

CERTIFIED MAIL
7006 2760 0003 5440 6635

January 6, 2009

Mr. Curtis Deweese
Sunstone Realty Partners, LLC
1001 Bishop Street
1250 Pauahi Tower
Honolulu, HI 96813

Dear Mr. Deweese:

**SUBJECT: Shoreline Public Access Signage for Kona Sea Ranch
Subdivision Nos. SPH 05-06 and 05-07
Special Management Area Use Permit Assessment Application No. 06-147
Kukuiope`e 2nd, South Kona, Island of Hawai`i
TMK: 8-7-011:001-034**

This letter is to follow up on our letter to Mr. Greg Mooers, your agent with regards to the subject subdivision and SMA determination, dated April 25, 2008 to which we have yet to receive any response regarding the installation of Shoreline Public Access (SPA) signage as required by Special Management Area Use Permit Assessment Application No. 06-147 (SAA 06-147). It has been brought to the attention of the Planning Department that the required signage has not yet been installed despite more than eight months since our last request to have it promptly installed, and nearly 2½ years after it was supposed to have been installed. We have further been advised that a locked gate and “No Trespassing” sign have been installed at the entrance to the Kona Sea Ranch Subdivision with the clear intention of discouraging any public access.

Condition No. 4 of SAA 06-147 required that the approved signage must be installed prior to final subdivision approval. Although final subdivision approval (SPH 05-000007) was granted on July 7, 2006, prior to the installation of the SPA signage, that does not relieve the applicant from the requirement to comply with Condition No. 4.

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Pursuant to Rule 9-10 G, Planning Commission Rules of Practice and Procedure (PC Rules), the Planning Director may impose certain conditions with a SMA exemption determination. Failure to comply with such conditions may result in the assessment of a civil fine up to \$100,000 and/or daily civil fines not to exceed \$10,000 per day for each day in which a violation persists as prescribed under Rule 9-15, PC Rules.

In view of the above, this letter serves to notify all of the existing lot owners in Kona Sea Ranch Subdivision that, without further notice, the Planning Department will issue a Notice of Violation and undertake enforcement actions as prescribed above on February 9, 2009 unless we have received written notification that all required SPA signage has been installed as approved and such installation has been confirmed by site inspection conducted by Planning Department staff.

Notification that the signage has been installed and ready for site inspection shall be made to Randy Lovato or Keola Childs at 327-3510. Should you have questions, please call Larry Brown at 961-8288, ext. 254.

Sincerely,

DARYN S. ARAI
Acting Planning Director

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xc: Mr. Gregory R. Mooers, President
Mooers Enterprises
P.O. Box 1101
Kamuela, HI 96743

Mr. Harry J. Zola
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Corporation Counsel

Planning Department, West Hawaii Office

Mr. Larry Brown, Long Range Planning