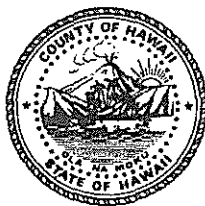


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

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

May 15, 2009

Mr. Steven S.C. Lim  
Carlsmith Ball LLP  
P.O. Box 686  
Hilo HI 96721-0686

Dear Mr. Lim:

**SUBJECT: Non-Significant Zoning Change Application (NZC 09-000013)**  
**Applicant: Hualālai Investors, LLC**  
**Land Owner: BP Bishop Estate Trustees**  
**TMK: 7-2-10:Portion of 4, Kaupulehu, North Kona, Hawai'i**

This is to acknowledge receipt on May 6, 2009 of the affidavit of posting of the public notification sign. Also acknowledged is receipt on May 13, 2009 of the Proof of Mailing for the second notice.

The applicant proposes to adjust the zoning boundaries by designating anchialine ponds as Open (O) and placing a portion of the undeveloped Open (O) area into Resort-Hotel (V-2.25).

The subject parcel consists of 39.144 acres. 35.238 acres is designated Resort-Hotel and 3.876 acres is designated Open. Proposed changes, in square feet, to the zoning areas are as follows:

Area	V-2.25	Open
A	+43,518	-43,518
B	-10,354	+10,354
C	-14,983	+14,983
D	-2,308	+2,308
E	-2,297	+2,297
F	-10,054	+10,054
G	-3,533	+3,533
<b>Total</b>	<b>-11</b>	<b>+11</b>

Mr. Steven S.C. Lim  
Carlsmith Ball LLP  
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Proposed changes, by percentage of acreage:

Zoning	Acres	5% of Acreage	% Area of Change
V-2.25	35.238	1.7619	-.00026
Open	3.876	0.1938	+.00026
<b>Total</b>	<b>39.144</b>		<b>0</b>

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 not result in an increase or decrease in any zoning designation affecting more than five percent of the area, or one acre, of any lot, whichever is less.

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

- 1) 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 designated as "Open" and "Resort Node" on the Land Use Pattern Allocation Guide (LUPAG) Map.
- 2) The Kona Community Development Plan (CDP) was adopted by Ordinance No. 08 131 with an effective date of September 25, 2008. The placement of anchialine ponds into the Open zoned area is consistent with the purpose of the Kona CDP to "Guide regional development in accordance with that vision, accommodating future growth while preserving valued assets" and the Guiding Principle to "Protect Kona's natural resources and culture."
- 3) The adjustment of zoning boundaries does not result in an increase or decrease in any zoning designation affecting more than five percent of the area, or one acre, of any lot. The increase/decrease of 11 square feet for each zoning designation is less than five percent of each zoned area.

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

Mr. Steven S.C. Lim  
Carlsmith Ball LLP  
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May 15, 2009

Should you have any questions, please feel free to contact Esther Imamura of this office at 961-8288, extension 253.

Sincerely,



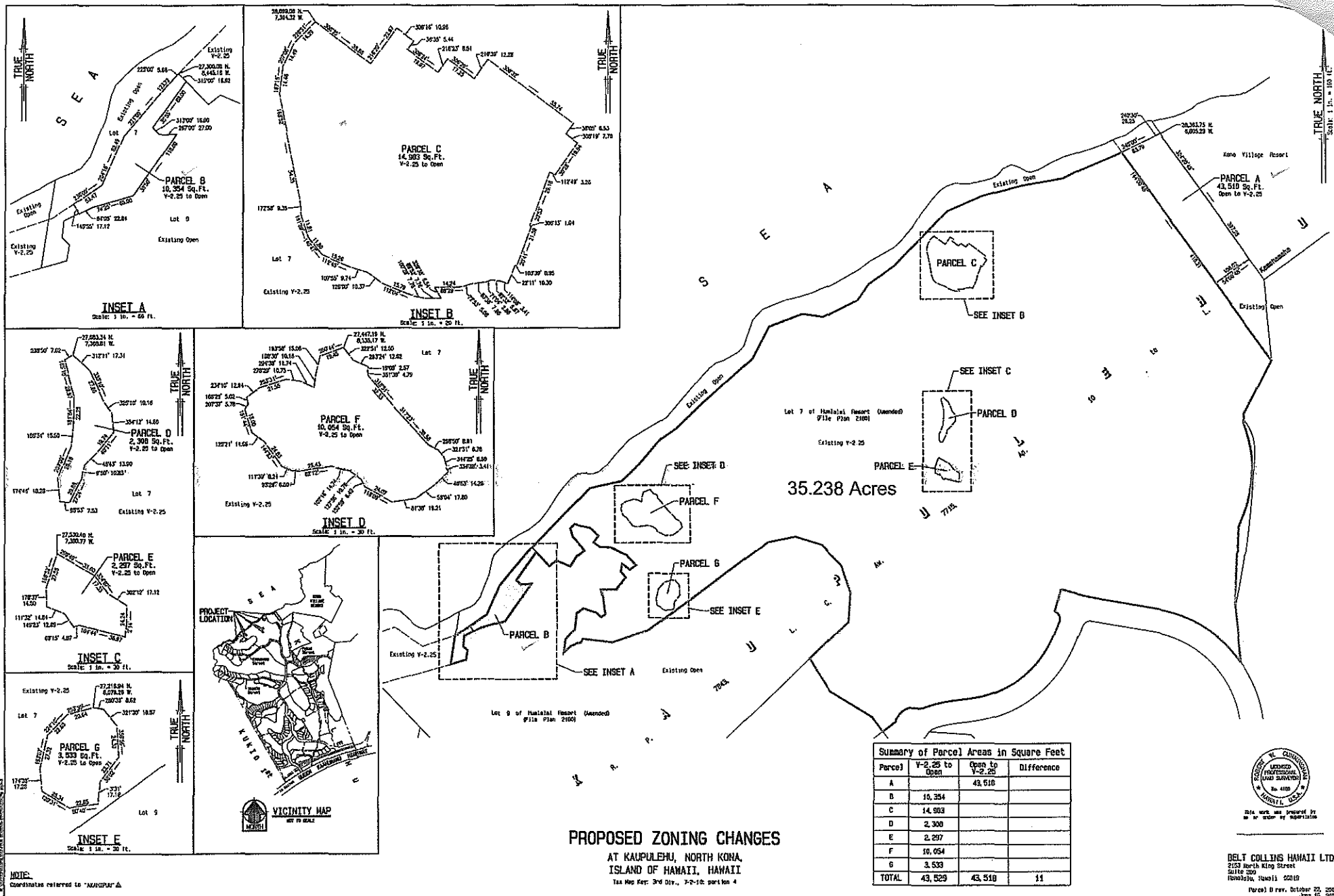
BJ LEITHEAD TODD  
Planning Director

ETI:

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cc: w/app      Hawaii County Council  
                    Real Property Tax Division  
                    Planning-West Hawaii Office  
                    Planning-Long Range Section

cc: ltr only:    Planning-GIS Section (Gilbert Bailado)



**NOTE:**  
Coordinates referred to "NAHAPUA" Δ

**PROPOSED ZONING CHANGES**  
AT KAUPULEHU, NORTH KONA,  
ISLAND OF HAWAII, HAWAII  
See Map For: 3rd Div., 2-2-10; partition 4



This work was prepared by me or under my supervision.

**DELT COLLINS HAWAII LTD.**  
2153 North King Street  
Suite 200  
Honolulu, Hawaii 96810

Parcel D rev. October 23, 2008  
Date 10, 2008