

December 7, 1981

Mr. Endre Mott-Smith  
Hawaiiana Investment Company, Inc.  
P. O. Box 1826  
Honolulu, HI 96805

Dear Mr. Mott-Smith:

Special Management Area Use Permit No. 81  
Shoreline Setback Variance No. 558  
TMK: 9-5-19:Portion of 11

Pursuant to your request, the Planning Commission at its duly held public hearing on December 3, 1981, voted to withdraw your time extension requests and subsequently voted to nullify Special Management Area (SMA) Use Permit No. 81 and Shoreline Setback Variance Permit No. 558.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely



BERT H. NAKANO  
Chairman, Planning Commission

lgv

bcc: PA No. 755

DEC 10 1981

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SPECIAL MANAGEMENT AREA USE PERMIT )  
by )  
HAWAIIANA INVESTMENT COMPANY, INC. ) SMA USE PERMIT NO. 81  
for )  
DEVELOPMENT OF A BEACH PARK AND )  
RELATED IMPROVEMENTS )  
in )  
Ninole, Ka'u, Hawaii )

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SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on November 29, 1978 and at its meeting on December 14, 1978, considered the application of Hawaiiana Investment Company, Inc. for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the development of a beach park and related improvements which includes the creation of an 8,500 square foot beach, landscaping, clearing and grading, at Ninole Cove, Ninole, Ka'u, Hawaii, Tax Map Key: 9-5-19:portion of 11.

The Commission has found:

That the proposed clearing, grading and landscaping are not anticipated to have substantial adverse environmental impacts. These proposed improvements are basically to clean up the existing area and to enhance its use as a recreational area. The landscaping plan as submitted with the application shows that most of the existing trees will be retained, while some of the grasses will be eliminated. Additional trees and shrubs will be planted as needed. The proposed clearing and grading are expected to be of a minor nature in the area under consideration, which is mauka or landward of the shoreline.

The proposed improvements are expected to enhance recreational opportunities for both residents and visitors alike. The subject area is presently used by residents of the district and the landscaping proposed by the petitioner is expected to physically improve the area by making it more conveniently usable and aesthetically pleasing. As access to this recreational area presently exists and will continue to be available, the implementation of the proposed development should enhance the recreational resource presently enjoyed.

Further, approval of the subject request will not be inconsistent with the purpose and intent of the Shoreline

Setback Rules and Regulations. The purpose of these provisions is to prevent structural encroachment upon the shoreline area which might disturb natural shoreline processes and cause erosion. They are also intended to preserve the shoreline and its open space character as well as to restrict the removal of materials such as sand, coral and rocks for commercial use.

The proposed improvements within the shoreline setback area are of a minor nature and will primarily consist of landscaping. These improvements are not expected to have significantly adverse impacts. They are not anticipated to disturb natural shoreline processes or otherwise be contrary to the purpose of the Shoreline Setback Rules and Regulations. This is further reinforced by the fact that although the proposed improvements are part of a larger development, which is the creation of a sand beach, the major impacts are expected to occur outside of the area under the Commission's jurisdiction, namely seaward of the shoreline. Although some clearing and grading will occur landward of the shoreline, the major portion of these land preparation activities will take place on the seaward side.

Based on the above, it is determined that the proposed development within the Special Management Area and the shoreline setback area would be in the public interest and would not interfere significantly with natural shoreline processes. In addition, approval of the subject requests would foster the preservation of the shoreline and its open space character and improve public access to the shoreline. The proposed development is consistent with and implements the Hawaii Coastal Zone Management program as contained in Chapter 205A, Hawaii Revised Statutes, and Rule 9 of the Planning Commission as well as the County of Hawaii General Plan, all of which encourage shoreline protection, access and recreational development.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the development of a beach park and related improvements which includes the creation of an 8,500 square foot beach, landscaping, clearing and grading, at Ninole Cove, Ninole, Ka'u, Hawaii pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That the proposed development shall conform substantially to the plans submitted with the application and the representations made by the petitioner.
2. That the petitioner or its authorized representative shall submit a landscaping plan to the Planning Director for review and approval prior to the initiation of the landscaping program.
3. That public access to the shoreline in the subject area shall be provided from the Hawaii Belt Road,

following the existing private roadway network. The exact terms of the public access, e.g., width, improvements and liability, shall use as a reference Chapter 46-6.5, Hawaii Revised Statutes, relating to public access. They shall be determined by the County through the Planning Director and the access shall be provided within one (1) year from the effective date of approval of the Special Management Area Use Permit. A copy of the terms of the public access shall be forwarded to the Planning Commission for information.

4. That the petitioner shall obtain approval of a Conservation District Use Application from the State Board of Land and Natural Resources prior to undertaking any work within the State Land Use Conservation District.
5. That the petitioner shall obtain approval from the State Board of Land and Natural Resources and the U. S. Army Corps of Engineers prior to undertaking any work seaward of the certified shoreline.
6. That all other applicable rules, regulations and requirements, including those of the County Department of Public Works and the State Departments of Health and Transportation, shall be complied with.


Should these conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of the permit shall be December 14, 1978.

Dated at Hilo, Hawaii, this 25th day of January, 1979.



