

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
MAUNA LOA LAND, INC. )  
from )  
MINIMUM SHORELINE SETBACK ) VARIANCE NO. 574  
REQUIREMENTS )  
in )  
Anaehoomalu, South Kohala, )  
Hawaii )

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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on April 25, 1979, considered the application of MAUNA LOA LAND, INC., for a variance from Article 26, Section 7 of Chapter 8 (Zoning Code), Hawaii County Code, as amended, and Rule 8 of the Planning Commission, "Rules and Regulations Relating to Shoreline Setbacks," more specifically, to allow the construction of a championship tee platform and related improvements within the 40-foot shoreline setback area. The proposed improvements will be approximately 10 feet from the shoreline at the southeastern end of Iliilinaehe Bay, Anaehoomalu, Hawaii, Tax Map Key 6-9-01:portion of 5.

The Commission has found:

Approval of the subject request to allow the construction of a championship tee platform and other related improvements for an 18-hole golf course 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, which includes the construction of a 30' x 40' championship tee platform, a lava rock retaining wall along portions of the tee, a three (3) foot wide crushed lava pathway, and an irrigation line, will not be of a substantial nature to disrupt the normal shoreline processes. It is further felt that the proposed improvements are not expected to have any significant adverse impacts on the shoreline since the scale of the improvements are relatively small in relationship to the overall development of the area.

In this light, the proposed improvements will still complement the goal of the Open Space element of the General Plan which states to "Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents." The proposed improvements will also complement the goal and policy of the Natural Resources and Shorelines element of "providing opportunities for the public to fulfill recreational and educational needs without despoiling or endangering natural resources and that "The Shoreline of the island of Hawaii should be maintained for recreational, educational, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public." It is felt that the lateral access along the shoreline and the openness of the area will still be retained.

Based on the above, it is determined that the proposed improvements are not expected to disturb the natural shoreline processes or otherwise be contrary to the purpose of the Shoreline Setback Rules and Regulations, Chapter 205, HRS, and the County General Plan.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a championship tee platform and related improvements within the 40-foot shoreline setback area. The proposed improvements will be approximately 10 feet from the shoreline at the southeastern end of Iliilinaehe Bay, Anaehoomalu, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, Section 205-35, Hawaii Revised Statutes, and Rule 8.8 of the Planning Commission, "Rules and Regulations Relating to Shoreline Setbacks," subject to the following conditions:

1. That the proposed improvements shall conform substantially to the plans submitted with the application and the representations made by the petitioner.
2. *commence within* That construction of the proposed improvements shall commence within one (1) year from the effective date of approval of the Variance Permit and shall be completed within two (2) years thereafter.
3. That if any archaeological remains are found during land preparation activities, work shall immediately cease and the petitioner or its authorized representative shall immediately notify the Planning Department. Work shall not be resumed until a review and clearance is obtained from the Planning Department.
4. That the pathway to the championship tee remains inland of the shoreline setback area.
5. That all other applicable rules, regulations and requirements shall be complied with.

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

The effective date of this permit shall be from April 25, 1979.

Dated at Hilo, Hawaii, this 23rd day of May, 1979.



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William F. Mielcke  
Chairman, Planning Commission

APPROVED as to  
FORM and LEGALITY:



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DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date: MAY 16 1979