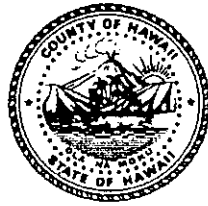


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

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

February 28, 2013

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

Dear Mr. Lim:

SUBJECT: Application: Non-Significant Zoning Change (NZC-13-000018)
Agent: CARLSMITH BALL LLP
Applicant: WB KUKIO RESORTS LLC
Land Owner: WB KUKIO RESORTS LLC
Tax Map Key: (3) 7-2-016:006 Kukio 1st, North Kona, Hawai'i

The applicant proposes to adjust the zoning boundaries to align the County Zoning of Open (O) and Village Commercial – 10,000 square feet (CV-10) with the present State Land Use designated Urban (U).

The subject parcel consists of 0.650 acre (28,314 square feet). Proposed changes, in square feet, to the zoning areas are as follows:

TMK:	Total Area	Open	CV-10
7-2-016:006	23.04 acres		
Area A		- 0.650 acre	+ 0.650 acre
TOTAL LAND AREA	23.04 acres		
NET CHANGE	0.028%	- 0.650 acre	+ 0.650 acre

With a parcel area of 23.04 acres and the requested zoning change area of 28,314 square feet (0.650 acre), the change is approximately 0.028% of the parcel.

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

Steven S.C. Lim, Esq.
Carlsmith Ball LLP
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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, Hawai'i County Code, for determining non-significant zoning changes:

- 1) The area under review is in compliance with the General Plan. The County of Hawai'i General Plan (2005) became effective on February 9, 2005. The subject parcel is designated as "Resort Node" on the Land Use Pattern Allocation Guide (LUPAG) Map.
- 2) 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 the lot. The increase/decrease of 0.650 acre (28,314 square feet) acre 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 change.

Any questions may be directed to this office in the attention of Larry Nakayama at (808) 961-8149 or lnakayama@co.hawaii.hi.us.

Sincerely,



BJ LEITHEAD TODD
Planning Director

LHN: nci
P:\Admin Permits Division\Non Significant Zoning\2013 Requests\NZC 13-000018\Determination.doc

xc w/app: Real Property Tax Division-Hilo
Planning-GIS Section (Gilbert Bailado)