

SMOLENSKI & WOODDELL

ROBERT J. SMOLENSKI 1059-0  
1717 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813  
Telephone: (808) 524-5750

Attorney for Petitioner

LAND USE COMMISSION  
STATE OF HAWAII  
APR 17 10 30 AM '95

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A89-643
	)	
MCCLEAN HONOKOHAU PROPERTIES, a	)	ANNUAL REPORT PURSUANT TO
Hawaii Limited Partnership	)	CONDITION NO. 15 OF THE
	)	FINDINGS OF FACT,
To Amend the Land Use District	)	CONCLUSIONS OF LAW, AND
Boundary to Reclassify Approxi-	)	DECISION AND ORDER DATED
mately 89.527 acres of land in the	)	APRIL 16, 1991; CERTIFICATE
Conservation and the Agricultural	)	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 DATED APRIL 16, 1991

A. GENERAL PROGRESS OF THE PROJECT.

Petitioner has completed grading all of the land below the quarry cliff (approximately 40 acres) on Increment I, and the area is now ready for construction of on-site infrastructure.

The engineering for Increment I infrastructure is also completed, which includes road, water, electricity, telephone, sewer and drainage. The plans have been approved by the Department of Transportation, County of Hawaii Department of Public Works, State Department of Health, County of Hawaii

Department of Water Supply and all other relevant agencies.

Petitioner has arranged with Kiewit-Pacific Co. to build the infrastructure over the next eight months.

On August 1, 1994, the Department of Land and Natural Resources, State Historic Preservation Division, accepted and approved Petitioner's final report regarding archaeological data recovery. The archaeological inventory, findings, data recovery and final report covered Petitioner's total 89.5 acres (Increment I and Increment II), so this requirement is now completed.

On September 27, 1994, the County of Hawaii approved Petitioner's general plan for the development of Increment I with specific reference to the relocation of West Hawaii Concrete to the area under the quarry cliff as proposed to the Commission and to the County of Hawaii.

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:

A landscape plan for Increment I was prepared by Belt Collins Hawaii and submitted to HFDC for its approval. After some changes, the plan was revised, approved by HFDC and submitted to the County of Hawaii Planning Commission. The Planning Commission requires further changes to include a permanent irrigation system and a more detailed visual analysis from Queen Kaahumanu Highway and surrounding properties. A revised landscape plan with a permanent irrigation system and detailed visual analysis is now in preparation.

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 County of Hawaii rezoning ordinance required that a road (Road "G") be constructed from Petitioner's property through HFDC's property connecting to the new Kealakehe Parkway. HFDC was required by the Department of Transportation to construct this road as part of the Kealakehe project, but HFDC did not do so. Petitioner has negotiated with HFDC to jointly build this connecting road, but HFDC is in a legal dispute with the Department of Hawaiian Homes Lands and the Office of Hawaiian Affairs and has for this reason decided that Road "G" will not be built at all until the legal matters are resolved.

Petitioner has had some preliminary discussions with the County of Hawaii about constructing the "mid-level road", a County project which will cross Petitioner's Increment II. Petitioner has expressed willingness to participate in this effort in whatever plan the County develops.

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:

Petitioner's engineers, Belt Collins Hawaii, have completed a plan for drainage and erosion control on Increment I, and the plan has been approved by the County of Hawaii and the State Department of Health.

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 had continuing discussions with the County of Hawaii Department of Water Supply, and has submitted a water distribution plan that will extend the present Department of Water Supply 12" main line to Petitioner's project and also to serve Lanihau on the north.

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:

Petitioner's makai infrastructure plan includes an 8" sewer line running from the quarry cliff area to Road "G" and the HFDC property line. The sewer line cannot be connected to the main sewer line in Kealakehe Parkway until HFDC is willing to permit the construction of Road "G" across its Kealakehe 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 is currently working with HELCO to fund and install a new electric service line along Queen Kaahumanu Highway, and mauka up the existing access road to serve Petitioner's project and also the four adjoining neighbors that use the access road.

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:

Petitioner funded a full archaeological inventory and data collection by Paul H. Rosendahl, Ph.D., Inc. No further archaeological resources have been found.

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 the Department of Health

for such a program.

11. The Petitioner shall implement effective soil erosion and dust control measures during all Increments 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 has developed and will continue to develop the subject project in full compliance with the 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 12, 1995.

MCCLEAN HOMOKOHAU 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, on the date hereof:

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

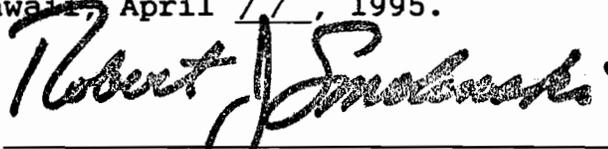
WILTON WONG, Chairman  
Planning Commission  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

GREGORY G.Y. PAI, Ph.D., Director  
Office of State Planning  
State Capitol, Room 410  
Honolulu, Hawaii 96813

SANDRA PECHTER SCHUTTE, ESQ.  
101 Aupuni Street, Suite 1014A  
Hilo, Hawaii 96720

Attorney for Intervenors  
Isemoto Contracting Co., Ltd.,  
SJA Partnership, and March E. Taylor

DATED: Honolulu, Hawaii, April 17, 1995.



---

ROBERT J. SMOLENSKI  
Attorney for Petitioner