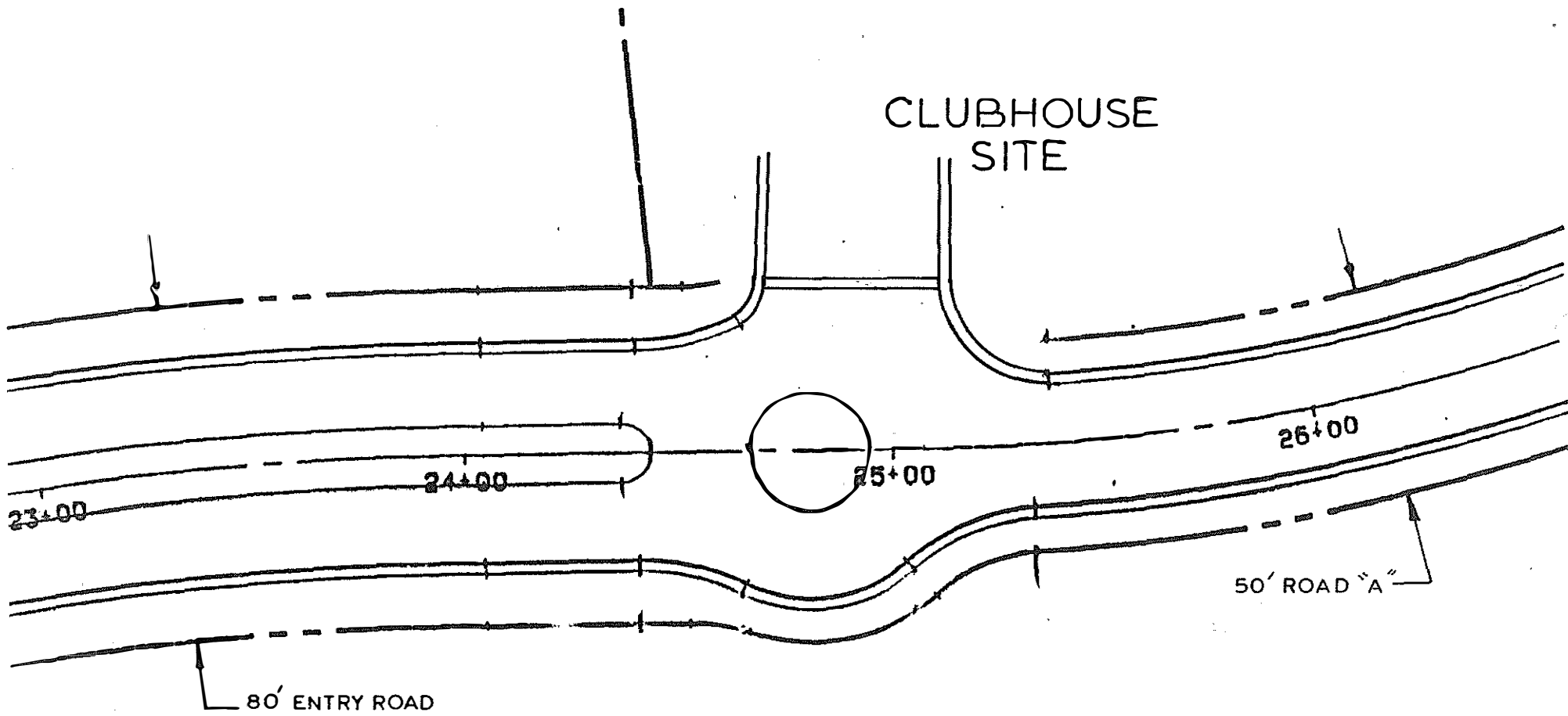
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Hilo, Hawaii, HI 96720
(808) 935-4893

