

P 889 145 382



**Certified Mail Receipt**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to <b>Kevin Balog</b>	
Street & No. <b>25 Aupuni St.</b>	
P.O., State & ZIP Code <b>Hilo, HI 96720</b>	
Postage	<b>\$1.24</b>
Certified Fee	<b>1.10</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<b>1.10</b>
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	<b>\$3.44</b>
Postmark or Date <b>4.1.96</b>	

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**Certified Mail Receipt**

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Sent to <b>Gregory PAI</b>	
Street & No. <b>State Capitol Room 409</b>	
P.O., State & ZIP Code <b>HON. HI 96813</b>	
Postage	<b>\$1.24</b>
Certified Fee	<b>1.10</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<b>1.10</b>
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	<b>\$3.44</b>
Postmark or Date <b>4.1.96</b>	

PS Form 3800, June 1990

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**Certified Mail Receipt**

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Sent to <b>Sandra Pechter</b>	
Street & No. <b>101 Aupuni St Suite 101A</b>	
P.O., State & ZIP Code <b>Hon. HI 96720</b>	
Postage	<b>\$1.24</b>
Certified Fee	<b>1.10</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<b>1.10</b>
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	<b>\$3.44</b>
Postmark or Date <b>4.1.96</b>	

P 889 145 385



**Certified Mail Receipt**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to <b>Virginia Goldstein</b>	
Street & No. <b>25 Aupuni St</b>	
P.O., State & ZIP Code <b>Hilo, HI 96720</b>	
Postage	<b>\$1.24</b>
Certified Fee	<b>1.10</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<b>1.10</b>
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	<b>\$3.44</b>
Postmark or Date <b>4.1.96</b>	

PS Form 3800, June 1990

McClean / Handwritten  
4/1/96

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 1 10 40 AM '96

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; EXHIBIT
Conservation and the Agricultural	)	"A"; 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 DATED APRIL 16, 1991

A. GENERAL PROGRESS OF THE PROJECT.

The construction of Road "G" was somewhat delayed by the decision of HFDC to refuse Petitioner permission to construct the proposed access Road "G" from Petitioner's Increment I across HFDC's La'i'opua Project to the new Kealakehe Parkway as set forth in more detail in Petitioner's request for extension of time to substantially complete Increment I and request redistricting of Increment II, to be filed with the Commission concurrently with this Annual Report.

The plans for that portion of Road "G" and Road "A" on Petitioner's property are fully approved and Kiewit-Pacific is now constructing the improvements. The completion date for the project is June 1, 1996.

Petitioner has filed with the County of Hawaii a proposed master plan for Increment I which covers the area zoned Limited Industrial (ML-40), and a revised landscape plan which includes a permanent irrigation system, as required by the County Planning Department. A copy of the map indicating both the Limited Industrial (ML-40) and General Industrial (MG-5.5) portions of the premises is attached as Exhibit "A" to the Report. To provide the water for the irrigation system, Petitioner obtained a permit to construct a water well from the Commission on Water Resource Management. Petitioner drilled a water well which is designated "Honokohau Quarry Well #1 (Well No. 4050-01)" and secured adequate water for the proposed landscape plan irrigation and also for dust control.

Kiewit-Pacific is now constructing a reservoir on the mauka portion of Increment I to which the water can be pumped and stored to provide gravity flow of water for irrigation and dust control on the total industrial area.

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 had Belt Collins prepare an amended landscape plan to provide a permanent irrigation system and also for the planting of trees and shrubs that are tolerant to brackish water. Although HFDC had approved the original plan, this amended plan is a major change in landscaping, so it has been submitted to HFDC for its approval.

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 is currently building that portion of Road "G" on its property to connect with Road "G" on HFDC's property if and when constructed. The County of Hawaii and all other concerned agencies approved the plans for this construction.

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 improvements in the drainage plans approved by the Department of Health are now being constructed. Kiewit-Pacific has constructed four of the planned dry-wells and will continue to construct the other improvements relating to water, sewer, fire hydrants, etc.

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 contracted with Kiewit-Pacific to construct the planned 12" water line from the Isemoto Property to the General Industrial (MG-5.5) area of the subject property, with laterals extending on both sides of the road improvements. This construction will be completed by December 31, 1996.

