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LAND USE COMMISSION
STATE OF HAWAII
APR 14 11 42 AM '94

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-643
)	
MCCLEAN HONOKOHAU PROPERTIES,)	ANNUAL REPORT PURSUANT
a Hawaii Limited Partnership)	TO CONDITION NO. 15 OF
)	FINDINGS OF FACT,
To Amend the Land Use District)	CONCLUSIONS OF LAW, AND
Boundary to Reclassify Approxi-)	DECISION AND ORDER
mately 89.527 acres of land in the)	DATED APRIL 16, 1991;
Conservation and the Agricultural)	CERTIFICATE OF SERVICE
Districts to the Urban District)	
at Honokohau, North Kona, Hawaii,)	
Tax Map Key Nos.: 7-4-08: 26 and)	
49)	

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.

Petitioner requested rezoning as follows:

Open to M-G 5(a) General Industrial - 5½ acres

Open to M-L 40(a) Light Industrial - 40 acres

The Hawaii County Council granted the rezoning on April 27, 1993 by Ordinance No. 93-38.

Petitioner completed all archaeological requirements in January, 1993 and filed its Final Report with the Department of Land and Natural Resources for final acceptance. So far DLNR has not taken any action on the final report.

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 has developed a Grading Plan for Phase I of its development and is currently doing extensive on-site quarrying and grading to carry out the plan.

A Landscape Plan will follow, with submittal to the County of Hawaii by July 31, 1994.

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:

The conditions of Petitioner's rezoning by Hawaii County include the requirement that an access road from the new Kealakehe Parkway to Petitioner's property is to be constructed before any Certificate of Occupancy is issued to Petitioner. HFDC advises it will not build the road at this time, so Petitioner plans to construct this road on HFDC property by the end of 1993 - with an agreement for reimbursement by HFDC when it starts to use the road. The negotiations are on "hold" until HFDC obtains legal title to the land from DLNR.

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:

An on-site road plan and drainage plan is in the process of development by 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 held continuing discussions with the Department of Water Supply regarding contributions to development of additional water and allocations of additional water rights to Petitioner's property.

The Department states it is developing substantial new sources of water but it is not yet ready to discuss money contribution or water allocations.

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:

A new sewer line to service the HFDC development is included in the completed Phase I of the Kealakehe Parkway immediately south of Petitioner's property. Petitioner will install a sewer line in the access road referred to above in the answer to Paragraph 2, which will service all of Petitioner's property mauka of the access road and its extension across Petitioner's property.

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 leaking 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 has been unable to obtain electric service from HELCO because of lack of a necessary easement. The present plan is to include electric and telephone service in the construction of the access road referred to in Paragraph 2, which will provide full electric and telephone service to the development, at Petitioner's expense.

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:

On November 19, 1992, Petitioner entered into an "In Situs" Burial Agreement for the preservation and landscaping of a

burial preserve with respect to the one unmarked gravesite discovered on the property.

On March 18, 1993, the Hawaii County Burial Council approved Petitioner's Burial Preservation Plan for the gravesite and inclusion therein of a mandible found in a cave on the property. Petitioner's grading activity has preserved the gravesite. When grading is completed, the gravesite will be landscaped.

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 the County of Hawaii for payment of Impact Fees. Hawaii County has not yet adopted an Impact Fee Ordinance.

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, plant area and quarry.

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 obtained rezoning by the County of Hawaii for industrial uses in accordance with representations to the Land Use Commission. Petitioner will develop the property in full compliance with those representations.

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 14, 1994.

McCLEAN HONOKOHAU PROPERTIES

By Robert S. McClean
Robert S. McClean as
Trustee of the Robert S.
McClean Trust
General Partner

CERTIFICATE OF SERVICE

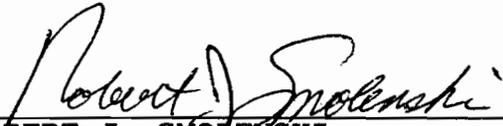
I hereby certify that a copy of the foregoing document was served upon the following by depositing the same in the U.S. Postal Service by certified mail, return receipt requested:

VIRGINIA GOLDSTEIN, Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DONALD MANALILI, 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 14, 1994.



ROBERT J. SMOLENSKI
Attorney for Petitioner