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Please Note:

The information & notes maintained ~~on the left side~~ of this file are identified to not be subject to public disclosure.

The basis for this administrative decision relies on:

**Haw. State Atty. Gen. Office of Information Practices
OIP Op. Ltr. No. 90-8 re:
"Drafts of Correspondence & Staff Notes"
(Feb. 12, 1990)**

See:

**Haw. Rev. Stat. Chapt. 92F
Uniform Information Practices Act (UIPA) (Modified)
(effective: July 1, 1989).**

See web site: www.state.hi.us/oip

Note - *This informational sheet may be copied & provided: to the person requesting it; or, for those who have questions about information maintained by the government that is not subject to public disclosure.*

Gagorik, Susan

From: Kanuha, Duane
Sent: Tuesday, April 01, 2014 12:44 PM
To: Arai, Daryn
Cc: Gagorik, Susan
Subject: RE: (Kealakekua Heritage Ranch -1) Subdivision No. 13-001285

OK to final on the 23-7

From: Daryn Arai [<mailto:dara1@co.hawaii.hi.us>]
Sent: Tuesday, April 01, 2014 11:52 AM
To: Kanuha, Duane
Subject: FW: (Kealakekua Heritage Ranch -1) Subdivision No. 13-001285

Duane,

We were able to get KDC to commit to preparing a rezoning application to revert lands back to original designation with proper accommodations for the conservation easement. Attached is their original letter to this office that started this discussion.

The email below confirms their commitment to do the rezoning.

Okay to finalize their 23-7 consol/resub that is still pending with this office?

Susan has it all prepared and ready to go final.

Daryn

From: Jason K. Knable [<mailto:jknable@carlsmith.com>]
Sent: Tuesday, April 01, 2014 9:20 AM
To: 'Gagorik, Susan'
Cc: 'Daryn Arai'
Subject: RE: (Kealakekua Heritage Ranch -1) Subdivision No. 13-001285

Hi Susan:

When can we expect to receive Final Subdivision Approval on our pending Chapt. 23-7 subdivision (Sub. No. 13-001285)? Our clients are asking. When you have a chance. Thanks.

Jason K. Knable
Paralegal | Carlsmith Ball LLP

121 WAIANUENUE AVENUE, HILO, HI 96720

Main: (808) 935-6644 Fax: (808) 935-7975 Web: www.carlsmith.com Email: jknable@carlsmith.com

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Machida, Laurie

From: Gagorik, Susan
Sent: Monday, March 31, 2014 9:01 AM
To: Holmes, Jonathan; Cheplic, Ed
Cc: Machida, Laurie
Subject: Kealakekua

FYI, I checked with Daryn and he asked that we hold off on issuing TA for Kealakekua until they submit something to writing to us to initiate rezoning back to original.

I returned draft type letter to Laurie.

Susan

Susan K. Suzuki Gagorik
Planning Program Manager - Administrative Permits Division
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720
Phone: (808) 961-8154 Fax: (808) 961-8742
Website: <http://hawaiicounty.gov/planning>

3/31/2014



Machida, Laurie

From: Gagorik, Susan
Sent: Tuesday, October 22, 2013 2:09 PM
To: Kanuha, Duane; Arai, Daryn
Cc: Holmes, Jonathan; Cheplic, Ed; Machida, Laurie
Subject: RE: Sub 13-001285; Rezone 798;UsePermit 121;SP 898 - Kealakekua Ranch
 OK. Thanks for the update and direction.

Susan K. Suzuki Gagorik
 Planning Program Manager - Administrative Permits Division
 County of Hawaii Planning Department
 101 Pauahi Street, Suite 3
 Hilo, Hawaii 96720
 Phone: (808) 961-8154 Fax: (808) 961-8742
 Website: <http://hawaiicounty.gov/planning>
 Downtown Hilo Website: <http://hawaiicounty.gov/pl-edh2025>
<http://ourdowntownhilo.com>

From: Kanuha, Duane
Sent: Tuesday, October 22, 2013 11:18 AM
To: Gagorik, Susan; Arai, Daryn
Cc: Holmes, Jonathan
Subject: Sub 13-001285; Rezone 798;UsePermit 121;SP 898 - Kealakekua Ranch

All,

I met with Steve Lim, Jason Knable, Tom Pace and George Hendrickson regarding this project this morning.

They have a 3-lot consolidation/resubdivision submittal that we have deferred pending resolution of pending entitlements.

