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STATE OF HAWAII**

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Ref. No. P-14876

August 19, 2015

Mr. Sidney Fuke, Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: Aina Lea Development Plan - LUC Docket No. A87-717  
Waikoloa, South Kohala, Hawaii, TMK: (3) 6-8-1: 37

Thank you for meeting with us and submitting your letter request for our review and comments regarding the consistency of the revised Aina Lea master plan with Condition 3 of the Land Use Commission's (LUC) Findings of Fact, Conclusions of Law, and Decision and Order in Docket No. A87-717. Condition 3 provides in relevant part that:

“Petitioner shall ensure that a buffer area along the boundary of the Property fronting the Queen Kaahumanu Highway right-of-way will be preserved to protect natural open space and scenic views. This buffer area shall be preserved in perpetuity either through the establishment of a conservation easement pursuant to Chapter 198, HRS as amended, or such other means as shall be reviewed and approved by the Office of State Planning of the State of Hawaii.

The buffer area shall be comprised of approximately 225 acres and shall extend inland from the Queen Kaahumanu Highway right-of-way to a depth of approximately 1,200 feet...”

The revised master plan dated April 16, 2015 incorporates a 300-foot natural buffer area plus a 900-foot area with golf course/open space and unimproved areas with no structures.

The Office of Planning (OP) has reviewed the record in greater depth and discovered issues which were not identified or discussed in our meeting. We note the following:

1. On July 21, 1988, OP recommended denial of the petition. In so doing, OP noted the adverse visual impacts from the proposed development:

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“...the vast, stark open lava fields both makai and mauka of the highway offer a unique visual experience for residents and visitors. It offers a strong contrast between remote luxury resorts and the natural landscape.” (p. 10)

“The vast natural open spaces is an important identifying element of the South Kohala resort destination area. This distinguishes it from the other resort destinations in the State... Unlike the resort areas of Wailea and Kaanapali, where the original landscape has been replaced, the natural open space of lava fields and rolling hills should be a predominant element in any development located in South Kohala and North Kona.” (p. 22)

2. On September 28, 1988, OP recommended approval of the petition subject to the imposition of a condition for a 1,200-foot natural buffer (as stated in the current Condition 3).
3. On April 29, 1991, OP’s testimony criticized the Puako Residential Golf Community Environmental Assessment for stating that the natural open space buffer will be irrigated and that other natural alterations will occur.
4. The July 9, 1991 Decision and Order cited the revised plan’s incorporation of a 1,200-foot wide natural open space buffer strip along Queen Kaahumanu Highway and that: “...This buffer area will serve as a visual transition zone from the highway to the community. The buffer area will remain in its natural state with exposed lava, grass and scattered trees.” (Finding of Fact 37, emphasis added)
5. The Site Master Plan in 2005 provides for a 1,200-foot natural buffer as well as two golf courses mauka of this natural buffer (see attached). This buffer substantially complies with Condition 3.

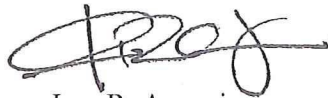
Based on the above, the proposed reduction of the natural area from 1,200 to 300 feet is not acceptable to OP at this time. Petitioner must adhere to the natural buffer currently required by Condition 3.

Additionally, we have conferred with our OP Deputy Attorney General and confirmed that there are no legal problems arising from the recent Supreme Court order that prevent OP’s review of this condition of approval.

Mr. Sidney Fuke  
August 19, 2015  
Page 3

Please feel free to contact Rodney Funakoshi of our Land Use Division at (808) 587-2885 if you should have any questions regarding the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leo R. Asuncion', with a stylized flourish at the end.

