

CERTIFIED MAIL

February 3, 1983

Mr. Herman Kong  
California-Kohala Associates  
Los Osos Management Co.  
P. O. Box 4139  
Visalia, CA 93278

Dear Mr. Kong:

Special Permit No. 71-122 (LUC 201)  
Rock Quarry and Allied Uses  
TMK: 6-8-1:Portion of 6

The Planning Commission at its duly held public hearing on January 25, 1983, considered your request for a time extension to Condition No. 4 (expiration date of permit) of Special Permit No. 71-122 (LUC 201) which allowed the operation of a rock quarry and allied uses such as crushing plant on 150 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-1:Portion of 6.

The Commission voted to deny the time extension to Condition No. 4 of the special permit based on the following findings:

That no progress has been made in the development of the quarry and the related uses. It has been over ten (10) years since the Special Permit was originally approved yet no work has been done on the site.

Further, the petitioners have not indicated any firm plans for utilizing the quarry in the near future. According to the last correspondence from the petitioner, they were still assessing the potential for developing the quarry site.

In essence, the petitioner has failed to show that there is a need for the quarry at this time. Thus, the continuation of such a permit would be contrary of the Special Permit guidelines.

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The petitioner could reapply for a Special Permit when such plans become firmer. Thus, the denial of the extension and the nullification would not prejudice the petitioner's interest in reapplying for a similar permit. This statement should not, however, be construed as a tacit commitment by the Planning Department to recommend approval of such a reapplication should it be made. The reapplication must be reviewed in light of the situation within the area at the time the request is made.

You may appeal the decision of the Planning Commission to the Third Circuit Court.

Based on the above findings, the time extension request is denied and Special Permit No. 71-122 is nullified.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,

/s/ CLYDE IMADA

  
CLYDE IMADA  
Chairman, Planning Commission

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cc: State Land Use Commission