

## Planning Department

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

Bernard K. Akana  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director

### CERTIFIED MAIL

March 23, 1990

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Y

Mr. Joseph N. Castelli  
60-7800 Alii Drive  
Kailua-Kona, HI 96740

Dear Mr. Castelli:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 90-5  
Applicant: Joseph N. Castelli/Homeowners' Assoc. of the  
Keauhou-Kona Surf and Racquet Club  
Tax Map Key 7-8-13:03

Upon careful review of the above SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 90-5 to allow the placement of rock riprap within the minimum 40-foot shoreline setback area mauka of the shoreline as certified June 23, 1989. The project site located at the Keauhou Surf and Racquet Club Condominiums, Kahaluu, North Kona, TMK: 7-8-13:03.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Secure a Shoreline Setback Variance from the Hawaii County Planning Commission.
4. Final Plan Approval shall be secured from the Planning Department within six months from the effective date of the Shoreline Setback Variance, if approved. To assure adequate time for plan approval review and in accordance


Mr. Joseph M. Castelli  
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with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall show the shoreline as certified by the Chairman of the Board of Land and Natural Resources, and existing and proposed contours of areas to be graded and filled. Plans shall also show the pedestrian access easement and access improvements.

5. Construction of the proposed improvements shall commence (secure grading permit) within six months from the effective date of Final Plan Approval and be completed within six months thereafter. The Planning Director shall be notified of the project's completion within two weeks from the date of completion. All construction activity and deposition of material shall occur mauka of the shoreline as certified by the Chairman of the Board of Land and Natural Resources.
6. The proposed rock riprap shall not exceed the height of the natural grade prior to erosion.
7. The applicant shall reconstruct the asphalt pathway within the pedestrian easement in areas affected by the proposed construction.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.
9. Comply with all other applicable laws, rules, regulations and requirements.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,

  
DUANE KANAHAN  
Planning Director

AS:lm  
Enclosures

cc/encs: Chief Engineer  
Kona Planning Dept.

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 90-5

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

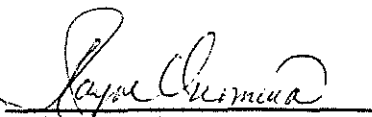
The Planning Director completed on March 23,, 19 90, an assessment on the application of JOSEPH N. CASTELLI/HOMEOWNERS' ASSOC. OF THE KEAUHOU-KONA SURF AND RACQUET CLUB for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The placement of rock riprap within the minimum 40-foot shoreline setback area mauka of the shoreline as certified June 23, 1989. The project site located at the Keauhou Surf & Racquet Club Condominiums, Kahaluu, North Kona, TMK: 7-8-13:03.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

SEE ATTACHED CONDITIONS

  
Chief Engineer, DPW

  
Planning Director

Attachment

SMA Minor Permit No. 90-5

JOSEPH N. CASTELLI/HOMEOWNERS' ASSOC. OF KEAUHOU-KONA SURF  
AND RACQUET CLUB  
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Secure a Shoreline Setback Variance from the Hawaii County Planning Commission.
4. Final Plan Approval shall be secured from the Planning Department within six months from the effective date of the Shoreline Setback Variance, if approved. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall show the shoreline as certified by the Chairman of the Board of Land and Natural Resources, and existing and proposed contours of areas to be graded and filled. Plans shall also show the pedestrian access easement and access improvements.
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9. Comply with all other applicable laws, rules, regulations and requirements.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.