Stephen K. Yamashiro
*Mayor*

# County of Hawaii

## PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL
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NOV 07 1996

Tokyo Green Hawaii, Inc.
c/o Mr. Ned Dewey
Pacific Land Services, Inc.
810 Richards Street, Suite 900
Honolulu, HI 96813

Dear Mr. Dewey:

Use Permit No. 33 (USE 33)
Applicant: Tokyo Green Hawaii, Inc.
Request: Extension of Time to Condition No. 2 (Submit Plans)
Tax Map Key: 7-3-9:Portion of 17

The Planning Commission at its duly held public hearing on October 30, 1996, voted to approve the above-referenced request for an amendment to Condition No. 2 (submit plans for Plan Approval review) of Use Permit No. 33, which allowed the development of a golf course and related improvements. The property is located approximately 4,000 feet mauka of the Queen Ka'ahumanu Highway in the vicinity of the Kaloko Industrial Subdivision at Kaloko and Kohanaiki, North Kona, Hawaii.

Approval of this request is based on the following:

Use Permit No. 33 was approved by the Planing Commission on July 24, 1985, subject in part, to the following Condition No. 2:

"2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the permit."

Condition No. 2 requires the submission of plans for Plan Approval for the proposed golf course and related improvements be secured on or before July 24, 1986. An extension of time was granted by the Planning Commission on October 21, 1987.

TSA International Ltd., submitted plans for the golf course; however, the plans were returned by the Department of Public Works for further revisions.

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Tokyo Green Hawaii, Inc. purchased the subject property along with TMK: 7-3-9:26, 27 and 28 from TSA International, Inc. in November 1993.

On September 4, 1996, the Tokyo Green Hawaii, Inc. filed a request to amend Condition No. 2 for an extension of time to submit plans for Plan Approval of Use Permit No. 33.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The amendment to Condition No. 2 would not be contrary to the original reasons for granting the Use Permit. The request is still consistent with the original reasons for approval of Use Permit No. 33. The applicant, in its request, stated that there may be an encroachment of a portion of the Kaloko dryland forest upon the golf course area. The applicant has been working with the U.S. Department of Fish and Wildlife, performing investigations relating to endangered species. Due to this recent event, the applicant has requested an additional two (2) years wherein to comply with Condition No. 2.

The inability of the applicant to comply with the requirements of Condition No. 2 of Use Permit No. 33 are the result of conditions which could not have been foreseen or are beyond the control of the applicant. The recent need to review the encroachment is the result of conditions which could not have been foreseen and not the result of their fault or negligence.

Based on the above, the request for a two-year extension of time in which to submit plans for Plan Approval of the proposed improvements is hereby approved.

Approval of this amendment is subject to the following (new material is underscored and deleted material is bracketed):

"2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within [one year] <u>two years</u> from the effective date of [the permit] <u>this amendment</u>."

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Kevin M. Balog, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Zoning Inspector