

CERTIFIED MAIL

June 4, 1986

Mr. Sidney Fuke
Planning Consultant
100 Pauahi St., Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area (SMA) Use Permit Application
Applicant: Mark S. Richards
TMK: 7-8-10:80 and 7-8-11:12

The Planning Commission at its duly held public hearing on May 28, 1986, voted to approve your application, Special Management Area Use Permit No. 238, to allow the development of a 29-unit condominium project and related improvements, including consolidation of the two lots at Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

The approval of a 29-unit condominium project, an entry gate/security station, recreational facilities, parking and related improvements will not be violative of the objectives and policies stated in Chapter 205-A, HRS, nor with the intent of Rule No. 9 of the Planning Commission relating to Special Management Area.

The purpose of Chapter 205-A, HRS and Rule No. 9 is to preserve, protect and where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development may be necessary to avoid irretrievable loss of the valuable resources and the foreclosure of management options. No known rare or endangered species of plant or animal have been identified in this vicinity. Also, the project is located over 2,000 feet from the shoreline and should have minimal impacts to the coastal ecosystem. The combination of on-site drywells, landscaping, and county sewage disposal will effectively inhibit erosion, water runoff and potential pollutants into the offshore waters of Keauhou.

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Any impacts to the historical or archaeological resources of the area have been satisfactorily mitigated. All necessary field work, salvage recovery, and testing have been performed and no further site work is anticipated to occur. The submission of a final written report to this department on the previously conducted intensive survey and salvage excavations is being made a condition of this approval. While human remains were found, these have been disinterred and will be properly buried in accordance with the requirements of the State Department of Health. With the high possibility that more remains will be uncovered during construction, the applicant shall cease work and notify the Planning Department. Further work shall begin after mitigating measures have been taken.

The scenic resources and viewplanes of the Keauhou Resort have been carefully considered through compliance with the "Comprehensive Design Principles for Keauhou-Kona," December 1980, and in-depth site analysis of the subject property as it affects the adjacent mauka properties. The two-story structures will not exceed a maximum height of 24 feet and will not be located immediately mauka of the private properties. Moreover, the slope and topographical contours of the terrain will alleviate the visual and structural impact of the low-profile buildings.

Open space resources will be retained by the surrounding properties to the north, south and east, which are used as a golf course.

Public accesses along the shoreline will not be affected because of the project's considerable distance from the coastal waters. Nor will the development interfere with any publicly-owned or used recreational areas.

No adverse impacts on the air and water quality are expected to be generated by the proposed condominium project. Air emissions generated during the construction phases can be mitigated through the application of existing construction practice regulations.

The plan submittal shows no direct driveway access to the individual buildings. Modifications to the plans may be required to alleviate the concerns of the Fire Department. As a condition of permit approval, the construction plans must meet with the requirements of that Department.

The 29-unit condominium project with related amenities is consistent with the Zoning Code and the General Plan, both of

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which permit such uses. More specifically, the goal of the Multiple-Residential Land Use Element of the General Plan document is "To provide for multiple residential developments that maximize convenience for its occupants."

Based on the above, it has been determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be inconsistent with the General Plan and Zoning Code or contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

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

1. The petitioner, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Consolidation maps shall be submitted within one year from the effective date of approval of the Special Management Area Use Permit.
3. Plans for final plan approval, including landscaping, shall be submitted within one year from the date of consolidation approval. These plans shall reflect the design principles for building and landscaping set forth in the "Comprehensive Design Principles for Keauhou-Kona."
4. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
5. Comply with the requirements of the Fire Department, including those relating to access and the location of fire hydrants.
6. Three copies of a written report on the intensive survey and data recovery shall be submitted to the Planning Department prior to issuance of the occupancy permit.
7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department,

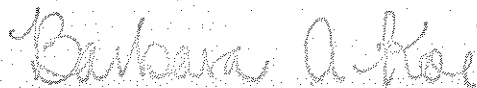
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when it finds that sufficient mitigative measures have been taken.

8. Comply with all other applicable state and county rules, regulations and requirements.
9. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void.

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

Sincerely,



Barbara A. Koi
Chairperson, Planning Commission

cc: Mark S. Richards
DPED, CZM Program w/background
DLNR
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section