6 DEC. 1991

EXHIBIT 1

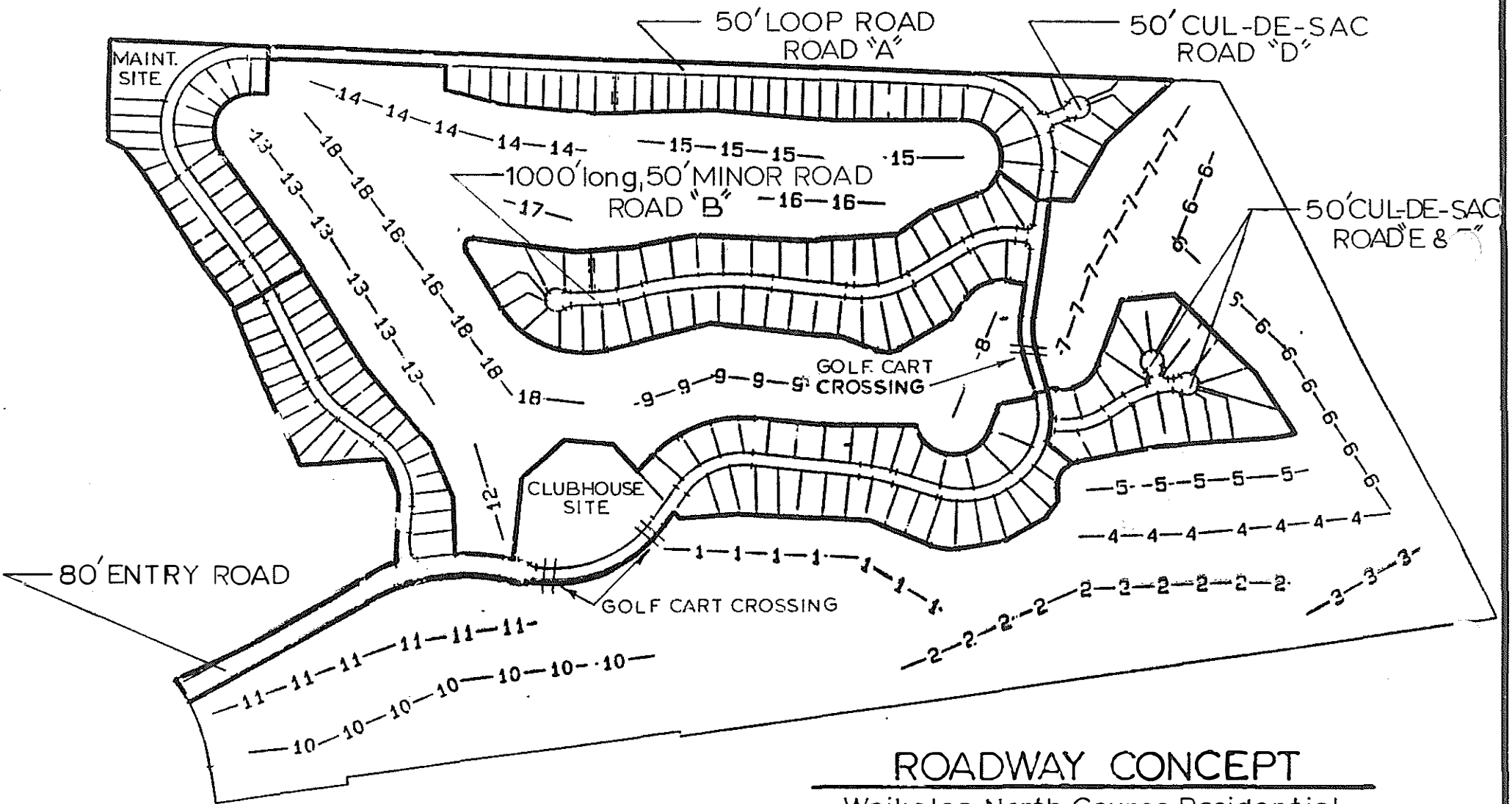


ROTARY DETAIL
 Waikoloa North Course Residential
 N.T.S.

THE KEITH COMPANIES - HAWAII, INC.

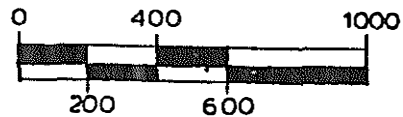
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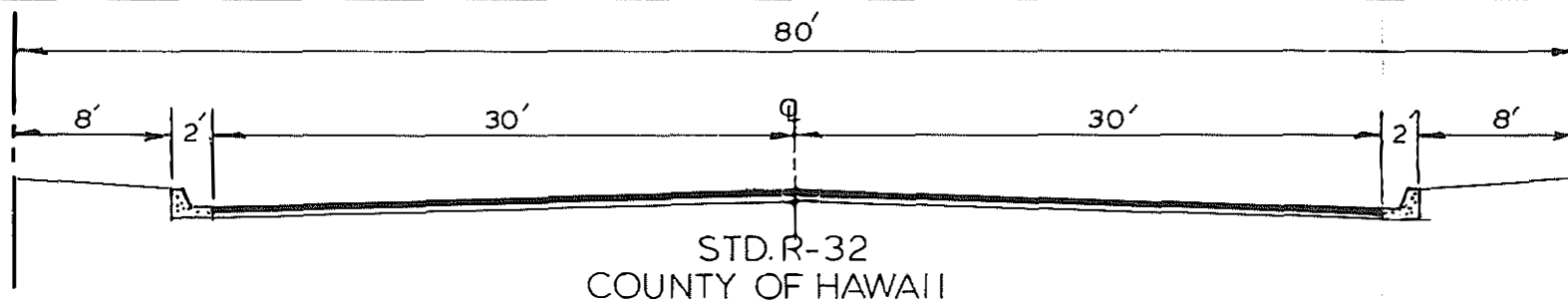
ROADWAY CONCEPT

