

CERTIFIED MAIL

May 30, 1985

C. Will & Co., Inc.
933 Lomas Santa Fe
Solana Beach, CA 92074

Gentlemen:

Special Management Area (SMA) Use Permit Application - 224
TMK: 7-5-20:2, 4, 63 and portion of 15

The Planning Commission at its duly held public hearing on May 22, 1985, voted to approve your application, SMA Use Permit No. 224, to allow the development of a 20-lot residential subdivision, including certain recreational facilities at Puapuaa, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes and Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect and, where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One (1) of the criteria for approving a development within the Special Management Area (SMA) is that the development is consistent with the General Plan, and Zoning Code. The requested SMA conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Medium Density Urban Development. Such a designation may allow residential uses at a maximum density of 35 units per acre. The requested SMA falls well within the density limit. The density being proposed is also well below the maximum allowable by the zoning.

The proposed development is also not anticipated to have any substantial adverse environmental or ecological effects. The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal

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species. The property has previously been substantially altered and developed with landscaping. The archaeological feature on the property will be retained and adequate buffers will be maintained.

The proposed development is not expected to have any significant adverse effects on the coastal resources, nor adversely affect any existing access to the shoreline. The present mauka-makai and lateral public access to the shoreline will continue through compliance with conditions of approval.

Based on the above, it is determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of the shoreline and coastal area.

The visual quality of the area (mauka-makai view plane from Alii Drive) may be affected as a subsequent result of this subdivision. However, since this low density development action will still be able to provide ample open space and landscaping, the visual impact is expected to be negligible.

Further, no adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Further, negative impacts on the local water quality resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur they can be adequately mitigated through compliance with existing ordinances and regulations.

All other essential utilities and services, including water, are or will be made available to the subject property. In this regard, the proposed development will complement the objectives of Rule No. 9, and the Land Use and Single Family Residential elements of the General Plan which encourage developments, such as proposed in areas serviced by the necessary infrastructures.

Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be contrary to the objectives and policies of Chapter 205-A or with the intent of Rule No. 9.

It should be pointed out at this time that although we are approving the SMA Use Permit application, adjustments may still have to be made to the proposed subdivision layout in accordance with the requirements of the Planned Unit Development review, Subdivision Control Code and other applicable regulations.

Approval of this SMA Use Permit request is subject to the following conditions:

- A. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The effective date of the Special Management Area (SMA) Use Permit shall be upon the consummation of the Kona Water Source Agreement No. II and receipt of a water commitment from the Department of Water Supply.
- C. Tentative subdivision approval shall be secured within one year from the effective date of the permit. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval.
- D. A drainage system in accordance with the requirements of the Department of Public Works shall be installed.
- E. The method of sewage disposal shall meet with the approval of the appropriate governmental agencies.
- F. The Kamakaokahai fishing shrine shall be preserved and a buffer as shown on the submitted site plan shall be established. The site and the buffer area shall be reflected on the final subdivision plat map and recorded with the Bureau of Conveyances and in any private restrictive covenants.
- G. Should any unanticipated archaeological site, features or artifacts be discovered during site excavation or grading, work in the area shall immediately cease and the Planning Department notified at once by telephone. Work shall not resume until clearance is given by the Planning Department.
- H. Documentation establishing in perpetuity a mauka-makai pedestrian access over parcel 63 at the southern end of the property, and a lateral public access meeting with the approval of the Planning Director shall be filed with the Planning Department prior to the issuance of final subdivision approval. All accessways shall be reflected on

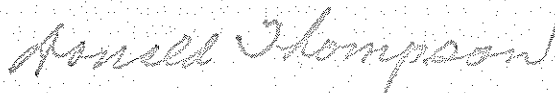
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the final plat map and recorded with the Bureau of Conveyances.

- I. The 40-foot wide shoreline setback shall be retained and recorded on the final subdivision plat map with the Bureau of Conveyances.
- J. All other applicable rules, regulations and requirements be complied with.
- K. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Management Area (SMA) Use Permit shall be void.

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

Sincerely,



Donald Thompson
Chairman, Planning Commission

cc: Ms. Alfie Fujitani
DPED, CZM Program w/background
DLNR
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section