I understand that they have not complied with various conditions of entitlement approvals and they have been given notification that zoning and other entitlements are subject o revocation by the PD but such revocation has not been implemented yet.

They will be initiating a revocation request for the UP, SP and A-1a and A-3a zoning to have the A-1a/A-3a zoned portions revert back to the original A-20a zoning. That portion of the property that is encumbered by the conservation easement will continue to be retained in it's A-800 or whatever it is. Since the conservation easement is in perpetuity, it makes no difference what the underlying zoning is but thought best to leave it as is.

Once that request comes in, then we can re-visit the 3-lot con/resub since it is necessary to split out the non-conservation portions of the property from the remainder of the property which will be retaining in the conservation easement.

dk



10/22/2013

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- Tax Details 2011
- Tax Details 2010
- Tax Details 2009
- Tax Details 2008
- Tax Details 2007
- Tax Details 2006
- Tax Details 2005
- Tax Details 2004
- Tax Details 2003

PARID: 590050190000
NYGREN,JOHN

Permits

Date	Permit No	Reason for Permit	Amount
08/29/1991	911817		\$167,184
09/08/1987	871650		\$48,000

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- Tax Details 2007
- Tax Details 2006
- Tax Details 2005
- Tax Details 2004
- Tax Details 2003

PARID: 590050190000
NYGREN,JOHN

Parcel Data

Site Address 59-224 ALA KAHUA DRIVE

Unit No.

Property Class AGRICULTURAL

Zoning Call the Planning Department at (808) 961-8288.

Owner

Owner	Address	City	State	Country	Zip Code
NYGREN,JOHN	P O BOX 2680	KAMUELA	HI		96743
NYGREN,LYNDA					

CURRENT RECORD

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Printable Summary

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Machida, Laurie

From: Holmes, Jonathan
Sent: Friday, October 04, 2013 7:26 AM
To: Childs, Keola; Grilho, Shancy
Cc: Mark, Bennett; Gagorik, Susan; Reardon, Kevin; Kala, Alukahe; Machida, Laurie; Kanuha, Duane; Ley, Rachelle; Lucero, Earl; Arai, Daryn
Subject: RE: Request for File: SUB-13-001285

All,

I will acknowledge this 23-7 application next Monday.

I have delayed this because the properties involved are encumbered by a SPecial Permit, a USE permit and a REZoning. The compliance with these entitlements is questionable so I have Planning Division (Earl) looking into it.

This could have gone straight to final except my concern that it has nothing to do with the above.

From: Childs, Keola
Sent: Thursday, October 03, 2013 4:28 PM
To: Grilho, Shancy
Cc: Mark, Bennett; Gagorik, Susan; Reardon, Kevin; Kala, Alukahe; Holmes, Jonathan; Machida, Laurie
Subject: RE: Request for File: SUB-13-001285

Sounds great, Shancy, I appreciate your help with this unusual situation, and I'm sure the Olsons will, too. Sorry if it disrupted processing, just had to make the effort for this neighboring landowner. Again, thanks!

Keola

From: Grilho, Shancy
Sent: Thursday, October 03, 2013 4:24 PM
To: Childs, Keola
Cc: Mark, Bennett; Gagorik, Susan; Reardon, Kevin; Kala, Alukahe; Holmes, Jonathan; Machida, Laurie
Subject: RE: Request for File: SUB-13-001285

Hi Keola,

Thank you for your follow up email. That's true, the neighbor does have every right to comment on the pending application. Please note that it is not the intent to not provide any information in any way. The preliminary plat map will be scanned tomorrow morning and emailed to you, along with any other information that may not have been provided in the scanned application sent to you earlier.

Please print out the scanned and redacted application sent to you earlier today for the constituent. Please also let him know that the scanned map will be emailed to you tomorrow. Please accept my apology for any inconvenience.

If you have any questions, please call me at (808)961-8288 ext. 8144.

Thank you,
 Mahalo Nui Loa,

Shancy

From: Childs, Keola
Sent: Thursday, October 03, 2013 3:12 PM
To: Grilho, Shancy
Cc: Mark, Bennett



10/7/2013

Subject: RE: Request for File: SUB-13-001285

Thanks for the info, Shancy. However, the interested party is a nearby (and notified) property owner, so is directly interested in what changes are being proposed including what improvements, if any, are being offered or proposed to be changed. He has a right to comment on the application before the action deadline next week.

