

CERTIFIED MAIL

February 23, 1984

Mr. Tom Yamamoto
Mauna Lani Resort, Inc.
P. O. Box 4959
Kawaihae, HI 96743

Dear Mr. Yamamoto:

Special Management Area (SMA) Use Permit and
Special Permit Application ²⁰³ LVC:544
TMK: 6-8-01:Portion of 22

The Planning Commission at its duly held public hearing on February 22, 1984, voted to approve your application, Special Management Area (SMA) Use Permit No. 203 and Special Permit No. 544, at Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The subject request is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the request is to allow the establishment of a support/service area, including structures for office, storage, maintenance and warehouse use in support of resort activities at the Mauna Lani Resort.

The subject request is consistent with the Objectives, Policies and Special Management Area Guidelines. These objectives, policies, and guidelines were established by Chapter 205A, Hawaii Revised Statutes to provide guidance for the preservation, protection, and development of the coastal resources of the State and County. They identify several areas of management concern including historic, recreational, and scenic resources, coastal ecosystems, economic uses, and coastal hazards.

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No adverse impacts on coastal ecosystems, aesthetic resources or air and water quality are expected to be generated by this project. The nature and siting of the support/service uses, situated approximately 6,000 feet mauka of the shoreline and 2,300 feet makai of the Queen Kaahumanu Highway, will minimize any potential impacts to coastal ecosystems or the aesthetic environment of the area. Although construction of the proposed buildings will create some dust, this problem can be controlled by periodic sprinkling of the area.

The area is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. It also does not contain any known archaeological or historical features. In addition, this project will not have any adverse impacts on public access along the shoreline since the area is quite a distance from the shoreline.

The development is consistent with the County General Plan. The Land Use Pattern Allocation Guide Map component of the General Plan designates the area as Extensive Agricultural/Alternate Urban Expansion. The Alternate Urban Expansion designation applies to potential urbanizing areas or in areas where the urban form of a community has not yet been firmly established. The subject area is situated next to a new development where the urban form of the community has not been firmly established.

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject area's dominant soil types are Kamakoa very fine sandy loam and Rock Land. Both soil types are rated low for agricultural activities. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural potential for the subject area and the above-cited criterion for determining the Agricultural District.

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The proposed uses will not adversely affect the surrounding properties and their improvements. The area being proposed for the development is not highly visible from surrounding properties. The site is screened from view by topography and is designed to be compatible with the surrounding area. No other adverse impacts are anticipated at this time.

The proposed uses will not unreasonably burden public agencies to provide roads and streets and other infrastructures and services. All essential utilities and services are or will be available to the subject area.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. In December 1974, the State Land Use Commission, as part of their five-year boundary review, granted a 614-acre urban reclassification to former Conservation and Agricultural designated lands. This change enabled Mauna Lani to proceed with the development of a resort destination which represents a significant shift in conditions, trends and needs for the area.

It should be noted, however, that any further request to expand the support/service area of Mauna Lani Resort, Inc. will not be favorably considered in the Agricultural District. All future support/service activities should be consolidated in a central location and required to obtain an Urban Land Use designation.

Based on the foregoing findings, it is determined that the service/support area uses are reasonable uses of land situated within the agricultural district and will promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this Special Management Area (SMA) Use Permit and Special Permit request is subject to the following conditions:

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. Plans for the first building shall be submitted for Plan Approval within one year from the effective date of the Special Permit and the Special Management Area (SMA) Use Permit.

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- c. Construction of the first building shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
- d. The Special Permit and the Special Management Area (SMA) Use Permit shall involve a total of 13.2 contiguous acres. A metes and bounds description, delineating the 13.2-acre area affected by the Special Permit and the Special Management Area (SMA) Use Permit, shall be submitted to the Planning Department prior to commencing construction of the first building on the subject property.
- e. The requirements of the State Department of Health and the Department of Water Supply shall be complied with.
- f. The petitioner, its successors or assigns, shall submit a petition to the State Land Use Commission to have the subject area reclassified into the Urban District within one year from the date of issuance of Final Plan Approval of the first building.
- g. Vehicular access to the subject area and/or building(s) shall be improved with an all-weather, dust free surface, meeting with the approval of the Department of Public Works prior to issuance of occupancy permit for the first building.
- h. All other applicable rules, regulations, and requirements shall be complied with.
- i. Should the Planning Department determine that any of the foregoing conditions have not been met, the Special Permit and the Special Management Area (SMA) Use Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



ROY KAGAWA
Chairman, Planning Commission

cc: Chief Engineer
Building Section, Public Works
Dept. of Water Supply
Kona Services Office

bcc: Plan Approval Section