June 16, 1978

Mr. Will Sanburn, Vice President
Boise Cascade Home & Land Corporation
Financial Plaza of the Pacific
Suite 1801
130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

Extension Time Request
Use Permits 2, 3 and 7
Tax Map Key 6-8-03:portion of 32

The Planning Commission at its regular meeting on June 15, 1978 considered your request for an extension of two years to Use Permits 2, 3 and 7. Use Permit 2 allowed use of a temporary construction camp housing unit as a temporary construction and administration building. Use Permit 3 allowed a 5.45-acre area to be used as a temporary material storage yard. Use Permit 7 allowed the conversion of three temporary construction and administration offices. The areas involved are within the Waikoloa Village Project, Waikoloa, South Kohala, Hawaii.

The Commission voted to recommend the approval of your time extension request until July 1, 1980, based on the following findings:

> 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

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granting of these Use Permits, the Waikoloa development has encountered various unanticipated delays, including a title suit and an international economic slowdown. 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 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 ten- or nine-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. It would be, therefore, only for compelling and extremely unusual circumstances that future time extension requests would be favorably recommended by the Commission.

This is further emphasized by the fact that there are appropriately zoned lands within the Waikoloa Village area that could accommodate the office uses. There are eight (8) parcels with a combined total area of 61.198 acres which are zoned for Village Commercial uses and which are vacant. These lands are owned by the petitioner and can be developed by the petitioner for those uses allowed by Use Permits 2 and 7. In addition, some of the parcels zoned Village Commercial and which have uses established on them are not fully developed and could accommodate office uses.

Further, a condition of the last time extension granted was that the petitioner utilize the floating zone concept to select a site for industrial uses.

This concept is incorporated in the Land Use Element of the General Plan. It is essentially designed to meet unanticipated needs for industrial uses, provided that certain standards and policies can be met.

In addition, the current General Plan Revision Program study has found that there will be a demand for industrial lands within the mauka Waikoloa development. As a result, the Planning Department has recommended that an industrial designation be allocated for the area. Should the recommendation be favorably acted upon, the petitioner could initiate appropriate action for establishing industrially zoned lands. The General Plan could, therefore, provide the petitioner with two options for pursuing appropriately zoned lands for the uses permitted in Use Permit 3.

Inasmuch as there are vacant commercially zoned lands which can accommodate the office uses and options available to the petitioner for the establishment of industrially zoned lands, the granting of future time extension requests would be contrary to the purpose and intent of the Zoning Code which provides that specific uses be established in zoned districts that are spatially discreet. The two-year time extension now being requested is determined to be 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.

Further, with the expected commencement of construction in the Waikoloa Beach Resort project and given the existing housing inventory in the North and South Kohala region, it is anticipated that the construction camp housing units in the Waikoloa Village area will be needed to fulfill their original purpose.

The Commission further recommended that the time extension request 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, 1979, 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 foregoing 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 F. MIELCKE
Chairman, Planning Commission

lgv
cc Building Division, Public Works
Kona Services Office