

SMOLENSKI & WOODDELL

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Attorney for Petitioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-643
)	
ROBERT S. McCLEAN AS TRUSTEE)	ANNUAL REPORT PURSUANT
OF THE ROBERT S. McCLEAN TRUST)	TO CONDITION NO. 15 OF
)	FINDINGS OF FACT,
To reclassify approximately 89.527)	CONCLUSIONS OF LAW, AND
acres of land currently in the)	DECISION AND ORDER
Conservation and Agricultural)	DATED APRIL 16, 1991;
Districts into the Urban District at)	CERTIFICATE OF SERVICE
Honokohau, North Kona, Hawaii for)	
industrial uses and general urban)	
expansion.)	
)	
Tax Map Key No.: 7-4-08: 26)	
7-4-08: 49)	

LAND USE COMMISSION
STATE OF HAWAII
APR 8 11 42 AM '92

ANNUAL REPORT PURSUANT TO CONDITION NO. 15 OF
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

A. GENERAL PROGRESS OF THE PROJECT.

Petitioner filed an Application for Change of Zone (91-18) with the County of Hawaii Planning Department in April 1991. The hearing on this Application is now tentatively scheduled for August 1992.

Petitioner has requested the following:

- Open to M-G5(a) General Industrial 5 1/2 acres.
- Open to M-L40(a) Light Industrial 40 acres.

Petitioner has almost completed a topographic survey which will enable the engineering consultant to develop a grading

plan and design on-site roads.

Petitioner has maintained its prior property uses pending rezoning. No future development is possible until rezoning is accomplished.

Petitioner has substantially completed all archaeological requirements on both Phase I and Phase II and is discussing with DLNR the proper disposition of one gravesite on Phase I and one mandible found in a cave on Phase II.

B. EFFORTS MADE/PLANNED TOWARD COMPLIANCE WITH THE FOLLOWING CONDITIONS.

1. Petitioner shall ensure that a buffer area along the boundary of the Property be constructed to maintain the visual integrity from the Queen Kaahumanu Highway. Petitioner shall further ensure that the proposed light industrial uses be screened from passing motorists, the Kaloko-Honokohau National Historic Park, and the adjacent Kealakehe lands, by landscaping improvements along the petition area's western, northern and southern boundaries. Petitioner shall prepare a plan for a buffer along the southern boundary with the Kealakehe lands, which shall be submitted to and approved by the Housing Finance Development Corporation. Petitioner shall properly maintain the approved landscaping improvements.

EFFORTS MADE/PLANNED:

Petitioner will proceed with landscaping plans as soon as County of Hawaii zoning is granted. Petitioner will not be able to landscape the area until a grading plan is completed and approved.

Petitioner has allocated 1500 gpd of its water allotment for landscaping development.

2. Petitioner shall participate in the funding and construction of local and regional transportation improvements on a pro rata basis as determined by the State Department of Transportation.

EFFORTS MADE/PLANNED:

Petitioner has had ongoing discussions with HFDC regarding location and construction of the new proposed access road. The location is established, the construction schedule is still under discussion, and Petitioner expects that HFDC will construct the portion of the road on its project and Petitioner will construct the portion on its project.

3. Petitioner shall prepare a drainage and erosion control plan and shall fund and construct the necessary drainage improvements to control drainage within the Property and to maintain ocean water quality to the satisfaction of the State Department of Health.

EFFORTS MADE/PLANNED:

The drainage plan will be developed concurrently with the grading plan now in progress with Belt Collins & Associates.

4. Petitioner shall contribute its pro rata share of the cost to develop and distribute water to Petitioner's proposed project, together with other public and private property owners in the area.

EFFORTS MADE/PLANNED:

Petitioner has completed discussions with the Hawaii County Department of Water Supply and reached an agreement that Petitioner is now entitled to an allotment of 30,600 gpd for Phase I. This is sufficient water for development of Phase I.

Petitioner has offered to contribute a fair share for water for Phase II. Petitioner has not received a response as yet from County of Hawaii Department of Water Supply.

5. Petitioner shall fund and construct the necessary waste-water disposal improvements on the subject property for eventual hook-up to a municipal sewer system as determined by the State Department of Health.

EFFORTS MADE/PLANNED:

The sewer line from Kealakehe to the new sewer treatment plant does not come close enough to Petitioner's Phase I development to service the property.

