



# Planning Commission

STEPHEN K. YAMASHIRO  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

December 17, 1992

Mr. Dustin C. Crimmins  
Project Manager  
Huehue Ranch Associates, L. P.  
75-5722 Kuakini Highway, Suite 107  
Kailua-Kona, HI 96720

Dear Mr. Crimmins:

Special Management Area Use Permit Application (SMA 92-6)  
Applicant: Huehue Ranch Associates, L.P.  
Request: Development of a Public Shoreline Park  
(Kikaua Point Park)  
Tax Map Key: 7-2-04:Portion of 5

The Planning Commission at its duly held public hearing on December 10, 1992, voted to approve the above-referenced application, Special Management Area (SMA) Use Permit No. 336, to allow the development of a public shoreline park and supporting facilities (Kikaua Point Park). The project site consists of approximately 7.5 acres located on a peninsula between Kakapa Bay to the south and Uluweoweo Bay to the north. The park will be sited makai of the proposed 350-unit hotel Uluweoweo Bay, Kukio, North Kona, Hawaii.

Approval of this request is based on the following:

One objective of Chapter 205-A, Hawaii Revised Statutes, and Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to provide coastal recreational opportunities accessible to the public. The development of Kikaua Point Park and its related support facilities is an integral part of the Comprehensive Public Access Plan for the Regent Kona Coast Resort. Unrestricted daytime access from Queen Kaahumanu Highway to Kikaua Point Park as well as nighttime access with some limitations will be provided. Parking, shower, restroom, and other support facilities will also be provided. Development of this disputed parcel as a shoreline park would further be consistent with the objective and policies of Chapter 205-A and Rule 9 which state:

- \* Protect, preserve and where desirable, restore significant historic and cultural resources.
- \* Protect and preserve and where desirable, restore or improve the quality of coastal scenic and open space resources.

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- \* Ensure that new developments are compatible with the visual environment.
- \* Preserve and maintain shoreline open space and scenic resources.

Archaeological features will be preserved as recommended in the Mitigation Plan for Data Recovery, Interim Site Preservation, and Burial Treatment. Buildings and structural improvements will be situated more than a minimum of forty (40) feet from the certified shoreline. Structures within the Park will be approximately 25 feet in height and along with landscaping will be designed to enhance the visual character of the site and not being visually intrusive. Drainage will be engineered to prevent runoff into the coastal waters or anchialine pool complex. The structural setback being proposed also support the following goals and policies of the General Plan:

- \* Protect and effectively manage Hawaii's open space, watersheds, and natural areas.
- \* The shoreline of the island of Hawaii shall be maintained for recreational, educational, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or its assigns shall comply with all of the stated conditions of approval.
2. Construction plans for the proposed improvements shall be submitted to the Planning Department and Final Plan Approval shall be secured within twelve (12) months from the execution of a document by the Board of Land and Natural Resources granting the applicant an easement or lease to develop and manage the disputed parcel as a public shoreline park.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. The minimum 40-foot shoreline setback line shall be staked by a registered surveyor prior to any land alterations on the project site. Written confirmation shall be submitted in conjunction with the requested permit(s). No improvements shall be allowed within the 40-foot shoreline

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setback area unless a Shoreline Setback Variance has been applied for and granted by the Planning Commission.

5. Should any unanticipated archaeological sites be uncovered during land preparation activity, work within the affected area shall cease and the Planning Director shall be immediately notified. Work within the affected area shall not resume until clearance is obtained from the Planning Director.
6. During construction, best effort measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such best effort measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
7. All utility lines shall be underground.
8. Applicant shall make the best possible use of available cost effective energy savings technology in the design of the park facilities. Energy conscious design and technology will be incorporated based upon life cycle cost analysis and architecture.
9. Comply with all affected conditions imposed by the State Land Use Commission, Ordinance 87-49 (General Plan Amendment), Ordinance 88-158 (Change of Zone) and SMA Use Permits No. 273 and 311.
10. Submit a copy of the Kiakua Point Park Management Plan and Rules and Regulations for Kikaua Point Park approved by the Board of Land and Natural Resources to the Planning Director prior receiving Final Plan Approval for Kikaua Point Park improvements.
11. Comply with all other applicable laws, rules, regulations, and requirements, including those of the State Department of Health.
12. An annual progress report Kikaua Point Park shall be submitted to the Planning Director in conjunction with Condition 26 of SMA Use Permit No. 311. The report shall address the status of the development of Kikaua Point Park and compliance with these conditions of approval. This condition shall be in effect until all conditions of approval have been met and the Planning Director acknowledges that further reports are not required.

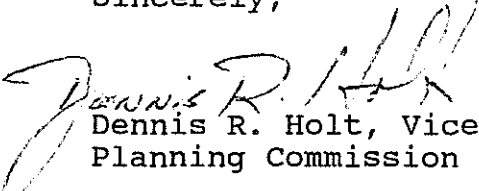
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13. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Rodney Nakano of the Planning Department at 961-8288.

Sincerely,



Dennis R. Holt, Vice Chairman  
Planning Commission

RKN/jdk

xc: PBR Hawaii  
Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
OSP, CZM Program w/background  
DLNR  
Plan Approval Section  
SMA 273 & 311, REZ 609, GPA 8

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