CERTIFIED MAIL

October 28, 1987

Mr. Gary Okamoto
Wilson, Okamoto & Associates
P. O. Box 3530
Honolulu, HI 96811

Dear Mr. Okamoto:

Time Extension to Condition No. 2 of
Use Permit No. 33
Petitioner: TSA International, Ltd.
TMK: 7-3-09:Portion of 17

The Planning Commission at its duly held public hearing on October 21, 1987, voted to approve a time extension to Use Permit No. 33 which allowed for the development of a golf course and related improvements within the Unplanned (U) Zoned District at Kaloko and Kohanaiki, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant has finalized the archaeological work required as a condition of approval. Since the intensive survey report recommends preservation of several sites, a revision would need to be made in the layout of the golf course.

During its General Plan comprehensive review, the Planning Department and Planning Commission have both recommended an Alternate Urban Expansion (AUE) designation amendment to the LUPAG Map. The proposed General Plan amendments are presently under review by the County Council. This potential land use change has prompted a reevaluation of TSA's future plans for the Kaloko area.

Given the possible directions afforded the landowner, it is reasonable to request additional time in which to assess the market and conduct a financial analysis of the situation.

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Based upon the above, the one-year time extension request is effective from the date of this approval.

It is further recommended that Condition 11 be amended to read:

"[Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the permit shall be void.] An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the petitioner, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit."

Finally, all other conditions of the permit shall remain in effect.

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

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona

bcc: Plan Approval Section