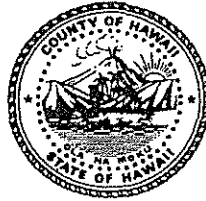


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 31, 2003

Mr. Dave Eadie
Chief Executive Officer
Rutter Development Corporation
18012 Cowan, Suite 200
Irvine, CA 92614-6810

Dear Mr. Eadie:

Non-significant Zoning Change Application (NZC 03-002)
Applicant: Rutter/KW Kohanaiki, LLC
TMK: 7-3-009: 003; Kohanaiki, North Kona, Hawai'i

This is in regards to the above-described Non-Significant Zoning Change Application filed with this office on October 23, 2003, on behalf of Rutter/KW Kohanaiki, LLC.

The request is to adjust the zoning boundaries for several areas situated makai of the Queen Ka'ahumanu Highway within the ahupua'a of Kohanaiki, adjacent to the north of the Kaloko-Honokohau National Historical Park. According to the Summary Table provided within your letter (and as replicated below), approximately 440.460 acres of land within the subject property is involved in this zoning boundaries adjustment request. Specifically, the following summarizes the changes to land area within the respective zoning districts:

Category	Existing Zoning (Acres)	Proposed Zoning Refinement (Acres)	Net Change (Acres)
RS-10	89.648	89.648	0.000
RM-3	43.178	43.169	-0.009
CV-10	61.002	61.171	+0.169
V-1.25	71.418	71.367	-0.051
ML-10	7.666	7.666	0.000
O	167.548	167.439	-0.109
Total	440.460	440.460	0.000

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Chief Executive Officer
Rutter Development Corporation
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According to Section 25-2-45 of the Zoning Code regarding Non-Significant Zoning Changes, the Planning Director may administratively grant non-significant zoning changes that must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and must either:

- (1) Not result in a net increase in the density allowed in the zoning district(s) containing the affected area; *or*
- (2) Be the lesser of a five percent or one acre increase or decrease in the area of any zoning district(s).

Approval of the requested Non-Significant Zone Change is in compliance with the General Plan. The project site is situated within an area designated as an "Intermediate Resort" by the General Plan Land Use Pattern Allocation Guide (LUPAG) map. An "Intermediate Resort" is defined as a self-contained resort destination area which provides basic and support facilities for the needs of the entire development on a smaller scale than a major resort area. A maximum of 1,500 hotel and condominium units are permitted. A minimum of 45 acres of resort acreage is required with at least 25 acres of passive and active recreational areas. Approval of the non-significant zone change will provide for approximately 71 acres of Resort (V) zoned lands and approximately 167 acres of Open (O) zoned lands. Therefore, approval of this request will be consistent with the classification of the subject property as an Intermediate Resort.

Approval of the Non-Significant Zone Change will not result in a net increase in the density allowed in the zoning districts containing the affected area. The largest differential between existing and proposed zone district areas is within the CV-10 district, which will see an increase of approximately 7,360 square feet of land area. With approximately 61 acres of land zoned CV-10, this represents less than a one-half of one percent (0.27%) increase in zone district land area.

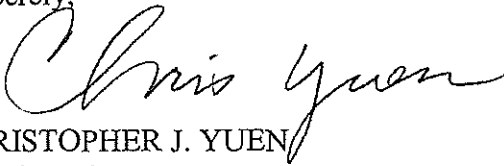
Upon review of the request, we have determined that it complies with the criteria set forth in Section 25-2-45(a)(1) of Chapter 25, Hawaii County Code, for determining non-significant zoning changes. The adjustment of zoning boundaries will not result in the increase in the zoning densities. Based on the above, we hereby administratively grant the requested non-significant zoning changes.

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This application for Non-Significant Zone Change is granted on the specific condition that the actual uses and densities allowed within the Village Commercial (CV) and Resort-Hotel (V) zones be consistent with the proposed uses and densities contained within the SMA Use Permit Application currently pending for this property.

Should you have any questions, please feel free to contact Daryn Arai of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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c: w/map Hawaii County Council
 Real Property Tax Division
 Planning-West Hawaii Office
 Planning-TMK Mapping Section (H. Santiago)
 Planning-Long Range Section

c: w/map, m&b description & CD: Planning-GIS Section (G. Bailado)

Scanned Map
Unavailable
Due to Size

See File

