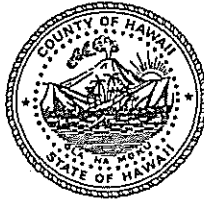


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 31, 2005

Mr. Roy A. Vitousek III, Esq.
Cades Schutte
75-170 Hualalai Road, Suite B-303
Kailua-Kona HI 96740

Dear Mr. Vitousek:

SUBJECT: Non-Significant Zoning Change Application (NZC 05-002)
Applicant: Shell Beach LLC
Landowner: Shell Beach LLC
Mauna Lani Resort
Tax Map Key: 6-8-22:24

This is to acknowledge receipt on March 4, 2005 of your request, on behalf of Shell Beach LLC, for a determination of a non-significant zoning change in accordance with Section 25-2-45 of Chapter 25, Hawaii County Code and Planning Department Rule No. 8. With receipt of requested information on March 21 and 24, 2005, the application is deemed complete.

The subject property was rezoned by the County Council by Change of Zone Ordinance 203 in 1976, 83-982 in 1983, and 87-073 in 1987.

Your request is to reconfigure the Open zone portion located along South Kaniku Drive to allow development of the proposed residential project. This reconfigures the Open zoned area of the property, but preserves the open space buffer and building setbacks.

The zoning adjustment involves a change in an area along South Kaniku Drive from Open to Multiple Family Residential and a change along the east property line from Multiple Family Residential to Open. There will be no increase or decrease in the land area for each of the affected zoning districts as the total change is an equal 10,270 square feet (0.236 acre) each.

Hawai'i County is an equal opportunity provider and employer.

APR 05 2005

Mr. Roy A. Vitousek III, Esq.
Cades Schutte
Page 2
March 31, 2005

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).

Upon review of the request, we have determined that it complies with the criteria set forth in Section 25-2-45(a)(2) of Chapter 25, Hawaii County Code, for determining non-significant zoning changes.

- 1) The adjustment of zoning boundaries will not result in any increase in the zoning densities. The total area of the adjustment for the Open (O) district and the Multiple Family Residential (RM) district is an equal 10,270 square feet (0.236 acre) each.
- 2) The area under review is in compliance with the General Plan. The County of Hawaii General Plan (2005) became effective on February 9, 2005. The subject parcel is now designated as "Resort Node" on the Land Use Pattern Allocation Guide (LUPAG) Map.
- 3) The changes will not result in a net increase in the density allowed in the zoning districts containing the affected area. There is no increase or decrease in the land area for each of the affected zoning district.

Based on the above, we hereby administratively grant the requested non-significant zoning changes.

Mr. Roy A. Vitousek III, Esq.
Cades Schutte
Page 3
March 31, 2005

Should you have any questions, please feel free to contact Esther Imamura or Susan Gagorik of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

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cc: w/app Hawaii County Council
Real Property Tax Division
Planning-West Hawaii Office
Planning-TMK Mapping Section (Hans Santiago)
Planning-Long Range Section

cc: w/map, M&B description:Planning-GIS Section (Gilbert Bailado)

