September 28, 1993

Mr. Thomas Yamamoto, P.E.
Chief Operating Officer
Nansay Hawaii, Inc.
P. O. Box 111222
Kamuela, HI 96743-0020

Dear Mr. Yamamoto:

Use Permit No. 90
Applicant: Puako Hawaii Properties
Request: Administrative Time Extension
Tax Map Key: 6-8-1:25, 36, 37, 38, 39 & 40

This is to acknowledge receipt of your letter dated September 14, 1993 and copy of your letter dated May 6, 1993 requesting a time extension to the above-referenced Use Permit. Apparently our files did not contain your original letter.

Effective December 19, 1991, the Planning Commission approved your Use Permit subject to, in part, the following Condition No. 3:

"3. Final Plan Approval for three golf courses and related improvements shall be secured from the Planning Department within 18 months from the effective date of this permit. 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 (45) days prior to the date by which plan approval must be secured. Plans would delineate structure(s), archaeological and biological preservation areas, landscaping, parking, and roadway alignments, at the minimum. The Planning Department shall determine the related improvements and accessory uses to the golf courses not inconsistent with the applicable provisions of the Zoning Code at the time of plan approval review. This condition shall not preclude the simultaneous submittal of plans for the remaining golf courses.

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Condition No. 21 of the approved use permit allows the Planning Director to grant an extension of time for performance of conditions within the permit. You have informed us that due to the slow down in the general economy, the applicant has had difficulty in securing financing and is continuing to work with potential investors to reach a final agreement. The Planning Director has determined that non-performance is a result of circumstances beyond the control of the applicant and not a result of fault or negligence and hereby grants you a one year extension of time to December 19, 1994, in which to comply with Condition No. 3.

Please be aware that if an additional extension of time is needed, your request must be forwarded to County Planning Commission through this office. A $100 filing fee shall be submitted when requesting an additional extension of time together with an original and 20 copies of the request.

Also, please be aware, that you are required to comply with all conditions as stated in the Use Permit No. 90 within their appropriate timetables. For your information your next annual report will be due on or before December 19, 1993.

Should you have any questions regarding the above, please contact Susan Gagorik or Daryn Arai of this office at 961-8288.

Sincerely,

FOR VIRGINIA GOLDSTEIN
Planning Director

SG:mjs
0979D

xc w/ltr: Planning Commission
Plan Approval Section
West Hawaii Office