Please arrange with Susan to provide a copy of the submitted site plan, and any other non-scanned info, available for his viewing at our West Hawaii office. Since we received this application over a month ago, and the subdivision code requires our approval, denial or deferral within 45 days, we should be able to allow notified parties an opportunity to view the file, or a copy of the file, before our action deadline (without having to drive to Hilo). Please confer with Susan. This party is a local attorney as well a site neighbor, so I especially want to be sure we are providing reasonable access to noticed information.

Keola

From: Grilho, Shancy
Sent: Thursday, October 03, 2013 2:45 PM
To: Childs, Keola
Cc: Kala, Alukahe; Reardon, Kevin
Subject: RE: Request for File: SUB-13-001285

Hi Keola,

Thank you for your inquiry. The application is still in review (no formal acknowledgement was sent to the applicant yet). You may view the application via Laserfiche. Please take care not to email the application as the payment information is included. You may print out the application (please verify that the payment check was redacted).

If you have any questions, please call me at (808)961-8288 ext. 8144.

Thank you,
Mahalo Nui Loa,
Shancy

From: Childs, Keola
Sent: Thursday, October 03, 2013 10:38 AM
To: Grilho, Shancy; Kala, Alukahe; Reardon, Kevin
Subject: Request for File: SUB-13-001285

Hi, all –

Please send over the above-referenced SUB (CON) file.

Keola

RE: Peter Olson 323-2677



10/7/2013

Machida, Laurie

From: Arai, Daryn
Sent: Friday, October 04, 2013 8:30 AM
To: Holmes, Jonathan; Childs, Keola; Grilho, Shancy
Cc: Mark, Bennett; Gagorik, Susan; Reardon, Kevin; Kala, Alukahe; Machida, Laurie; Kanuha, Duane; Ley, Rachelle; Lucero, Earl; Darrow, Jeff; Fujimoto, Phyllis; Cottle, Maija
Subject: RE: Request for File: SUB-13-001285
Attachments: RE: Kealakekua Development Corp.; RE: Kealakekua Ranch 8-2-12:1; FW: Kealakekua Dev. Co.; FW: Kealakekua Dev. Co.

Thanks Jonathan.

Work with Earl, who will also check in with Phyllis and Jeff to make sure we are all on the same page.

My "from-the-hip" comments regarding this subdivision is whether such subdivision action will defeat the efforts of all these entitlements that still remain in place. If they don't want to perform under these entitlements, they should ask that it be revoked before pursuing other actions that depart from the original intent of these entitlements. My gut feeling is that we should not be approving this 23-7 subdivision.

For those getting this email, this is the former Kealakekua Development Project above Choice Mart in S. Kona. I recall small ag lots, golf course and a large conservation lot the encumbers the native koa forest up there. They want to change the concept, going with 20 acre lots, think. But Chris Yuen had concerns about the conservation lot. Even the state got involved.

Attaching a bunch of old emails that describes Chris Yuen's position on this just to give you all some background.

Daryn

From: Holmes, Jonathan
Sent: Friday, October 04, 2013 7:26 AM
To: Childs, Keola; Grilho, Shancy
Cc: Mark, Bennett; Gagorik, Susan; Reardon, Kevin; Kala, Alukahe; Machida, Laurie; Kanuha, Duane; Ley, Rachelle; Lucero, Earl; Arai, Daryn
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I will acknowledge this 23-7 application next Monday.

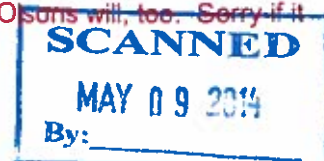
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10/7/2013



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Keola

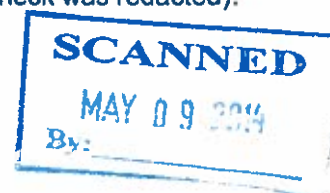
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10/7/2013



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Shancy

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Subject: Request for File: SUB-13-001285

Hi, all –

Please send over the above-referenced SUB (CON) file.

Keola

RE: Peter Olson 323-2677



Machida, Laurie

From: Yuen, Chris
Sent: Monday, April 14, 2003 11:59 AM
To: Arai, Daryn
Cc: Takemoto, Roy; Hayashi, Norman
Subject: RE: Kealakekua Development Corp.