Future sewer connection will have to be along Queen Kaahumanu Highway jointly with Isemoto, Kona Transportation and Lanihau Partners.

There are no plans to build such a sewer line, as yet.

The Department of Health has not requested a sewer connection.

6. Petitioner shall coordinate with the County of Hawaii and the State Department of Health to establish appropriate systems to contain spills and prevent material associated with light industrial uses, such as petroleum products, chemicals, solvents or other pollutants, from leaching

into the storm drainage systems and adversely affecting the groundwater and coastal waters.

EFFORTS MADE/PLANNED:

Petitioner has not yet developed any additional uses that involve chemicals, solvents or other pollutants. West Hawaii Concrete is operating under permit and supervision of the State Department of Health and does control the discharge of any pollutant.

7. Petitioner shall fund its pro rata share for electrical facilities as determined by the Hawaii Electric Light Company (HELCO).

EFFORTS MADE/PLANNED:

Petitioner applied for electric service over one year ago, but it is not yet in place. HELCO requires one more short easement and then service will be installed. Other adjacent owners already have electric power, so no joint or pro-rata facilities are planned.

8. Petitioner shall immediately stop work on the impacted area and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, paving or walls be encountered during the project's development.

EFFORTS MADE/PLANNED:

All archaeological resources have been inventoried and data collection has been completed on Phases I and II. We are discussing with DLNR the proper disposition of one gravesite on

Phase I and one mandible (human jawbone) found in a cave on Phase II. Petitioner will comply with DLNR's decision re disposition.

9. Petitioner shall provide its pro rata share for police, fire, park, and solid waste disposal as may be required by and to the satisfaction of the County of Hawaii.

EFFORTS MADE/PLANNED:

No request from or discussion with the County of Hawaii regarding payment of impact fees.

10. The Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

EFFORTS MADE/PLANNED:

No discussions with or request from Department of Health for such a program.

11. The Petitioner shall implement effective soil erosion and dust control measures during all phases of the development.

EFFORTS MADE/PLANNED:

Petitioner continues its dust control program of water spraying roads and plant area.

12. Petitioner shall develop and maintain on-site facilities to insure that the nearshore, offshore and deep ocean waters remain in pristine condition. Petitioner shall also participate in a water quality monitoring system as may be required by the State Department of Health.

EFFORTS MADE/PLANNED:

Petitioner has not developed any activity that will impact nearshore, offshore or deep ocean waters. Petitioner's operations on the property are substantially unchanged.

13. Petitioner shall develop the Property in substantial compliance with representations made to the Commission in obtaining the reclassification of the Property. Failure to so develop may result in reclassification of the property to its former land use classification.

EFFORTS MADE/PLANNED:

Petitioner has applied with the County of Hawaii Planning Department for change of zoning to enable Petitioner to develop Phase I in substantial compliance with representations made to the Land Use Commission.

14. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the subject property covered by the approved petition, prior to development of the Property.

EFFORTS MADE/PLANNED:

No intent to sell, lease, assign, place in trust or otherwise alter ownership of the subject property.

15. Petitioner shall provide annual reports to the Commission, the Office of State Planning and the County of Hawaii Planning Department in connection with the status of the subject project and the Petitioner's progress in complying with the conditions imposed.

EFFORTS MADE/PLANNED:

This report is to comply with condition no. 15.

16. The Land Use Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

EFFORTS MADE/PLANNED:

No request for full or partial release of conditions.

DATED: Honolulu, Hawaii
April 1, 1992

MCCLEAN HONOKOHAU PROPERTIES

By 
Robert S. McClean as
Trustee of the Robert S.
McClellan Trust

General Partner

CERTIFICATE OF SERVICE

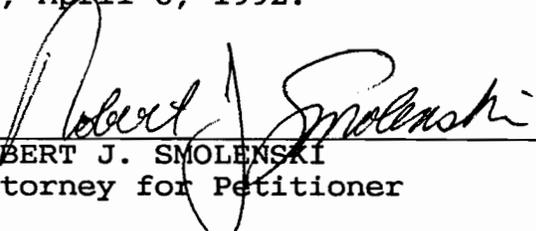
I hereby certify that a copy of the foregoing document was served upon the following by depositing the same in the U.S. Postal Service by certified mail, return receipt:

NORMAN HAYASHI, Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

MICHAEL LUCE, Chairman
Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, April 8, 1992.



ROBERT J. SMOLENSKI
Attorney for Petitioner