

CERTIFIED MAIL

July 30, 1982

Mr. Roger Harris  
Mauna Lani Resort, Inc.  
P. O. Box 4959  
Kawaihae, Hawaii 96743

Dear Mr. Harris:

Special Permit Application(82-9)  
TMK: 6-8-22:Portion of 10

The Planning Commission at its duly held public hearing on July 29, 1982, voted to approve your application, Special Permit No. 516, to allow the establishment of a security building on approximately 10,000+ square feet of land situated within the State Land Use Agricultural District at the Mauna Lani Resort complex, Kalahuipuaa, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

The area under consideration is classified as Agriculture by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also includes lands which are surrounded by or contiguous to agricultural lands that are not suited to agricultural or ancillary activities by reasons of topography, soils, and other related characteristics. The subject property's dominant soil type is A'a lava flow. The Land Study Bureau's

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overall master productivity and selected use rating is "E" or very poor. Furthermore, the subject area has not been included in the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

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 productivity rating for the property and the above-cited criterion for determining the Agricultural District.

The proposed use will not adversely affect the surrounding properties. The nature and scale of the proposed security building is considered to be minor in terms of its physical and visual impact to any scenic or view planes in this area. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to adversely affect the surrounding lands or properties.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. The Mauna Lani Resort complex has and is still in the process of providing the necessary infrastructural requirements for the entire Resort development. Thus, the minor nature of the construction of the security building will not require any additional demands or expansion to services and facilities already available to the subject property.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

In December 1974, the State Land Use Commission redistricted 614 acres of land in this area to an "Urban" designation.

Subsequently, in April of 1976, August of 1978, and August of 1980 this urban district was granted zone changes by the County Council.

In March of 1980, a Special Management Area Use Permit (No. 2) was granted to allow for the development of Increment 1-A which included a 350 unit hotel, 50 condominium units, 18-hole golf course & clubhouse facility. The 18-hole championship golf course with Clubhouse and Pro Shop facilities have been completed and are in operation. The first 350 room hotel is expected to be completed sometime in late 1982 or early 1983.

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In July of 1980, a Special Permit was granted to allow the construction of temporary labor housing units, temporary office building, temporary maintenance shop building and warehouse buildings. The temporary office, maintenance and warehouse buildings have been completed.

In October of 1980, a Special Permit and Special Management Area Use Permit was granted to allow the construction of a wastewater treatment facility and related improvements. These improvements are under construction at the present time.

Therefore, since the adoption of the State Land Use Law and Regulations, there has been a substantial change and direction determined for land use in this particular area of South Kohala.

The land upon which the proposed use is sought is unsuited for the land uses permitted within the district. The area in which the proposed security building is to be constructed is within a parcel which has been subdivided for road access purposes. The road right-of-way was established at one hundred and twenty feet (120) for this main access far exceeding the minimum County Subdivision standard right-of-way of sixty (60) feet. Thus far, the right-of-way has been improved with a pavement width of twenty-four (24) feet and shoulders, these improvements and the use of the right-of-way for access purposes negates any further options or potential for agricultural purposes. Additionally, the location of the proposed structure is just mauka of the State Land Use "Urban" district boundary for the the Mauna Lani Resort development. This close proximity to the "Urban" district boundary along with the unsuitableness of the area for agricultural purposes and the relationship of the security building to the resort complex is determined to be an unusual and reasonable use within this district.

Furthermore, the small scale and location of the structure and the proposed use will not substantially alter or change the essential character of the land and the present use as the roadway access has already been constructed.

Since the Mauna Lani Resort development has been granted approvals in concert with the General Plan as evidenced by the State Land Use Commission Boundary Amendment, Change of Zones, Special Permits and Special Management Area Permits, the requested use would not be contrary to the goals and objectives of the General Plan.

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Based on the foregoing findings, it is further determined that the proposed security building is an unusual and reasonable use of the land within the State Land Use Agricultural District and that the approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this Special Permit request is subject to the following conditions:

1. That the petitioner or its authorized representative shall be responsible for complying with the stated conditions of approval.
2. That the plans for the security building, including a detailed landscaping plan be submitted for final "Plan Approval" within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter. When the new security building is completed, the existing construction guard station shall be removed.
3. That the location of the proposed structure shall meet with the approval of the Chief Engineer, Department of Public Works.
4. That should the petitioner decide to dedicate the subject roadway to the County, the security building shall be relocated as required by the Department of Public Works and the County Council.
5. That the Department of Health and the Department of Water Supply requirements be complied with.
6. That all other rules, regulations and requirements be complied with.

Plans  
Rec'd 10/14/82  
Final PA  
11/12/82

Should any of the foregoing conditions not be met, this Special Permit shall be automatically void.

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

Sincerely,



ALFREDO ORITA  
Chairman, Planning Commission

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cc: State Land Use Commission  
Department of Public Works  
Department of Water Supply  
Kona Services Office

bcc: Land Use Controls Division, Planning Dept.