I'm not sure if I can attend yet, but the key points are:

1. There is a current requirement of a management plan. It must be formulated and implemented. No logging unless authorized under an approved management plan.
2. Background: Office of Planning was petitioning to put most of Kealakekua Ranch into conservation around 1994. They withdrew their petition on KDC promising to create this 8000 acre unsubdividable area as part of the A-1a zoning of the lower portion, and preserve forest values for native trees and especially watershed. Hence, it is tied in with the A-1a zoning and cannot be undone on its own: to rezone the A-8000a area will require an amendment to the same ordinance that rezoned the entire area, including the A-1a area. I will oppose any rezoning that does not further the goal of watershed and forest protection in the mauka area. It's not entirely a question of the lot size, although it would have to be in very large lots, but also of the active management of the area. They also need to note that they would have difficulty meeting the subdivision code re water and roads, and that our policy will not be to rezone when the applicant will need variances to develop.

-----Original Message-----

From: Arai, Daryn
Sent: Monday, April 14, 2003 11:39 AM
To: Yuen, Chris
Subject: Kealakekua Development Corp.

Chris,

A meeting is tentatively scheduled on April 25 @ 5:00pm at Kona Brewery regarding potential purchase of 8,000 acres of the former KDC project site. This meeting is being coordinated, I believe, by a Pam of TREE. Doug Troxell is the potential purchaser of these lands and wishes to possibly subdivide into 300 acre lots for potential logging. Troxell is represented by Ed Rapoza, who appears to be promoting the subdivision and logging of the property.

Others in attendance are: Denise Light & Lisa Hadway of NRCS
Rob Shallenberger of TNC
Eric Renz, a logger

They asked for a representative of Planning to be there to explain the rezoning process. I can attend the meeting, but I also will emphasize the need to comply with current commitments and obligations under the existing change of zone ordinance, namely, the forest management plan. I hope they don't think that by attempting a rezoning that they can clear themselves of obligations to protect the forest.

Is this a meeting that you wish to attend or do you feel comfortable enough that only I attend?

Daryn



Machida, Laurie

From: Yuen, Chris
Sent: Wednesday, April 02, 2003 10:30 AM
To: Chang, Deborah
Cc: Arai, Daryn
Subject: RE: Kealakekua Ranch 8-2-12:1

OSP dropped the conservation district petition and made an agreement that the rezoning would include a A-8000a lot in which uses would be restricted by a forest management plan. I wrote a letter to the owner 1-2 years ago saying that they were obligated to do the forest management plan even though they had not proceeded with the rest of the development.

This is important because the area should not be logged prior to a forest management plan.

I met with Bill Moore and Chris Lau, who represent the new buyers, and I thought I made it clear that they still had to do this plan. (Property was sold in the last few months.)

Please write a letter to the new owners, cert mail rrr, cc Chris Lau and Bill Moore, (ask Bill for a name/address if we don't have one) and refer to this letter, and say the following:

"The forest management plan is a condition of the current zoning ordinance that applies to the property. It is important that it be prepared and implemented. It cannot be deferred until other development of the property. In particular, we will treat any activity that may degrade the forest resources, such as logging within the forest management area, as a violation of the rezoning ordinance, unless it is done as part of an approved forest management plan with the primary goal the enhancement of the forest resources. It is not permissible under the ordinance to log the area, then prepare a forest management plan."

-----Original Message-----

From: Chang, Deborah
Sent: Wednesday, April 02, 2003 9:47 AM
To: Yuen, Chris
Cc: Arai, Daryn
Subject: Kealakekua Ranch 8-2-12:1

Chris,

Prompted by a request from someone, I requested the REZ file for Kealakekua Development Co. Am I correct that there has not been follow through on the Petition for Land Use District Boundary Amendment by OSP for 11,587 acres from the Agricultural District to the Conservation District?? The action was initiated in Nov. 1993 but is shown as still pending in our permit system.

The person who requested info. is in touch with an interested buyer who is being advised that logging in that area would be a permitted use, being that the area is still in the Agricultural District.

Debbie



Machida, Laurie

From: Kawaha, Alice
Sent: Friday, November 23, 2001 9:19 AM
To: Arai, Daryn
Subject: FW: Kealakekua Dev. Co.

I don't know if Chris or Pat forwarded this Oct. 10th email to your already. But, here it is.

-----Original Message-----

From: Yuen, Chris
Sent: Wednesday, October 10, 2001 11:20 AM
To: Kawaha, Alice; Arai, Daryn
Cc: Takemoto, Roy
Subject: Kealakekua Dev. Co.