Leo R. Asuncion  
Acting Director

Enclosure

c: Daryn Arai, Hawaii County Planning Department  
Daniel Orodenker, Land Use Commission



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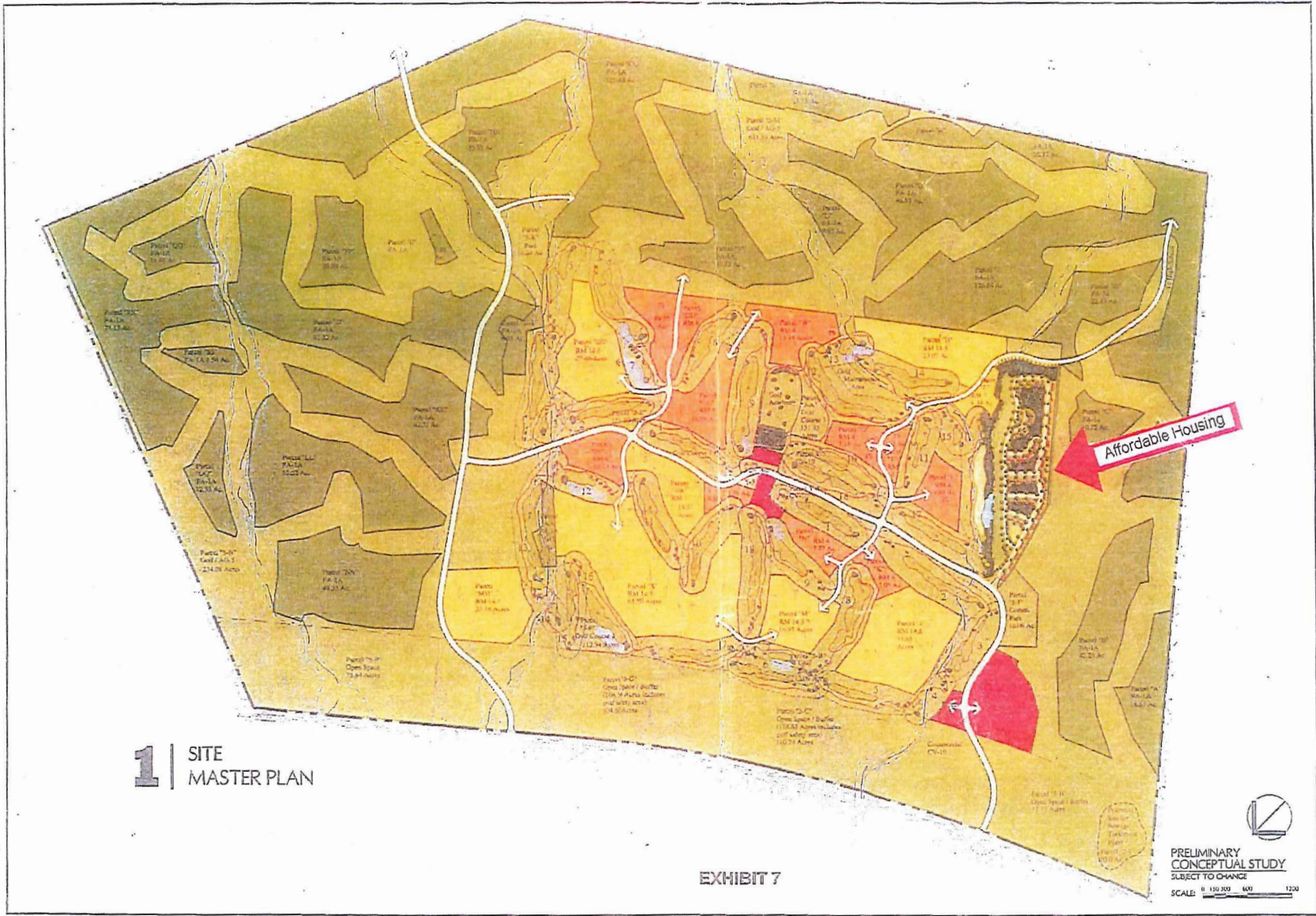
AINA LEA  
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SCALE: 1" = 5571.000'  
 DATE: 02/05/09

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1 | SITE MASTER PLAN

EXHIBIT 7

PRELIMINARY  
 CONCEPTUAL STUDY  
 SUBJECT TO CHANGE  
 SCALE: 0 150 300 600 1200