BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition for an Extension of Time to the Special Permit of PRINCEVILLE AT HANALEI

SP80-349 - PRINCEVILLE AT HANALEI (Time Extension)

DECISION AND ORDER

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu, Hawaii.

OCT 19 1982
Date

Executive Officer
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition
for an Extension of Time to
the Special Permit of
PRINCEVILLE AT HANALEI

SP80-349

FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

The Land Use Commission of the State of Hawai‘i, having duly
considered the entire record in the above entitled matter, makes the
following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petitioner has filed for a time extension of one (1)
year to commence construction of an 18-hole golf course on approximately
329 acres of land situated within the State Land Use Agricultural
District at Princeville, Hanalei, Island and County of Kauai: Tax Map
Keys 5-3-01: Portion of 2, and 5-3-06: Portions of 14 and 17.

2. The Land Use Commission originally granted the Special
Permit to Princeville at Hanalei, a division of Consolidated Oil and
Gas, Inc. on March 30, 1981, subject to the condition (Condition No. 5)
that construction of the golf course begin within eighteen (18) months.
The Petitioner now requests an additional twelve (12) months (to September 30,
1983) to start construction of the golf course.

3. The Petitioner needs additional time to redesign the golf
course layout to accommodate the County of Kauai Planning Commission's
desire to relocate two golf holes from the mauka to the makai side of
Kuhio Highway.

4. The Petitioner would like to develop the golf course
simultaneously with its development of a new hotel on nearby makai lands,
but has not successfully completed negotiations for a management agreement
with a new hotel operator.
5. The County of Kauai Planning Commission conducted a public hearing on the subject time extension request on July 28, 1982 pursuant to a notice published in The Garden Island on July 6, 1982. Based upon the reasons presented by the Petitioner and the findings and recommendations of the Kauai County Planning Department, the Planning Commission voted unanimously to forward a recommendation for approval to the State Land Use Commission.

CONCLUSIONS OF LAW

1. The Petitioner has shown that unusual circumstances warrant the granting of a time extension to commence construction of the golf course on the subject property, as provided in Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission; that is, the Petitioner needs additional time to finalize the design of the golf course and to negotiate a management agreement for the new hotel which the golf course would support.

2. Granting of the time extension will in no way alter the reasons for which the permit was originally approved, will not be contrary to the purpose and intent of imposing time conditions, and will not be violative of Chapter 205-6, Hawaii Revised Statutes, nor of Part V, Land Use Commission District Regulations.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 80-349 which allows the construction of an 18-hole golf course and related facilities on approximately 329 acres of land at Princeville, Hanalei, Island and County of Kauai, more particularly identified by Tax Map Keys 5-3-01: Portion of 2 and 5-3-06: Portions of 14 and 17, be and the same is hereby amended such that Condition No. 5 reads as follows:

"5. Construction of the golf course shall begin on or before September 30, 1983, the failure of which shall be reason for termination of the Special Permit."
The Special Permit is further amended by the following additional condition:

"6. That any further changes to the area of the proposed golf course approved in the Special Permit shall be made through a petition for boundary amendment covering the entire golf course area."
SP 80-349 - PRINCEVILLE AT HANALEI (TIME EXTENSION)

Done at Honolulu, Hawaii, this 19th day of October, 1982 per motions on September 16, 1982 and September 24, 1982.

LAND USE COMMISSION
STATE OF HAWAII

By
WILLIAM W. L. YUEN
Chairman and Commissioner

By
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By
LAMBERT L. CHIN
Commissioner

By
SHINSEI MIYASATO
Commissioner

By
WINONA E. RUBIN
Commissioner

By
TEOFILO PHIL TACBIAN
Commissioner

By
ROBERT S. TAMAYE
Commissioner

By
FREDERICK P. WHITTEMORE
Commissioner
BEFORE THE LAND USE COMMISSION
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) (Time Extension)
PRINCEVILLE AT HANALEI )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

BRIAN NISHIMOTO, Planning Director
Kauai Planning Commission
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

MICHAEL Y. M. LOO, Development Manager
Princeville Development Corporation
P.O. Box 121
Hanalei, Hawaii 96714

DATED: Honolulu, Hawaii, this 19th day of October, 1982.

[Signature]
GORDAN Y. FURUTANI
Executive Officer