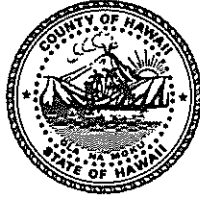


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 323 775

NOV 07 1996

Tokyo Green Hawaii, Inc.  
c/o Mr. Ned Dewey  
Pacific Land Services, Inc.  
810 Richards Street, Suite 900  
Honolulu, HI 96813

Dear Mr. Dewey:

Use Permit No. 33 (USE 33)  
Applicant: Tokyo Green Hawaii, Inc.  
Request: Extension of Time to Condition No. 2 (Submit Plans)  
Tax Map Key: 7-3-9:Portion of 17

The Planning Commission at its duly held public hearing on October 30, 1996, voted to approve the above-referenced request for an amendment to Condition No. 2 (submit plans for Plan Approval review) of Use Permit No. 33, which allowed the development of a golf course and related improvements. The property is located approximately 4,000 feet mauka of the Queen Ka'ahumanu Highway in the vicinity of the Kaloko Industrial Subdivision at Kaloko and Kohanaiki, North Kona, Hawaii.

Approval of this request is based on the following:

Use Permit No. 33 was approved by the Planning Commission on July 24, 1985, subject in part, to the following Condition No. 2:

- "2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the permit."

Condition No. 2 requires the submission of plans for Plan Approval for the proposed golf course and related improvements be secured on or before July 24, 1986. An extension of time was granted by the Planning Commission on October 21, 1987.

TSA International Ltd., submitted plans for the golf course; however, the plans were returned by the Department of Public Works for further revisions.

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NOV 07 1996

Tokyo Green Hawaii, Inc. purchased the subject property along with TMK: 7-3-9:26, 27 and 28 from TSA International, Inc. in November 1993.

On September 4, 1996, the Tokyo Green Hawaii, Inc. filed a request to amend Condition No. 2 for an extension of time to submit plans for Plan Approval of Use Permit No. 33.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The amendment to Condition No. 2 would not be contrary to the original reasons for granting the Use Permit. The request is still consistent with the original reasons for approval of Use Permit No. 33. The applicant, in its request, stated that there may be an encroachment of a portion of the Kaloko dryland forest upon the golf course area. The applicant has been working with the U.S. Department of Fish and Wildlife, performing investigations relating to endangered species. Due to this recent event, the applicant has requested an additional two (2) years wherein to comply with Condition No. 2.

The inability of the applicant to comply with the requirements of Condition No. 2 of Use Permit No. 33 are the result of conditions which could not have been foreseen or are beyond the control of the applicant. The recent need to review the encroachment is the result of conditions which could not have been foreseen and not the result of their fault or negligence.

Based on the above, the request for a two-year extension of time in which to submit plans for Plan Approval of the proposed improvements is hereby approved.

Approval of this amendment is subject to the following (new material is underscored and deleted material is bracketed):

- "2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within [one year] two years from the effective date of [the permit] this amendment."

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.

Tokyo Green Hawaii, Inc.  
c/o Mr. Ned Dewey  
Pacific Land Services, Inc.  
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LTokyo01.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Zoning Inspector

CERTIFIED MAIL

October 28, 1987

Mr. Gary Okamoto  
Wilson, Okamoto & Associates  
P. O. Box 3530  
Honolulu, HI 96811

Dear Mr. Okamoto:

Time Extension to Condition No. 2 of  
Use Permit No. 33  
Petitioner: TSA International, Ltd.  
TMK: 7-3-09:Portion of 17

The Planning Commission at its duly held public hearing on October 21, 1987, voted to approve a time extension to Use Permit No. 33 which allowed for the development of a golf course and related improvements within the Unplanned (U) Zoned District at Kaloko and Kohanaiki, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant has finalized the archaeological work required as a condition of approval. Since the intensive survey report recommends preservation of several sites, a revision would need to be made in the layout of the golf course.

During its General Plan comprehensive review, the Planning Department and Planning Commission have both recommended an Alternate Urban Expansion (AUE) designation amendment to the LUPAG Map. The proposed General Plan amendments are presently under review by the County Council. This potential land use change has prompted a reevaluation of TSA's future plans for the Kaloko area.

Given the possible directions afforded the landowner, it is reasonable to request additional time in which to assess the market and conduct a financial analysis of the situation.

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Mr. Gary Okamoto  
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Based upon the above, the one-year time extension request is effective from the date of this approval.

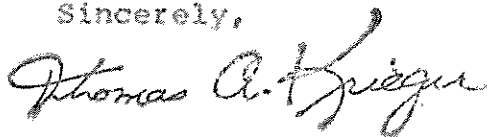
It is further recommended that Condition 11 be amended to read:

"[Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the permit shall be void.] 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 petitioner, successors or assigns, and that are not the result of their fault or negligence; b) 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 may initiate procedures to nullify the permit."