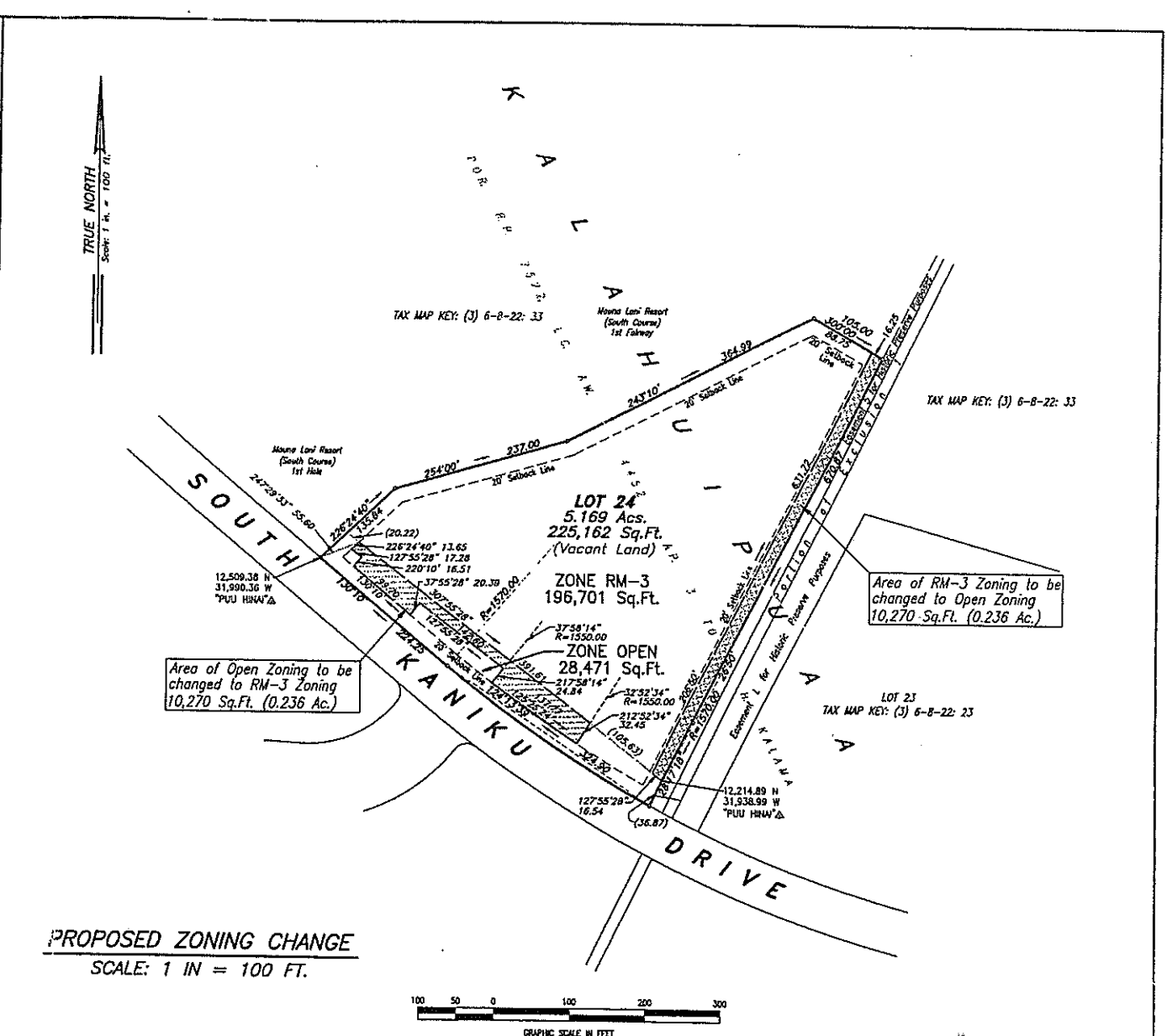
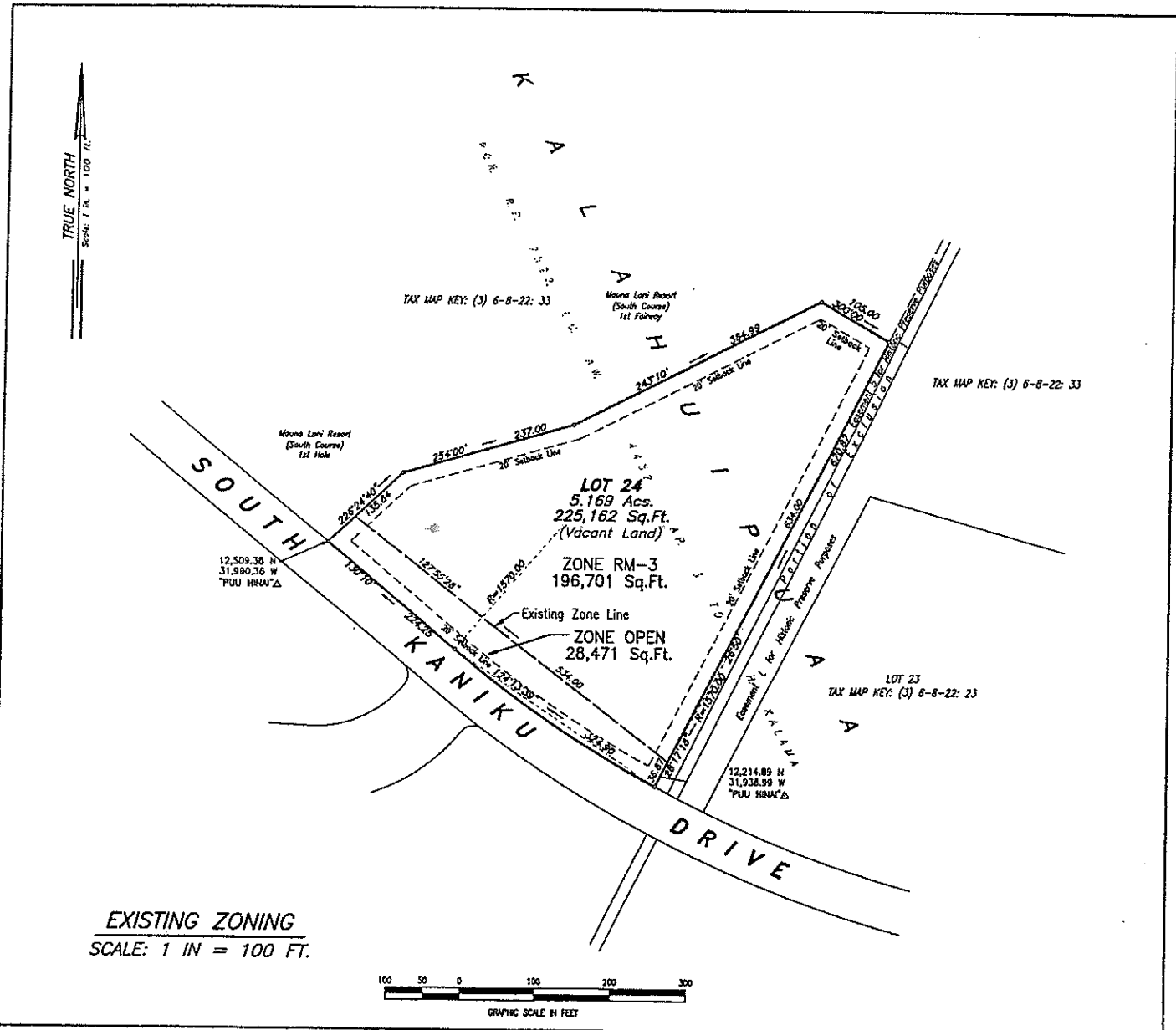


