

Harry Kim
Mayor



Michael Yee
Director

Duane Kanuha
Deputy Director

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County of Hawai'i
PLANNING DEPARTMENT

LAND USE COMMISSION
STATE OF HAWAII

2019 APR 16 P 3:11

East Hawai'i Office
101 Pauahi Street, Suite 3
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April 12, 2019

Mr. Steven S. C. Lim
Carlsmith Ball LLP
PO Box 686
Hilo, HI 96721-0686

Dear Mr. Lim:

Subject: Rezoning of Property to a More Appropriate Zoning District
Applicant: Newton Family Limited Partnership
State Land Use Commission Docket No. A99-729 (SLU 1128)
Change of Zone Ordinance No. 06 27 (REZ 05-000017)
Tax Map Key: (3) 2-4-008: por. 033

On March 19, 2018 the Planning Department (Department) sent a letter to your client, Newton Family Limited Partnership, via Ms. Cheryl Palesh of Belt Collins Hawaii LLC, that the Department was initiating procedures to change the zoning of a portion of the subject property to Agricultural – 800 acres (A-800a). In a letter dated April 4, 2018, you informed the Department that the applicant is re-evaluating its options on how best to move forward with development of the property given the challenges in complying with Condition E of Ordinance No. 06-27. You also requested the Department continue the action on changing the zoning to give the applicant time to re-evaluate and coordinate a meeting with the Department.

By **April 30, 2019**, please inform the Department of the applicant's plans for developing the property as represented when LUC Docket No. A99-729 and Change of Zone Ordinance No. 06-27 were approved. If we do not receive a response by that date, we will initiate procedures to change the zoning of the property as described in our March 19, 2018 letter.

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PLANNING DEPARTMENT

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2019 APR 17 A 10:06

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April 12, 2019

Ms. Cheryl M. Palesh, P.E., LEED AP
Vice-President / Director of Engineering
Belt Collins Hawai'i LLC
2153 North King Street, Suite 200
Honolulu, HI 96819-4554

Dear Ms. Palesh:

Subject: 2018 Annual Progress Reports
Applicant: Newton Family Limited Partnership
State Land Use Commission Docket No. A99-729 (SLU 1128)
Change of Zone Ordinance No. 06 27 (REZ 05-000017)
Tax Map Key: (3) 2-4-008: por. 033

This is to acknowledge receipt of your letters dated December 11, 2018, containing annual progress reports in compliance with Condition No. 20 of Docket No. A99-729 and with Condition N of Change of Zone Ordinance No. 06 27 (REZ 05-017).

The annual progress report does not mention the information provided in our letter to you dated March 19, 2018 regarding water system issues and changing the zoning to a more appropriate designation. It is our understanding that development has not commenced and the conditions of the LUC Docket and County Change of Zone Ordinance have not been complied with in a timely manner.

If you have any questions, please feel free to contact Jeff Darrow at (808) 961-8158 or Maija Jackson at (808) 961-8159.

Sincerely,

FOL MICHAEL YEE
Planning Director

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Ms. Cheryl M. Palesh, P.E., LEED AP
Vice-President / Director of Engineering
Belt Collins Hawai'i LLC
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April 12, 2019

cc w/ltr: ✓ State Land Use Commission
Carlsmith Ball LLP