William F. Mielcke  
Chairman, Planning Commission

APPROVED as to FORM and LEGALITY	
	
DEPUTY	CORPORATION COUNSEL COUNTY OF HAWAII
Date	JAN 16 1979

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SHORELINE SETBACK VARIANCE )  
by )  
HAWAIIANA INVESTMENT COMPANY, INC. )  
for ) VARIANCE NO. 558  
LANDSCAPING, CLEARING, GRADING )  
AND RELATED IMPROVEMENTS )  
in )  
Ninole, Ka'u, Hawaii )

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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on November 29, 1978 and at its meeting on December 14, 1978, considered the application of Hawaiiana Investment Company, Inc. for a variance from Shoreline Setback Rules and Regulations, more specifically, to allow certain improvements, including landscaping, clearing, grading and related improvements within the shoreline setback area at Ninole Cove, Ninole, Ka'u, Hawaii, Tax Map Key: 9-5-19:portion of 11.

The Commission has found:

That the proposed clearing, grading and landscaping are not anticipated to have substantial adverse environmental impacts. These proposed improvements are basically to clean up the existing area and to enhance its use as a recreational area. The landscaping plan as submitted with the application shows that most of the existing trees will be retained, while some of the grasses will be eliminated. Additional trees and shrubs will be planted as needed. The proposed clearing and grading are expected to be of a minor nature in the area under consideration, which is mauka or landward of the shoreline.

The proposed improvements are expected to enhance recreational opportunities for both residents and visitors alike. The subject area is presently used by residents of the district and the landscaping proposed by the petitioner is expected to physically improve the area by making it more conveniently usable and aesthetically pleasing. As access to this recreational area presently exists and will continue to be available, the implementation of the proposed development should enhance the recreational resource presently enjoyed.

Further, approval of the subject request will not be inconsistent with the purpose and intent of the Shoreline Setback Rules and Regulations. The purpose of these provisions

is to prevent structural encroachment upon the shoreline area which might disturb natural shoreline processes and cause erosion. They are also intended to preserve the shoreline and its open space character as well as to restrict the removal of materials such as sand, coral and rocks for commercial use.

The proposed improvements within the shoreline setback area are of a minor nature and will primarily consist of landscaping. These improvements are not expected to have significantly adverse impacts. They are not anticipated to disturb natural shoreline processes or otherwise be contrary to the purpose of the Shoreline Setback Rules and Regulations. This is further reinforced by the fact that although the proposed improvements are part of a larger development, which is the creation of a sand beach, the major impacts are expected to occur outside of the area under the Commission's jurisdiction, namely seaward of the shoreline. Although some clearing and grading will occur landward of the shoreline, the major portion of these land preparation activities will take place on the seaward side.

Based on the above, it is determined that the proposed development within the Special Management Area and the shoreline setback area would be in the public interest and would not interfere significantly with natural shoreline processes. In addition, approval of the subject requests would foster the preservation of the shoreline and its open space character and improve public access to the shoreline. The proposed development is consistent with and implements the Hawaii Coastal Zone Management program as contained in Chapter 205A, Hawaii Revised Statutes, and Rule 9 of the Planning Commission as well as the County of Hawaii General Plan, all of which encourage shoreline protection, access and recreational development.

Therefore, the Commission hereby grants to the applicant a Shoreline Setback Variance to allow certain improvements, including landscaping, clearing, grading and related improvements within the shoreline setback area at Ninole Cove, Ninole, Ka'u, Hawaii pursuant to the authority vested in it by the County of Hawaii Planning Commission Rule No. 8, Rules and Regulations Relating To Shoreline Setback, subject to the following conditions:

1. That the proposed development shall conform substantially to the plans submitted with the application and the representations made by the petitioner.
2. That the petitioner or its authorized representative shall submit a landscaping plan to the Planning Director for review and approval prior to the initiation of the landscaping program.
3. That public access to the shoreline in the subject area shall be provided from the Hawaii Belt Road, following the existing private roadway network. The exact terms of the public access, e.g., width, improvements and liability, shall use as a reference Chapter 46-6.5, Hawaii Revised Statutes, relating to public

access. They shall be determined by the County through the Planning Director and the access shall be provided within one (1) year from the effective date of approval of the Special Management Area Use Permit. A copy of the terms of the public access shall be forwarded to the Planning Commission for information.

4. That the petitioner shall obtain approval of a Conservation District Use Application from the State Board of Land and Natural Resources prior to undertaking any work within the State Land Use Conservation District.
5. That the petitioner shall obtain approval from the State Board of Land and Natural Resources and the U. S. Army Corps of Engineers prior to undertaking any work seaward of the certified shoreline.
6. That all other applicable rules, regulations and requirements, including those of the County Department of Public Works and the State Departments of Health and Transportation, shall be complied with.

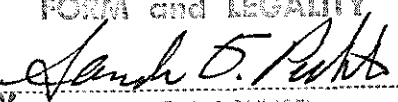
Should any of the foregoing conditions not be met, the Shoreline Setback Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from December 14, 1978.

Dated at Hilo, Hawaii, this 25th day of January, 1979.



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William F. Mielcke  
Chairman, Planning Commission

APPROVED as to FORM and LEGALITY	
	
DEPUTY	CORPORATION COUNSEL COUNTY OF HAWAII
Date	JAN 10 1979