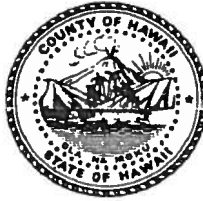


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

December 10, 2001

Mr. Michael J. Matsukawa  
75-5751 Kuakini Highway  
Kailua-Kona, HI 96740

Dear Mr. Matsukawa:

Change of Zone Ordinance No. 95-70, as Amended by Ordinance No. 98-63(REZ 798)  
Use Permit No. 121 (USE 121)  
Special Permit No. 898 (SPP 898)  
Applicant: Kealakekua Development Corporation  
TMK: 8-2-12: 12 and a Portion of 1; South Kona, Hawaii

Thank you for your letter dated October 6, 2001, regarding the above-described ordinance and permits and providing us with an update of the status of the proposed agricultural subdivision and golf course development. We apologize for the time it has taken us to respond to your letter.

After reviewing the rezoning ordinance, I believe that the cleanest way to proceed would be to submit a change of zone application to rezone portions of the property back to A-20a while maintaining the A-8000a zoning currently in place. You should also apply to the Planning Commission to revoke the Use Permit and Special Permit concurrently with your change of zone request.

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

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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 successfully rezoning the properties 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.

Please contact Daryn Arai at 327-3510 should you have any questions regarding this matter.

Sincerely,

CHRISTOPHER J. YUEN  
Planning Director

Unsigned

DSA:da  
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c: w/ltr: West Hawaii Office