Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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OCT 2 5 2000

R. Ben Tsukazaki, Esq.
Tsukazaki, Yeh & Moore
100 Pauahi Street, Suite 204
Hilo, HI 96720

Dear Mr. Tsukazaki:

Use Permit No. 97 Granted to Akahi Joint Venture
Initiator: Planning Director
Request: Revocation of Use Permit No. 97
Tax Map Key: 8-7-14:2

The Planning Commission at its duly held meeting on October 6, 2000, voted to revoke Use Permit No. 97, granted to Akahi Joint Venture, which allowed a 27-hole golf course and related improvements in the County's Agricultural zoned district. The property is located on the west (makai) side of the Mamalahoa Highway approximately 5 miles north of its intersection with Milolii Road, Opihihale 2nd, South Kona, Hawaii.

The Planning Director has initiated a request that the Planning Commission consider the revocation of Use Permit No. 97 due to the inability of the applicant to secure Final Plan Approval for the proposed golf course development as required by Condition No. 3 in a timely manner. Consideration of the applicant's planning and financial difficulties due to litigation regarding the issuance of Use Permit No. 97 were considered and were supported by the issuance of two (2) administrative extensions of time by the Planning Director and an amendment to Condition No. 3 that was granted by the Planning Commission. As of the filing of the applicant's current request in May 1998 for an amendment to Condition No. 3 to allow for additional time in which to secure Final Plan Approval, in excess of 4-1/2 years have lapsed since the original established deadline of August 13, 1993 by which to secure Final Plan Approval. As of the date of the hearing, in excess of seven (7) years have lapsed without the submittal of any plans for Plan Approval Review.

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The Planning Director has concluded that more than adequate time has been afforded to the applicant to satisfy the requirements of Condition No. 3. Over the course of seven years, the applicant has not demonstrated its ability to proceed with the proposed golf course development within the extended time frame afforded to it by both the Planning Director and the Planning Commission. Furthermore, the applicant has not demonstrated its ability to commit to the timely construction of the proposed project should the time frame for compliance be further extended.

Therefore, Use Permit No. 97 is hereby revoked.

Should you have any questions regarding the above, please contact Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

Richard B. Baker, Jr., Chairman
Planning Commission

Lakahi01pc

cc: Mr. Osamu Murata
Department of Public Works
Department of Water Supply
Real Property Tax Office – Kona
Mr. Kazu Hayashida, Director/Department of Transportation
West Hawaii Office