

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
KAMEHAMEHA DEVELOPMENT CORPORATION)
from)
SHORELINE SETBACK RULES AND REGULATIONS)
in)
Keauhou 1st, North Kona, Hawaii)

Variance No. 417

SSV 417

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on August 22, 1974 considered the application of KAMEHAMEHA DEVELOPMENT CORPORATION for a variance from Rule 8, Rules and Regulations Relating to Shoreline Setback, Section 8.7.2, Chapter 205, Hawaii Revised Statutes, as Amended, more specifically the installation of a six (6) inch sand discharge line within the shoreline setback area as a result of a proposed sand mining experiment project in Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-10:portion of 3.

The Commission has found that:

1. The proposed activity is within the public interest; the end result of the sand mining experimental project if successful will provide the University of Hawaii's Ocean Engineering Department with substantial information relative to technique and feasibility of this type of operation for future sand mining projects. It will also result in providing Kamehameha Development Corporation, the possible use of the extracted sand in their further development of the Keauhou Bay area which is considered to be a major Visitor Destination Resort area. In possible utilization of the sand from this project, shoreline amenities are to be enhanced in the Keauhou Bay area for residents, visitors, and the general public; this, therefore, is deemed to be in the public interest. With the development of the proposed 408 unit Kona Colony Club project, the possible use of the sand in developing the area will be one of the major stimuli and factors that will attract and promote the Keauhou area as a major resort destination area. In addition, from an economic standpoint, job opportunities as well as the visitor dollar will be increased, thereby contributing to the public interest. Although the benefit might not be a direct one, it nevertheless exists. The sand will also be used to develop the future golf course planned for the area in conjunction with the proposed Kona Colony project. This in itself will create another recreational and open space area which will be open to the public for their

use and enjoyment. In view of the foregoing it can then be concluded that although the variance for this request is to allow a six-inch discharge line to be laid in the shoreline setback area, the ramifications of it in view of the public interest has to be evaluated from the resultant effects of the activity rather than on the activity itself. In this case, it can be further concluded that the granting of this variance is in the public interest.

2. A special circumstance exists relative to the variance request, in that the State of Hawaii Legislative Body enacted Act 79 on May 29, 1974. This act states that the prohibition, relative to Section 205-33 HRS, "shall not apply to sand mining for experimental purposes to be conducted by the Department of Ocean Engineering, University of Hawaii, in the off-shore waters, one-half mile north of Keauhou Bay provided, however, that such sand mining for experimental purposes shall not commence until written permission is received from all governmental agencies having jurisdiction thereof, provided further that a federal environmental impact statement be prepared and approval received therefor; and provided further that said sand mining for experimental purposes shall be completed on or before April 3, 1977." The University had chosen the West Hawaii area for conducting the testing of their experiments relative to sand mining, because this area is generally lacking in adequate sand resources on shore. The specific legislation which was enacted has created a unique legal situation which does not apply anywhere else in the State, thereby adding to the unusualness of the request which does not generally apply to surrounding property in the same district. The proposed operation has the legal sanction of the State legislature and significant information and knowledge relative to sand mining will be acquired by this project. Therefore, in view of the foregoing and the resultant effects as explained previously, it is concluded that whether the experimental project is successful or not, it will nevertheless provide knowledge relative to the mining of sand in off-shore waters and the resultant environmental effect. This knowledge and information is presently unavailable here in Hawaii. And finally, it is also concluded that the extracted sand in the final analysis will be beneficial to the public interest in terms of economic, social and recreational perspectives.
3. The discharge line will be laid on 12-inch high thrust blocks situated on the lava field, running along the edge of the 12th tee and fairway of the Keauhou Golf course. The shoreline in this area is characterized by fragmented aa lava fields, with short curbs at the shoreline edge to the ocean. In view of the rugged topographical characteristic features of the shoreline and the existence of the golf course, the recreational opportunities for using shoreline in this area are very minimal. Therefore, in view of the foregoing factors, the use of the shoreline is not used or rarely ever used for recreational activities. It is then felt that inasmuch as this is a project of a temporary nature and the fact that the discharge line will be laid in such a low profile in relationship to the ground, the visual perspective

of the existing visual plane will not be intrusive to a point where it will change the view plane of the land/ocean relationships and consequently for all intents and purposes the intent of the shoreline rules and regulations will not be violated by allowing the granting of this variance. In this instance special circumstances do exist which will ultimately have a direct benefit to the welfare of the general public.

Therefore, the Commission hereby grants to the applicant a variance to allow the installation of a six (6) inch sand discharge line within the shoreline setback area as a result of a proposed sand mining experiment project, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. Upon completion of the sand mining operation, all care be taken to assure that the area be restored as near as possible to its present state; and that all materials extracted and machinery be removed from the subject site.
2. Construction of the discharge line commence only after written permission is received from all other governmental agencies having jurisdiction thereof, and that a copy of these written consents be submitted to the Planning Department for verification purposes and for the record.
3. All applicable rules and regulations be complied with.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from August 22, 1974.

Dated at Hilo, Hawaii, this 25th day of September, 1974.


Arthur W. Martin, Chairman