Waikoloa North Course Residential

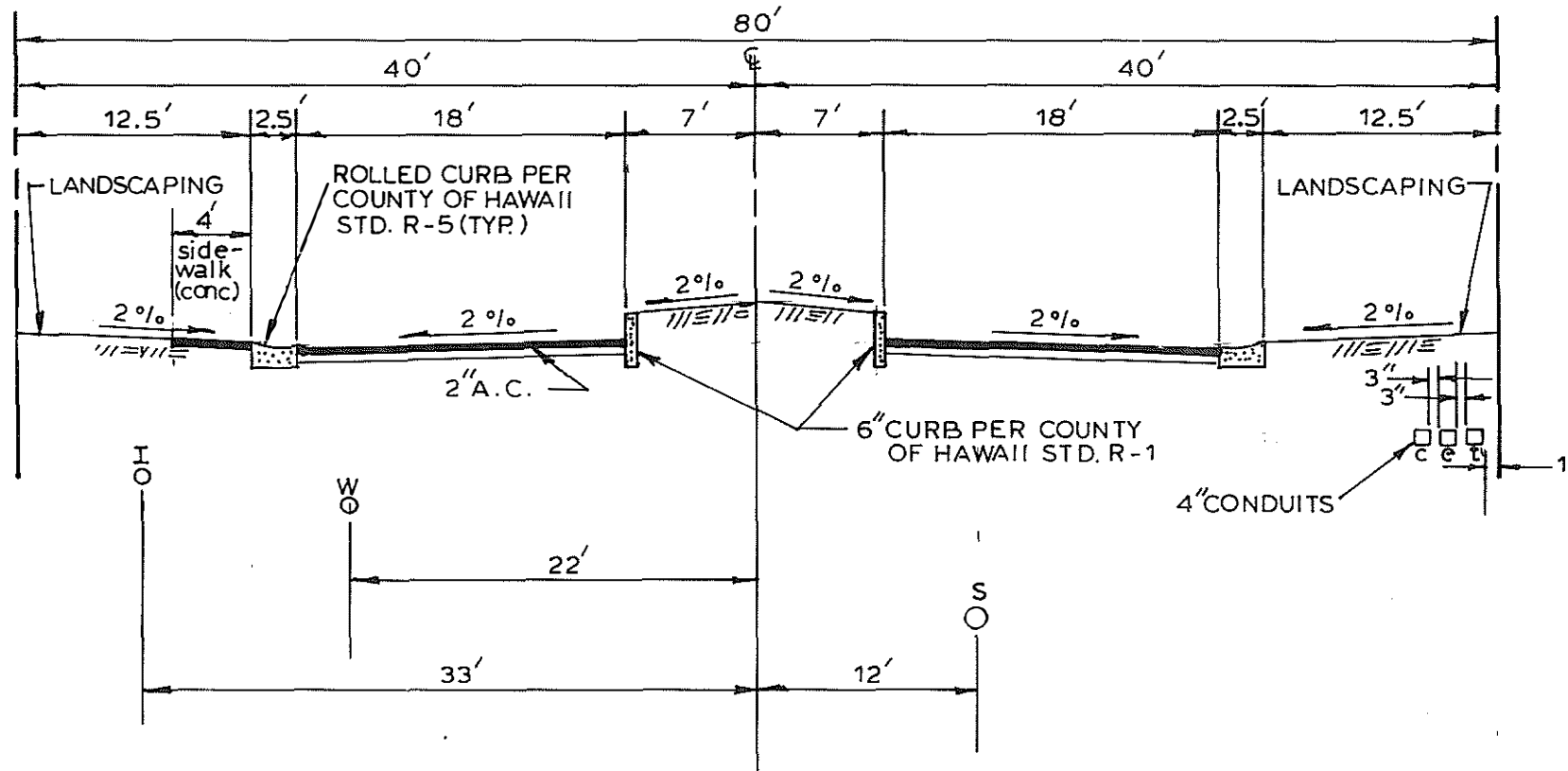


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STD. R-32
