

November 4, 1985

Mr. Wallace Tirrell, President
Kamehameha Investment Corporation
P. O. Box 459
Honolulu, HI 96809

Dear Mr. Tirrell:

Special Management Area Use Permit No. 130
Holuia Associates
Tax Map Key: 7-8-10:34 & 58

Please be advised that due to non-compliance with the time conditions of approval, the above-described permit has been declared void.

This action became effective on September 26, 1985, due to non-compliance with condition No. 2 of SMA Use Permit No. 130 which states:

"Plans for the entire development shall be submitted to the Planning Department and Final Plan Approval secured by September 26, 1985."

As you are aware, the original SMA Use Permit was granted by the Planning Commission in March of 1980. Subsequently, the Planning Commission approved two (2) time extensions for the proposed development. However, during this time period, plans for the entire development were not submitted in order to comply with the above-stated condition.

In addition, the original approval concluding statement read:

"Should the foregoing conditions not be met, the Special Management Area Use Permit shall be declared automatically void."

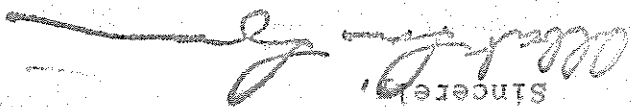
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bcc: PA #1571

cc: Chief Engineer, DPM
Building Division, DPM
Hawaii County Services
Manager, DMS

EC:sep

ALBERT LONO LYMAN
Planning Director


Sincerely,

Should you have any questions, please contact this office.

Mr. Wallace Pittrell
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PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	NO. <u>130</u>
by)	
Holua Associates)	
for)	
406-Unit Condominium Project)	
and Related Improvements)	
in)	
Keauhou, North Kona, Hawaii)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on March 13, 1980, considered the application of Holua Associates for a Special Management Area Use Permit in accordance with Rule No. 9, Special Management Area, Rules and Regulations of the County of Hawaii to allow the development of a 406-Unit condominium project and related improvements, including the subdivision of the area, at Keauhou, North Kona, Hawaii, Tax Map Key 7-8-10:34 (Portion) and 58.

The Commission has found the following:

That the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the subject request is to allow the development of a condominium project containing 406 units in two (2) phases. All of the buildings will be less than forty-five (45) feet in height, and will be either three (3) or two (2) story buildings. The proposed development also includes recreational amenities, landscaping, parking, and other related improvements. Although grading will be done on the property, it will not be of a substantial nature as to disrupt the present topography of the land.

The subject property is located approximately 150 feet mauka of the shoreline at its nearest point. Since the subject site is not situated along the shoreline, and the fact the golf course fairways are located between the property and the shoreline, it is felt that the proposed development will not interfere with the natural shoreline processes. Thus, the impact on the shoreline area is expected to be minimal. Further, the proposed development will not interfere with publicly owned or used recreational areas, with any natural areas or with public accesses to the shoreline.

There are also no known rare or endangered species of plants or animals or unique landforms on the subject property. Although an archaeological reconnaissance survey did indicate and verify that there are three (3) historical sites on the property, any concerns will be mitigated through conditions of approval of the permits.

In regards to the disposal of sewage, connection will be made to the existing County system. All other essential utilities are or will be made available to the subject property. As far as water is concerned, the Department of Water Supply has stated that it will be available after the completion of the State's Keauhou Pipeline and Tank Project in December of this year. In this regard, the proposed development will complement the Multiple Residential elements of the General Plan which encourages the development of multiple family units in areas zoned for such use and serviced by existing facilities.

Furthermore, the proposed development will complement and will be in the direction of implementing the General Plan which identified the Keauhou area as a self-contained major resort destination area.

Based on the above, it is determined that the approval of the proposed development will not be in conflict with the objectives and policies of the Hawaii Coastal Zone Management Program as contained in Chapter 205-A, Hawaii Revised Statutes or Rule No. 9 of the Planning Commission, Relating to Environmental Shoreline Protection, nor will it be contrary to the objectives of the Planned Development Permit (PDP) provisions of the Zoning Code.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the development of a 406-unit condominium project and related improvements, including the subdivision of the area, at Keauhou, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9.

Approval of the Special Management Area Use Permit is subject to the following conditions:

1. That the proposed development conform substantially to the plans submitted and representations made by the petitioner, except as may be necessary or required in order to comply with any other conditions of approval and subsequent actions.
2. That the petitioner or its authorized representative shall submit the subdivision plans and receive final subdivision approval within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
3. That the petitioner/representative shall submit plans to the Planning Department and receive final plan approval for the entire development within one (1) year from the date of receipt of final subdivision approval.
4. That construction of the first phase shall commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
5. That construction of the second phase shall commence within one (1) year from the date of completion of the first phase and be completed within two (2) years thereafter.
6. That an intensive archaeological survey shall be conducted to analyze and record any findings of historical sites and archaeological remains found on the property, and that prior to receipt of final plan approval a report of the

findings which shall include the findings of the Rosendahl's report, shall be submitted to the Planning Department. Should any buffer zone(s) be required around the historical site(s), that determination will be made at the time of plan approval. No grading or grubbing permit shall be issued until such a report is filed. Further, should any other archaeological remains or historical sites be found during land preparation activities, work shall immediately cease and the petitioner/representative shall immediately notify the Planning Department. Work shall not be resumed until a review and clearance is obtained from the Planning Department.

7. That the method of sewage disposal shall meet with the requirements and approval of the State Department of Health and the County Department of Public Works.
8. That only one (1) access be provided from Kaleopapa Road and the location shall meet with the approval of the Chief Engineer of the Department of Public Works.
9. That additional setbacks for the proposed buildings to property lines along the golf course, between buildings, etc., may be imposed at the time of plan approval.
10. That in the design and review of the proposed development plans at the time of plan approval, due consideration for visual impact shall be required. This consideration shall entail the minimization of adverse visual impacts through the appropriate siting, height, bulk, color schemes, and landscaping.
11. That no land disturbance activity such as grubbing or grading of the land within the proposed Phase II shall occur until the proposed project in its entirety has been reviewed and acted upon in accordance with applicable laws and regulations.
12. That prior to development and/or issuance of building permits for the tennis courts, clubhouse facilities, health spa, etc., on proposed lots 16-D, 16-G, and 16-H, the petitioner or its authorized representative shall file an agreement with the Planning Department assuring that the entire property will be consolidated into one (1) lot within one (1) year after the completion of construction of the entire development.
13. That all other applicable rules, regulations and requirements, including those of the Department of Water Supply, shall be complied with.

Should the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this Permit shall be March 13, 1980.

Dated at Hilo, Hawaii, this 26th day of August, 1980.

William J. Paris, Jr.
CHAIRMAN

APPROVED AS TO FORM AND LEGALITY:

R. Ben Fukejalis
DEPUTY CORPORATION COUNSEL

Date: 17 August 80