I suggest answering to Mike Matsukawa's Oct. 6, 2001 letter as follows, please review and let me know if you disagree or have other suggestions:

In your October 6, 2001 letter and in your prior telephone conversation with me you expressed the desire of the owners of the Kealakekua Development Co. property to undo the rezoning to A-1a and A-3a, while keeping the zoning of the A-8000a area, in order to create 20 acre parcels for eventual sale. Your client also wants to void the special permit and use permit for the golf course.

After reviewing the rezoning ordinances, I believe that the cleanest way to proceed would be to submit an application to repeal the prior rezoning ordinances and to rezone portions of the property back to A-20a. You should also apply to the Planning Commission to revoke the use permit and special permit.

The Planning Department will support your clients' wishes and the revocation of the various conditions attached to the rezoning, if the A-8000a property remains so zoned and subject to the forest management plan condition. The other conditions are specific to the potential impacts generated by the more intensive development contemplated by the original rezoning and are not appropriate to an A-20a zoning.

I cannot absolutely preclude the possibility that after agency review, the Planning Department will recommend that some conditions be attached to the A-20a rezoning. There is also the possibility that the Council would attach some conditions. I do understand and agree, however, that the review of the proposed rezoning must be made with the understanding that your client is merely seeking a return to the status that existed before the 1995 rezoning. In particular, it would not be appropriate to require a water supply or significant offsite road improvements. I should mention, however, that if your client wishes to subdivide after rezoning to A-20a, without a water system, it will need a water variance, just as it would have if the 1995 rezoning had never occurred, and will need to comply with, or obtain a variance from, all applicable subdivision requirements.

Finally, I would not interpret the present zoning ordinance to preclude your client from obtaining a consolidation/resubdivision to the existing number of lots, pursuant to H.C.C. sec. 23-7.



Machida, Laurie

From: Yuen, Chris
Sent: Tuesday, October 30, 2001 9:34 AM
To: Arai, Daryn
Subject: FW: Kealakekua Dev. Co.

Daryn—this is what I referred to. Please consider whether there is a simpler way to undo the zoning, with consent of the owner. I'd be willing to do it if it worked but I don't know that there's a way. I don't think it's necessary to go to council on principle but I think that once the zoning is effective the landowner cannot void it unilaterally or even with PD approval. Especially here where there are a bunch of conditions attached to subdivision, with, unless I missed it, no exception if the subdivision is to 20 acres. Normally, if there were no express conditions, an owner who had A-1a zoning but then decided to do 20 acre lots could just do it thru subdivision and wouldn't need a rezoning back.

-----Original Message-----

From: Yuen, Chris
Sent: Wednesday, October 10, 2001 11:20 AM
To: Kawaha, Alice; Arai, Daryn
Cc: Takemoto, Roy
Subject: Kealakekua Dev. Co.

I suggest answering to Mike Matsukawa's Oct. 6, 2001 letter as follows, please review and let me know if you disagree or have other suggestions:

In your October 6, 2001 letter and in your prior telephone conversation with me you expressed the desire of the owners of the Kealakekua Development Co. property to undo the rezoning to A-1a and A-3a, while keeping the zoning of the A-8000a area, in order to create 20 acre parcels for eventual sale. Your client also wants to void the special permit and use permit for the golf course.

After reviewing the rezoning ordinances, I believe that the cleanest way to proceed would be to submit an application to repeal the prior rezoning ordinances and to rezone portions of the property back to A-20a. You should also apply to the Planning Commission to revoke the use permit and special permit.

The Planning Department will support your clients' wishes and the revocation of the various conditions attached to the rezoning, if the A-8000a property remains so zoned and subject to the forest management plan condition. The other conditions are specific to the potential impacts generated by the more intensive development contemplated by the original rezoning and are not appropriate to an A-20a zoning.

I cannot absolutely preclude the possibility that after agency review, the Planning Department will recommend that some conditions be attached to the A-20a rezoning. There is also the possibility that the Council would attach some conditions. I do understand and agree, however, that the review of the proposed rezoning must be made with the understanding that your client is merely seeking a return to the status that existed before the 1995 rezoning. In particular, it would not be appropriate to require a water supply or significant road improvements as an express condition of rezoning. I should mention, however, that if your client wishes to subdivide after rezoning to A-20a, without a water system, it will need a water variance, just as it would have if the 1995 rezoning had never occurred, and will need to comply with, or obtain a variance from, all other applicable subdivision requirements.

Finally, I would not interpret the present zoning ordinance to preclude your client from obtaining a consolidation/resubdivision to the existing number of lots, pursuant to H.C.C. sec. 23-7, either before or after a rezoning to A-20a. .