COUNTY OF HAWAII



TYPICAL SECTION ENTRY ROAD

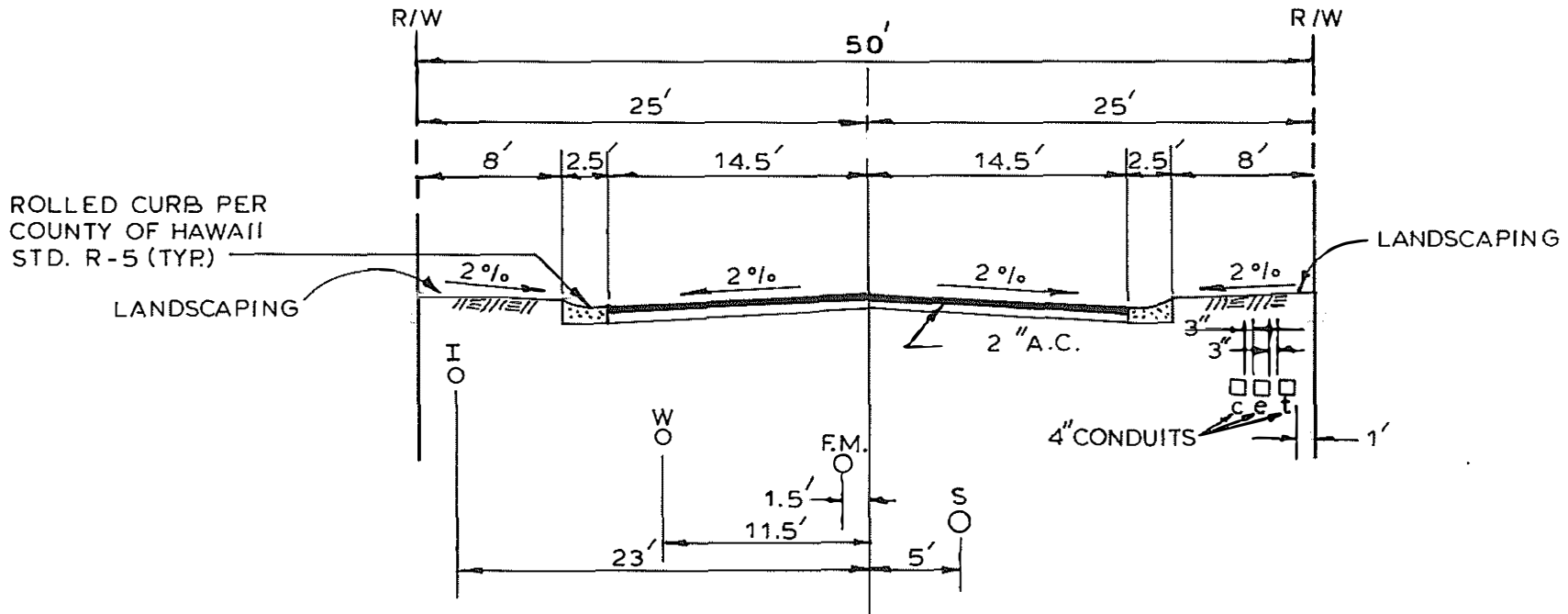
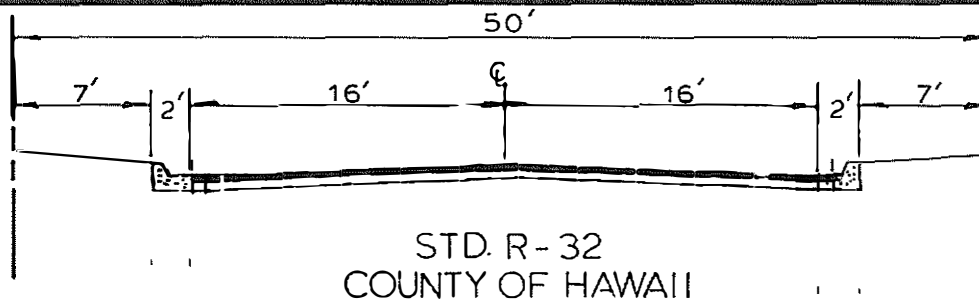
SCALE: 1" = 10'-0"