Finally, all other conditions of the permit shall remain in effect.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona

bcc: Plan Approval Section

CERTIFIED MAIL

July 31, 1985

Mr. Kazuo Omiya, Vice President  
TSA International, Inc.  
1150 S. King Street, Suite 901A  
Honolulu, HI 96814

Dear Mr. Omiya:

Use Permit Application  
TMK: 7-3-09:Portion of 17

The Planning Commission at its duly held public hearing on July 24, 1985, voted to approve your application, Use Permit No. 33, to allow the development of a golf course and related improvements within the Unplanned (U) zoned district at Kaloko and Kohanaiki, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of the golf course and related improvements will not be inconsistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the General Plan.

As stated in its testimony to the State Land Use Commission for the reclassification of this property from the Agricultural to the Urban District, "The Planning Department is supportive of providing such a recreational facility (golf course and related improvements) at its particular location." The Planning Commission concurs with this statement. The granting of the requested use would complement the goals of the General Plan's Recreation element which state to "Provide a wide variety of recreational opportunities for the residents of the County," and to "Provide a diversity of environments for active and passive pursuits." The approval of this request would also complement the Economic policy of the General Plan which states that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors." The granting of this particular request would

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Mr. Kazuo Omiya, Vice President

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further complement a specific course of action for the Kona area which states that "The County should explore the possibility of encouraging . . . other new industries in the area."

The proposed recreational facility would also complement the Kona Regional Plan's Land Use Concept Map which designates the property for open-type uses, including golf courses.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.

The property is located adjacent to an existing urban area which is presently being developed by the petitioner as an industrial park. Further, the lands mauka of the property, including the Y-O Limited Partnership's proposed residential development, are designated for urban uses. Not only will the proposed use complement the surrounding land uses, but it would also provide a "buffer" between the residential and industrial activities existing and proposed for this section of the Kona area. A golf course development will not only preserve the "open character" of the area, but may also enhance its present landscape which consists of barren lava and sparse vegetation.

From the public standpoint, the development of the proposed use will provide the residents of the area an opportunity to golf at a "reasonable" rate or fee. As stated by the petitioner, "The objective of the proposed use is to provide a golf course readily accessible to the public, with reasonable green fees, and in proximity to the resident population of Kailua-Kona (Emphasis added)."

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.

Within the Kona area, there is only one golf course. The Keauhou Golf and Country Club, however, is associated with the Keauhou-Kona resort development. There are four other golf courses within the West Hawaii area which are also basically associated with the visitor industry. The proposed golf course facility, however, will not be developed as part of a resort community. Therefore, the granting of this particular golf course facility will not adversely affect the existing courses within the West Hawaii area.

The granting of the proposed use will not unreasonably burden public agencies to provide the necessary utilities and services. All essential utilities and services, including

Mr. Kazuo Omiya, Vice President  
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water, are or will be made available by the petitioner. Further, as required by the State Land Use Commission in granting the boundary amendment request from the Agricultural to the Urban District, the petitioner will be required to construct a mauka-makai roadway from the Queen Kaahumanu Highway to the property and extending to the mauka lands under the petitioner's ownership. Such a condition is being imposed for the granting of this particular request.

Approval of this Use Permit request is subject to the following conditions:

1. The petitioner, successors, or its assigns shall be responsible for complying with all of the stated conditions of approval.
2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the permit.
3. Construction of the golf course shall commence within one year from the date of receipt of Final Plan Approval and be completed within three years thereafter.
4. An intensive archaeological report shall be submitted to the Planning Department and State Department of Land and Natural Resources, Historic Sites Section, at the time of Plan Approval review. The report shall also include an overall archaeological/historic interpretive management plan.
5. Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. No work within the affected area shall resume until clearance is obtained from the Planning Department.
6. Access to the property from the proposed mauka-makai connector road shall meet with the approval of the Department of Public Works. Further, the mauka-makai connector road shall be constructed to the golf course access road in accordance with the requirements and standards of the Department of Public Works prior to the opening of the golf course.
7. The remainder of the mauka-makai connector road extending to the mauka boundary of lands owned by the petitioner



Mr. Kazuo Omiya, Vice President  
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mauka of the proposed golf course development shall be constructed concurrently with the conditions imposed for the petitioner's Kaloko Industrial Subdivision.

8. A drainage system shall be installed in accordance with the requirements and standards of the Department of Public Works.
9. Until such time that a municipal golf course is constructed in the West Hawaii area (Kona-Kohala region), an annual report of golf activity and average green fees and cart rates shall be submitted to the Planning Department.
10. All other applicable rules, regulations, and requirements, including those of the Department of Water Supply and State Department of Health, shall be complied with.
11. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

*Barbara Koi*

Barbara Koi, Vice Chairman  
Planning Commission

cc: Gary Okamoto  
DLNR  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
County of Hawaii, Kona Office

bcc: Plan Approval Section