

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
MAUNA LOA LAND, INC. )  
from )  
THE 40-FOOT SHORELINE )  
SETBACK AREA )  
in )  
Anaehoomalu and Lalamilo, )  
South Kohala, Hawaii )

VARIANCE NO. 608

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on August 21, 1980, considered the application of MAUNA LOA LAND, INC. for a variance from Chapter 205, Hawaii Revised Statutes, as amended, and Rule No. 8 of the Planning Commission Relating to Shoreline Setback, more specifically, to allow the construction of certain golf course improvements, including grading, landscaping, and rockwall structures within the 40-foot shoreline setback area situated between Pauoa Bay and Honokaope Bay, Anaehoomalu and Lalamilo, South Kohala, Hawaii, TMK: 6-9-01:3 and 5.

The Commission has found:

Approval of the subject request to allow the construction of certain golf course improvements within the 40-foot shoreline setback area 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 may 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 to the golf course's 4th, 6th, 7th and 11th holes within the shoreline setback area will include the construction of a lateral pedestrian pathway, golf cart path, steps to provide public access to the shoreline, men's and women's tee improvements, certain greens improvements, retaining rockwall, soil spreading and landscaping as indicated in Exhibits A and B on file. It is determined that these improvements will not be of such a substantial nature as 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.

Some of the improvements proposed, such as the provision of the lateral shoreline pedestrian pathway and the steps leading to the shoreline, will make the shoreline area more usable and accessible to the public. Other improvements including retaining rockwalls, landscaping and ground cover improvements, will prevent erosion and leeching of soil materials into coastal waters. Finally, construction of the men's and women's tee improvements within the shoreline setback area allows the preservation of two natural coastal ponds.

The above-described improvements will complement the goal and policy of the Natural Resources and Shoreline element of the General Plan of "providing opportunities for the public to fulfill recreational and educational needs without despoiling or endangering 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."

Further, due to the nature of the golf course improvements, which provides an "open" feeling, it is also felt that the proposed improvements will 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."

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 and intent of the Shoreline Setback Rules and Regulations, the General Plan, and Chapter 205, Hawaii Revised Statutes.

Therefore, the Commission hereby grants to the petitioner a variance to allow the construction of certain golf course improvements, including grading, landscaping, and rockwall structures within the 40-foot shoreline setback area situated between Pauoa Bay and Honokaope Bay, Anaehoomalu and Lalamilo, South Kohala, Hawaii, pursuant to the authority vested in it by Chapter 205, Hawaii Revised Statutes, and Rule No. 8, Section 8.8, Rules and Regulations Relating to Shoreline Setback, subject to the following conditions:

1. That the proposed improvements shall conform substantially to the plans submitted with the application and identified as Exhibits A and B on file with the Planning Department and with the representations made by the petitioner.
2. That construction of the proposed improvements commence within one (1) year from the date of receipt of the Permit and be completed within two (2) years thereafter.
3. That the rockwall between the men's and championship 6th tees be built up an additional foot or so to a maximum interior (mauka) height of three (3) feet above the existing soil fill. This is intended to minimize any potential marine erosion hazard.
4. That no further work shall be allowed makai of the men's and women's 6th tees.

5. That all other applicable rules, regulations, and requirements, including those spelled out in Shoreline Setback Variance No. 574, as amended, 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.

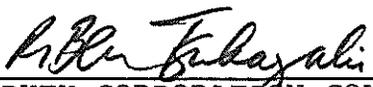
The effective date of this permit shall be from  
August 20, 1980.

Dated at Hilo, Hawaii, this 29th day of July 1981.



BERT H. NAKANO  
Chairman, Planning Commission

APPROVED AS TO FORM  
AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
County of Hawaii

Date: 10 July 81

August 27, 1980

Mr. Nobuo Kitsuda  
Mauna Loa Land, Inc.  
100 Pauahi Street, Suite 210  
Hilo, Hawaii 96720

Dear Mr. Kitsuda:

Shoreline Setback Variance Application  
Amendment to Shoreline Setback Variance Permit No 574  
Amendment to Special Management Area Use Permit No. 2  
Tax Map Key 6-9-01:3 and 5

The Planning Commission at its duly held public hearing on August 21, 1980, considered the above applications for a Shoreline Setback Variance, Amendments to Special Management Area Use Permit No. 2 and Shoreline Setback Variance Permit No 574 at Anaehoomalu and Lalamilo, South Kohala, Hawaii.

With regard to your shoreline setback variance request, the Commission voted to approve your application effective August 21, 1980, subject to the following conditions:

1. That the proposed improvements shall conform substantially to the plans submitted with the application and identified as Exhibits A and B on file with the Planning Department and with the representations made by the petitioner.
2. That construction of the proposed improvements commence within one (1) year from the date of receipt of the Permit and be completed within two (2) years thereafter.
3. That the rock wall between the men's and championship 6th Tees be built up an additional foot or so to a maximum interior (mauka) height of three (3) feet above the existing soil fill. This is intended to minimize any potential marine erosion hazard.
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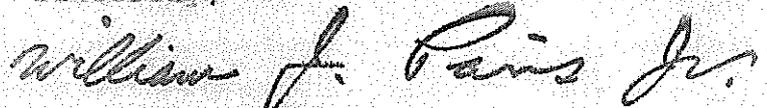
5. That all other applicable rules, regulations, and requirements, including those spelled out in Shoreline Setback Variance No. 574, as amended, be complied with.

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

With regard to the amendment request of Shoreline Setback Variance Permit No 574, the Commission has amended Condition No. 1 to read, "That the proposed improvements conform substantially to the plans submitted with the application and revised in accordance with the petitioner's letter dated August 5, 1980, and as identified in Exhibit A of Shoreline Setback Variance No. 608."

With regard to the amendment request of SMA Use Permit No. 2, the Commission approved the amendment as per your request. We will be forwarding you the official SMA Use Permit as soon as the document is prepared. In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM J. PARIS, JR.  
Chairman, Planning Commission

SN:ak

cc: Chief Engineer, Public Works  
Building, Public Works  
Kona Services Office

bcc: Land Use Controls Division, Planning Department