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EXHIBIT 4



TYPICAL SECTION RESIDENTIAL STREET

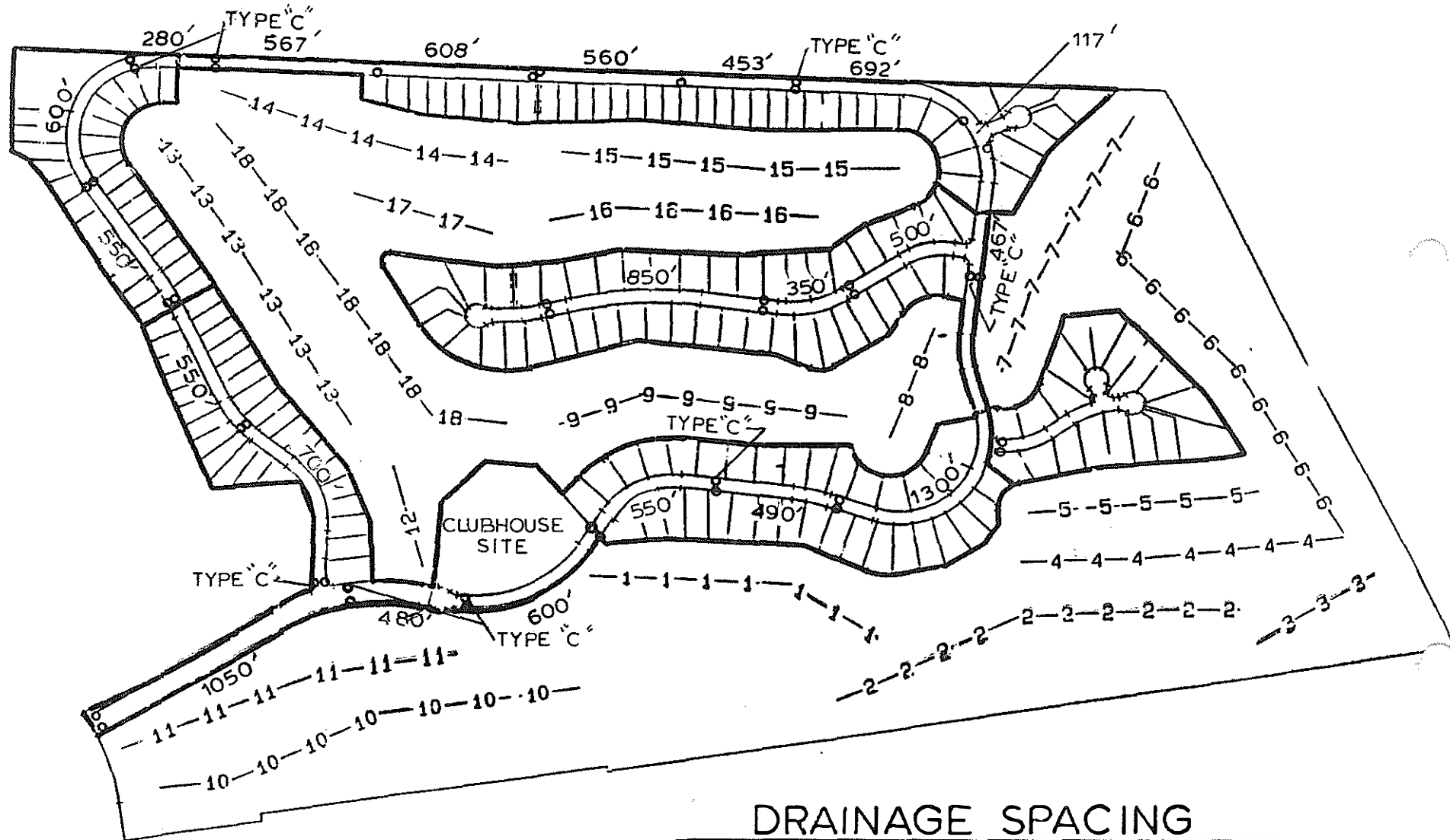
SCALE = 1" = 10'-0"

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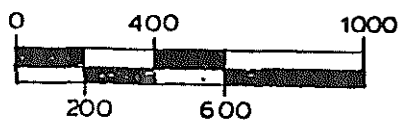
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Halo, Hawaii, HI 96720
(808) 935-4893

EXHIBIT 5



DRAINAGE SPACING

Waiakoloa North Course Residential



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