EXHIBIT MAP

**NON-SIGNIFICANT ZONE CHANGE
AFFECTING LOT 24, FILE PLAN 1821
"MAUNA LANI RESORT, PHASES II & III"**

AT KALAHUIPUAA, WAIMEA, SOUTH KOHALA,
ISLAND OF HAWAII, HAWAII
TAX MAP KEY: (3RD DIV.) 6-8-22: 24

AREA SUMMARY:

EXISTING LOT	-----	225,162 Sq.Ft. (5.169 Acs.)
EXISTING ZONING:		
OPEN SPACE (O)	-----	28,471 Sq.Ft. (0.654 Ac.)
RESIDENTIAL MULTIPLE FAMILY (RM-3)	-----	196,701 Sq.Ft. (4.516 Acs.)
PROPOSED ZONING:		
OPEN ZONING TO BE CHANGED TO RM-3	----	10,270 Sq.Ft. (0.236 Ac.)
RM-3 ZONING TO BE CHANGED TO OPEN	----	10,270 Sq.Ft. (0.236 Ac.)
NET CHANGE BETWEEN OPEN ZONING TO RM-3	----	0 Sq.Ft. (0.000 Ac.)
EXISTING ZONING (REPEATED):		
OPEN SPACE (O)	-----	28,471 Sq.Ft. (0.654 Ac.)
RESIDENTIAL MULTIPLE FAMILY (RM-3)	-----	196,701 Sq.Ft. (4.516 Acs.)

- Notes:**
1. Azimuths and Coordinates are referred to Government Survey Triangulation Station "PUU HAWA".
 2. Map is compiled from records found at the State Survey Office, Real Property Tax Mapping Branch and Bureau of Conveyances.

841 Bishop Street
Honolulu, Hawaii
March 15, 2005



M & E Pacific, Inc.
David S. Hatchell
Licensed Professional Land Surveyor
Certificate No. 9355 Exp. 4/30/06

HAWAIIAN LAND SURVEYING BOARD, HONOLULU, HAWAII, 1998. LAST LICENSED: March 15, 2005. EXPIRES: March 15, 2005. © 2005 M & E Pacific, Inc.

Job Number: 036706925.0001.00200
Field Book:

M & E PACIFIC, INC.
Engineers & Surveyors

Devis Pacific Center
841 Bishop St., Suite 1500
Honolulu, Hawaii 96813