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Attorney for Petitioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

1999 APR 14 A 10: 13
LAND USE COMMISSION
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.

The development of Petitioner's project has moved ahead during the past year as follows. The primary work to be done for "substantial completion" of Petitioner's development continues to be improvement of Petitioner's access road from Queen Kaahumanu Highway to the project site and construction of "Road G" on Petitioner's property across the La'i'opua Project of the Housing and Community Development Corporation of Hawaii ("HCDCH") to the Kealakehe Parkway.

With respect to the improvement of Petitioner's access road and Road G on Petitioner's property, the engineering is complete; the State Department of Transportation, County Public Works and Department of Water Supply have all approved the plans; Petitioner put the project out for bid; and Petitioner has awarded a contract to Keauhou-Kona Construction Co. for the construction. The construction will commence June 1, 1999, and will be completed by December 31, 1999.

With respect to the balance of the project over HCDCH property, Petitioner obtained from HCDCH a right of entry to construct Road G from Petitioner's property line to Kealakehe Parkway, at Petitioner's expense; Petitioner's engineers, Belt Collins Hawaii, have prepared plans for this portion of the project and these plans are now under submittal to the Department of Transportation, County of Hawaii, Department of Public Works and Department of Water Supply; and, upon approval of the plans, Petitioner intends to add this construction to the contract awarded to Keauhou-Kona Construction Co. so that the access road improvement and Road G to Kealakehe Parkway will be completed by the end of the year 1999.

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:

As soon as the construction of the access road and Road G is completed, Petitioner will complete the landscape plan already approved by the County of Hawaii and HCDCH. None of Petitioner's neighbors to the South, North and East have any development planned for the foreseeable future.

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:

Covered in General Progress of the Project above.

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 plans for the access road improvement and Road G include dry wells, drainage control ditch and drainage control structure all as designed by Petitioner's engineers and approved by the Department of Transportation and the County of Hawaii.

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 is installing a 12" water line in the access road improvement and in Road G out to the Kealakehe Parkway to serve HCDCH's future development.

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 is installing an 8" dry sewer line in Road G to serve the project when a sewer connection is available.

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 funded the electrical system in Road "A" with HELCO and the system is now complete. Petitioner's construction includes electric and telephone systems for Petitioner's project and for HCDCH's future development.

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 an adequate supply of water for dust control, and the system is now in operation.

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 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, April 10, 1999.

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 on the date hereof:

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

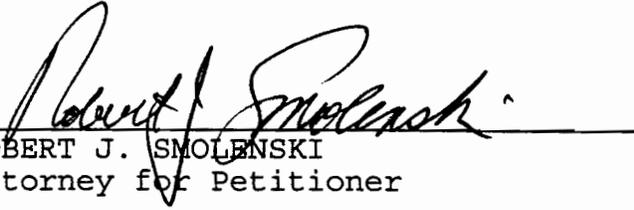
LEONARD TANAKA, Chairman
Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DAVID BLANE, Director
Office of Planning
Department of Business,
Economic Development & Tourism
State Office Tower, 6th Floor
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 14, 1999.


ROBERT J. SMOLENSKI
Attorney for Petitioner