



LAND USE COMMISSION
STATE OF HAWAII

2019 DEC 23 P 12:39

December 20, 2019
2019-59-0200 / 19E-256

Mr. Daniel E. Orondenker
Executive Officer
State Land Use Commission
State Office Tower
235 So. Beretania Street, 4th Floor
Honolulu, HI 96813

Dear Mr. Orondenker:

**Mauna Kea Resort
Annual Report on Land Use Commission
Docket No. A84-574**

On behalf of Mauna Kea Resort Services LLC, we are submitting the following annual report for 2019 on the status of the above captioned project, and on the progress in complying with the conditions imposed. This submittal is pursuant to Condition No. 3 of the Decision and Order for Docket No. A84-574, dated December 6, 1994.

2019 ANNUAL REPORT

1. **BACKGROUND AND GENERAL PROGRESS OF THE PROJECT**

The property that is the subject of Land Use Commission (LUC) Docket No. A84-574 consists of approximately 399 acres of land at Ouli 1, South Kohala, Hawai'i. The project is a portion of the former 539-acre South Kohala Resort, also formerly known as the Hapuna Beach Resort, and is being developed as a golf course/residential community. The Uplands at Mauna Kea is now part of the overall Mauna Kea Resort.

The property originally consisted of ten large development parcels, eight residential, one commercial, and one recreational (tennis). The ten parcels were subsequently consolidated and re-subdivided into eight parcels, see Figure 1, *Development Parcels A-G/H*, enclosed.

Parcel A is the sole parcel remaining in Mauna Kea Resort Services LLC ownership and is currently vacant. It is available for sale and marketing of it is being considered.

Parcel B is the site of a single-family residential project named Moani Heights at The Uplands. Development of this parcel is complete and sold out. There was one resale in 2019.

Parcel C includes 'Apa'apa'a Heights at The Uplands, a single-family residential project; and The Kumulani at The Uplands, a condominium project. Both projects are complete and sold out. There were no resales in either The Kumulani or in 'Apa'apa'a Heights in 2019.

Parcel D is still owned and being marketed by AG-WP Mauna Kea Owner, L.L.C. Subdivision improvements for Parcel D1, County of Hawai'i (County) designated Lot 5-F, former tax map key (TMK) 6-2-021: 006, with 10 single family lots and a road lot, were completed in 2019. Similarly, the subdivision improvements for Parcel D4, Lot 5-B, former TMK: 6-2-021: 002 with 12 single family lots and a road lot were also done in 2019.

Preliminary Design for Plan Approval submittal is ongoing for the two Parcel D multi-family developments. These are Parcel D2, Lot 5-E, TMK: 6-2-021: 005 and Parcel D5, Lot 5-A, TMK: 6-2-021: 001. Preliminary Design for Plan Approval submittal is also ongoing for Parcel D3, Lot 5-C, TMK: 6-9-021: 003 as a single-family horizontal condominium property regime. The drainage reports for Plan Approval have been processed and approved by the County for all three parcels.

Parcel D6, Lot 5-D is being developed by AG-WP Mauna Kea Owner, L.L.C. as an Amenity Center for the Parcel D and Parcel E residents. Construction of the Amenity Center improvements is currently on-going.

Parcel E, developed by AG-WP Mauna Kea Owner, LLC, as 'Amaui Estates at Mauna Kea Resort, Phase I, received final approval of the 11-single-family lot subdivision on December 29, 2016, TMK: 6-2-20: 001 through 011. The construction bond for the subdivision was release by the County this year. Marketing of the lots to individual owners and builders is ongoing.

Parcel F, TMK: 6-2-13:018, remains undeveloped and owned by MK Parcel F, LLC and it continues to be actively marketed. The Site Development Preliminary Plan Review with Mauna Kea Resort Services LLC was completed in July 2014. The project's Planned Unit Development application received approval from the County on November 26, 2014 (PUD-14-000027), and Tentative Approval of the subdivision (SUB-14-001397) was granted December 8, 2014.

Parcels G and H, Wai'ula'ula at Mauna Kea Resort, are comprised of single family, duplex, and multi-family units under a condominium property regime. There were 11 resales in Wai'ula'ula during 2019.

2. PROGRESS IN COMPLYING WITH THE CONDITIONS IMPOSED

According to the Land Use Commission's Decision and Order dated Dec. 6, 1994 ("Decision and Order") and Order Granting Motion for Clarification of Land Use Commission's Findings of Fact, Conclusions of Law and Decision and Order and for Extension of Time, and Motion for Waiver of Hawaii Administrative Rule Section 15-15-92(2), dated February 13, 1995 ("Order Granting Motion"),¹ the Petitioner must comply with six conditions. These conditions are listed below, each numbered as identified in the Decision and Order and

¹ The Order amended Condition No. 6 of the LUC's Decision and Order dated December 6, 1994. Order at page 3.

Order Granting Motion, and each followed by a status report on the Petitioner's efforts to comply with the condition.

Condition No. 1:

- "1. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification."

Status: The Petitioner is following its plan to develop the property, as presented to the Commission. The first part of this report summarized progress made as of December 20, 2019.

Condition No. 2:

- "2. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property."

Status: As noted above only resales of individually owned units have occurred in 2019. Marketing of the large lot Parcels A and F continues, with marketing of the subdivided lots within Parcels D and E commencing.

Condition No. 3:

- "3. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of State Planning, and the County of Hawai'i Planning Department in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission."

Status: A copy of this annual report is being submitted to the State Office of Planning and the County of Hawai'i Planning Department.

Condition No. 4:

- "4. The Commission may fully or partially release the conditions provided herein 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."

Status: The Petitioner has not filed any motion to date under this condition.

Condition No. 5:

- "5. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission."

Status: The Commission's Decision and Order was issued on December 6, 1994. As stated in annual reports filed in previous years, the Petitioner complied with this condition by filing a copy of the Notice with the Commission on December 14, 1994.

Condition No. 6:

- "6. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances within sixty days of the filing of this Decision and Order."

Status: As stated in our previous annual reports, on April 12, 1995, the Petitioner recorded a Declaration of Conditions covering the conditions imposed by the Commission in the Bureau of Conveyances as Document No. 95-049097. By letter dated April 25, 1995, the Petitioner submitted a certified copy of the Declaration of Conditions to the Commission.

The above constitutes the Petitioner's 2019 Annual Report for the property.

Sincerely,

BELT COLLINS HAWAII LLC



Cheryl M. Palesh, P. E., LEED AP
Vice President / Director of Engineering

CMP:gmk
Enclosure

cc: Director, State of Hawaii, Office of Planning
Director, Hawaii County Planning Department

e-copy: Kisan Jo, Prince Resorts Hawaii

