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PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

May 21, 1980

Mr. Willis H. Sanburn
Director of Business Relations
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. Sanburn:

Time Extension to Use Permit Nos. 2, 3 & 7
Petitioner: Transcontinental Development Company
Tax Map Key 6-8-03:Portion of 32

The Planning Commission at its duly held public hearing on May 8, 1980, considered the above request by Transcontinental Development Company (formerly filed by Boise Cascade Recreation Communities Group) for time extensions to Use Permit Nos. 2, 3 and 7 which allowed certain uses to be established on a temporary basis within the Multiple Residential - 1,500 square foot (RM-1.5) zoned district at Waikoloa, South Kohala, Hawaii.

The Commission voted to approve the above request for a two-year time extension until July 1, 1982, for Use Permits 2, 3 and 7, based on the following considerations:

That Use Permits 2, 3, and 7 were granted to provide the petitioner with a means to establish certain uses on a temporary basis in order that the proposed development could come to fruition in a timely manner. These uses were deemed to be an essential part of the overall development and were to be allowed on an interim basis for a specified period of time until they could be located on a permanent basis on lands that are appropriately zoned. Since the granting of these Use Permits,

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the Waikoloa development has encountered various unanticipated delays, including a title suit, an international economic slowdown, and a transfer of ownership. The result of these has been a slow start-up period for the development.

The approval of the requested time extension will provide the petitioner with ample opportunity to terminate the existing Use Permits and establish the uses allowed by these permits in appropriately zoned lands. A two-year (2) time period is deemed to be adequate for the petitioner to pursue proper zoning and to develop and realize plans for those uses for which there are existing zoned lands.

It should be emphasized, however, that the Use Permits were granted on a temporary basis until the permitted uses could be established on appropriately zoned lands. Use Permits 2 and 3 were granted in 1970, while Use Permit 7 was approved in 1971. They have essentially allowed office and industrial uses within the Multiple Family Residential zoned district. The two-year time extension will mean that the life of these temporary uses has been prolonged for a twelve or eleven-year period. In spite of unanticipated delays, these lengths of time should prove adequate for the petitioner to comply with the intent of the Use Permits and the Zoning Code.

Further, given the commencement of construction in the Waikoloa Beach Resort project as well as the increase in activity in other aspects of the development, it is hoped that the earlier problems which have been encountered are now behind them. Therefore, it is determined that a two-year time extension is reasonable and adequate to allow the petitioner to phase the subject uses out in their existing locations and to establish them in accordance with the County General Plan and the Zoning Code.

The Commission further recommended that the time extension request until July 1, 1982, be approved subject to the following conditions:

1. That the conditions of approval of the original Use Permits shall be complied with.

2. That the petitioner or its authorized representative shall submit a progress report to the Planning Director by July 1, 1981, outlining the steps which have been taken to phase

out the industrial and office uses at their present locations and to re-establish them in appropriately zoned lands. The Planning Director shall file a copy of the report with the Planning Commission for their information and review.

Should any of the above conditions not be met, Use Permits 2, 3 and 7 may be deemed null and void by the Planning Commission.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,

William J. Paris Jr.

William J. Paris, Jr.
Chairman, Planning Commission

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cc: Chief Engineer, Public Works
Building Division, Public Works
Kona Services Office