Planning Commission

STEPHEN K. YAMASHIRO
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

March 25, 1993

Mr. Tom Yamamoto
Nansay Hawaii,Inc.
PO Box 111222
Kamuela, HI 96743

Dear Mr. Yamamoto:

Time Extension to Use Permit No. 82
Applicant: Nansay Hawaii,Inc.
Request: Time Extension to Condition B (Final Plan Approval)
Tax Map Key 6-2-01:18, 74 and 75

The Planning Commission at its duly held public hearing on March 18, 1993, voted to approve the above time extension to Condition 2 (Secure Final Plan Approval) of Use Permit No. 82 which allowed the establishment of an 18-hole golf course and related improvements within the County's Unplanned (U) zoned district. The project site is located on the south side of the Kawaihae-Waimea Road, across from the Waimea Landmark Estates Subdivision and to the west of Anekona Estates Subdivision, Ouli, South Kohala, Hawaii.

Approval of this request is based on the following:

The issuance of the Use Permit No. 82 by the Planning Commission fulfilled all of the necessary criteria for the approval of the Use Permit application. In addition, the Use Permit was approved with 16 performance conditions to ensure the commitment made by the petitioner would be performed. The petitioner has made substantial progress in complying with the conditions of the Use Permit, especially with respect to Condition No. 4, the Community Benefit Assessment Program. The Community Benefit Assessment Program has been approved by the Planning Department, the Planning Commission and the County Council to satisfy compliance with Condition No. 4 of Use Permit No. 82. The donation of the aero-medivac helicopter has been officially accepted by the County and the County Council has also adopted Resolution No. 467-92 directing the additional monies from the Assessment program to be given to the North Hawaii Community Hospital fund.

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Substantive and good faith efforts have been made by the petitioner and they are actively moving to comply with the remaining conditions of approval.

The denial of the time extension request would not serve the best interests of the community and the region as it would seriously affect the petitioner's ability to secure the necessary financing to complete the project. The original intent of the development, which was to provide additional recreational and open space areas in the West Hawaii region, is still a valid development for the petitioner and they are committed to complete the project. Therefore, it is important to note that while the petitioner is requesting this time extension because of financing difficulties, the commitment already made by the petitioner with respect to the Community Benefit Assessment program for this project is an important element in this matter.

Based on the above, the Planning Commission approved the request and amended Condition Nos. 2 and 16 to read as follows:

2. Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Department within three years from the effective date of the approval of this request. To assure adequate time for Plan Approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. The Planning Department shall determine the related improvements and accessory uses to the golf course not inconsistent with the applicable provisions of the Zoning Code at the time of plan approval review."

16. 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 applicant, successors or assigns, and that are not the result of their fault or negligence; b) the 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 shall initiate procedures to revoke the permit.

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 Rodney Nakano of the Planning Department at 961-8288.

Sincerely,

Donald L. Manalili

Donald L. Manalili, Chairman
Planning Commission

RKN:SMN

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Plan Approval Section