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 8" sewer line which is part of the Petitioner's makai infrastructure is now under construction and will be completed along Road "A" by June 30, 1996. Construction of the balance of the sewer system cannot be constructed until West Hawaii Concrete is relocated to the General Industrial (MG-5.5) area under the quarry cliff. After such relocation, the sewer line will be completed along Road "G." However, there is no connection for the sewer line to the Kealakehe treatment plant until HFDC proceeds with its plans on the Villages of La'i'opua Project.

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 deposited \$78,000 with HELCO to fund the construction of electrical facilities on the subject property. HELCO is waiting until the final grading is completed to install the poles and electrical lines.

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 drilled a water well to provide a more adequate supply of water for dust control and the system is now under construction, including a reservoir to provide an unlimited supply of water for dust control and irrigation.

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: Kailua-Kona, Hawaii, March 20, 1996.

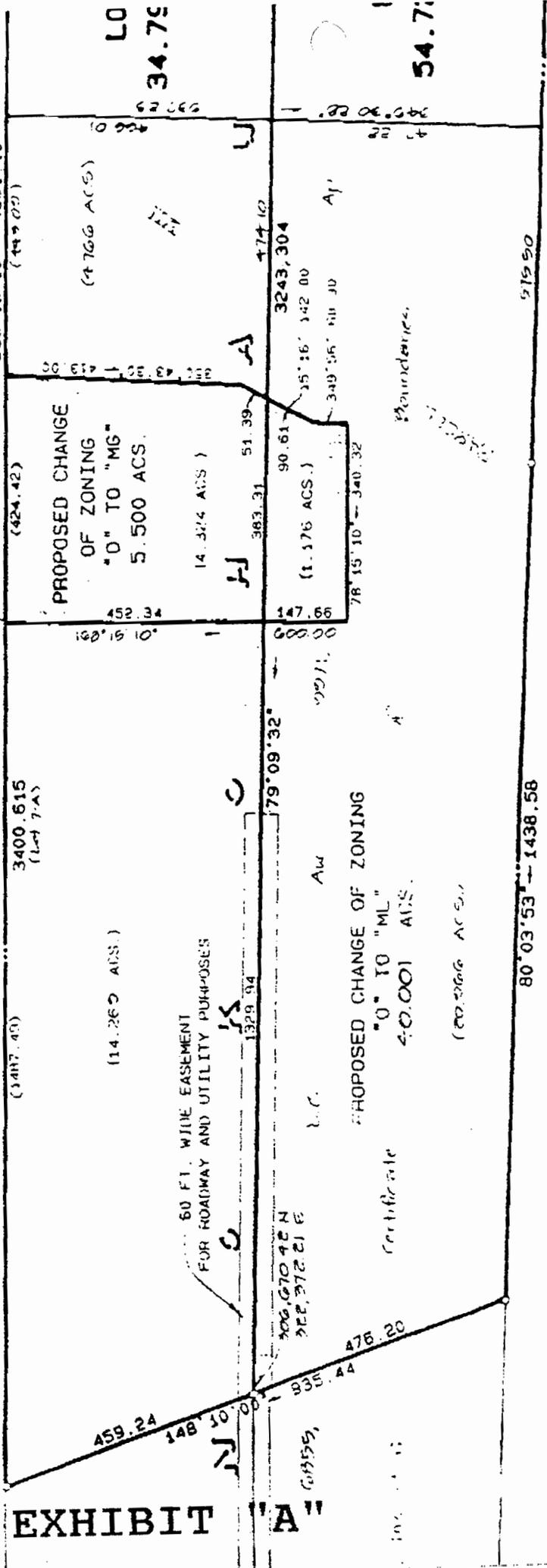
MCCLEAN HONOKOHAU PROPERTIES

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

TRB  
Scale:

R U C H A U

L.C. 11216. AP. 16 M



# EXHIBIT "A"

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

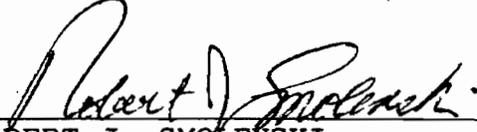
KEVIN BALOG, Chairman  
Planning Commission  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

GREGORY G.Y. PAI, Ph.D., Director  
Office of State Planning  
State Capitol, Room 409  
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 1, 1996.

  
\_\_\_\_\_  
ROBERT J. SMOLENSKI  
Attorney for Petitioner

4.1 sent to B. McClean