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PLANNING DEPARTMENT

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August 12, 2019

Frank Goodale
c/o Clark Realty Corporation
75-5722 Kuakini Hwy., Ste. 203
Kalua-Kona, HI 96740

2019 AUG 20 P 12:15
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Goodale:

**RE: Change of Zone Ordinance 91-22, amended by Ordinance 98-66 (REZ 682)
State Land Use (SLU) Boundary Amendment Docket No. A89-645 (LUC 729)
Applicant: Wainani 42, LLC
Subject: 2019 Annual Progress Report regarding:
"Wainani Estates – ELUA, Phase II" Subdivision (SUB-04-000178)
Tax Map Key: (3) 7-3-062:001-105 (formally TMK: (3) 7-3-010:027)**

This is to acknowledge receipt of your letter and the above-referenced annual progress report, dated July 19, 2019 and July 1, 2019 respectively. The annual progress report is being submitted for compliance with Condition "P" of Change of Zone Ordinance No. 98-66 (REZ 682). Thank you for submitting this report. Based on our review of our records, the report details the progress and project compliance with the required conditions of approval.

As noted in Planning Department letter, dated March 6, 2015, all rezoning conditions were previously satisfied for Wainani Estates "Akahi" Phase I. This current report is limited to Wainani Estates "Elua" Phase II, covered by TMKs: (3) 7-3-062:053-105. It was stated by the applicant (Wainani 42, LLC) that other parties maintain responsibility for reporting and compliance with respect to other portions of the original 125+ acre site.

At this time the Planning Department acknowledges that all conditions of approval for Change of Zone Ordinance No. 91-22, as amended by Ordinance No. 98-66 have been met, and **therefore no further annual reports will be required with regards to Change of Zone Ordinance 91-22, as amended by Ordinance No. 98-66.** Additionally, while it appears the applicant has satisfied the conditions of approval for LUC Docket A89-645, the Planning Department does not have authority to make that determination. The applicant should contact the State Land Use Commission to determine if further reporting is required for the conditions of LUC Docket No. A89-645 (LUC 729).

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Please keep in mind the applicant shall continue to comply with Condition N, which states:

“The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements, including those of the State Land Use Commission”.

Additionally, the application shall continue to comply with Condition J, which states:

“Should any identified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken”.

Thank you for your compliance with all stated conditions and for the final status report with regards to Change of Zone Ordinance No. 91-22, as amended by Ordinance No. 98-77 (REZ 682).

If you have any questions regarding this letter, please feel free to contact Alex J. Roy at 808-961-8140.

Sincerely,



RY
MICHAEL YEE
Planning Director

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cc w/letter: State Land Use Commission
Kona Planning Office