

LAND USE COMMISSION
STATE OF HAWAII

2020 DEC 18 A 9:34

BELT COLLINS HAWAII LLC

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December 11, 2020
2020-59-0100 / 20P-084

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 2020 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.

2020 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's 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. The development of this parcel is complete and sold out. There were two resales in 2020.

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 two resales in The Kumulani and no resales in 'Apa'apa'a Heights in 2020.

Parcel D is intended to be developed by one of the members of the current landowner, 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, and Parcel D4, Lot 5-B, former TMK: 6-2-021: 002 with 12 single-family lots and a road lot were completed in 2019. Development of spec houses and/or custom homes is planned for both parcels.

The Plan Approval process with the County of Hawai'i is ongoing for Parcel D2, Lot 5-E, TMK: 6-2-021:005, for the development of 64 multiple-family units. As of November 20, 2020, the Planning Department had completed their review and forwarded it to the Department of Public Works for comment.

Parcel D3, Lot 5-C TMK: 6-9-021:003 received Plan Approval on May 18, 2020, for the development of 12 one-story single-family units and 3 two-story single-family units for a total of 18 units in a condominium property regime. The parcel is under contract to a home builder at the time of this report, with the sale expected to close by the end of 2020.

Plan Approval of Parcel D5, Lot 5-A, TMK: 6-2-021:001 for a multiple-family residential development containing 9 one-story duplex buildings, a total of 18 dwelling units, was received April 14, 2020.

Parcel D6, Lot 5-D is being developed by AG-WP Mauna Kea Owner, L.L.C. as an Amenity Center for Parcel D and Parcel E residents. Construction of the Amenity Center improvements is currently on-going and scheduled for completion in January 2021.

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. Construction of spec homes is ongoing on lots 007, 008 and 009. Marketing of the houses and spec home building on the other lots will be undertaken in 2021.

Parcel F, TMK: 6-2-13:018, remains undeveloped and owned by MK Parcel F, LLC. It is being considered by the owner for the development of spec housing. 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 four resales in Wai'ula'ula during 2020.

2. PROGRESS IN COMPLYING WITH THE CONDITIONS IMPOSED

According to the Land Use Commission's Decision and Order dated December 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 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 11, 2020.

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 2020. Marketing of Parcel A is ongoing. The marketing of the subdivided lots within Parcels D and E will be undertaken upon completion of the spec housing.

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.

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

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 2020 Annual Report for the property.

Sincerely,

BELT COLLINS HAWAII LLC



Allen Kam, J.D.

Director of Planning

AK/MAK:paa
Enclosure

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

e-copy: Kisan Jo, Prince Resorts Hawaii

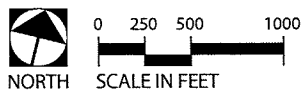
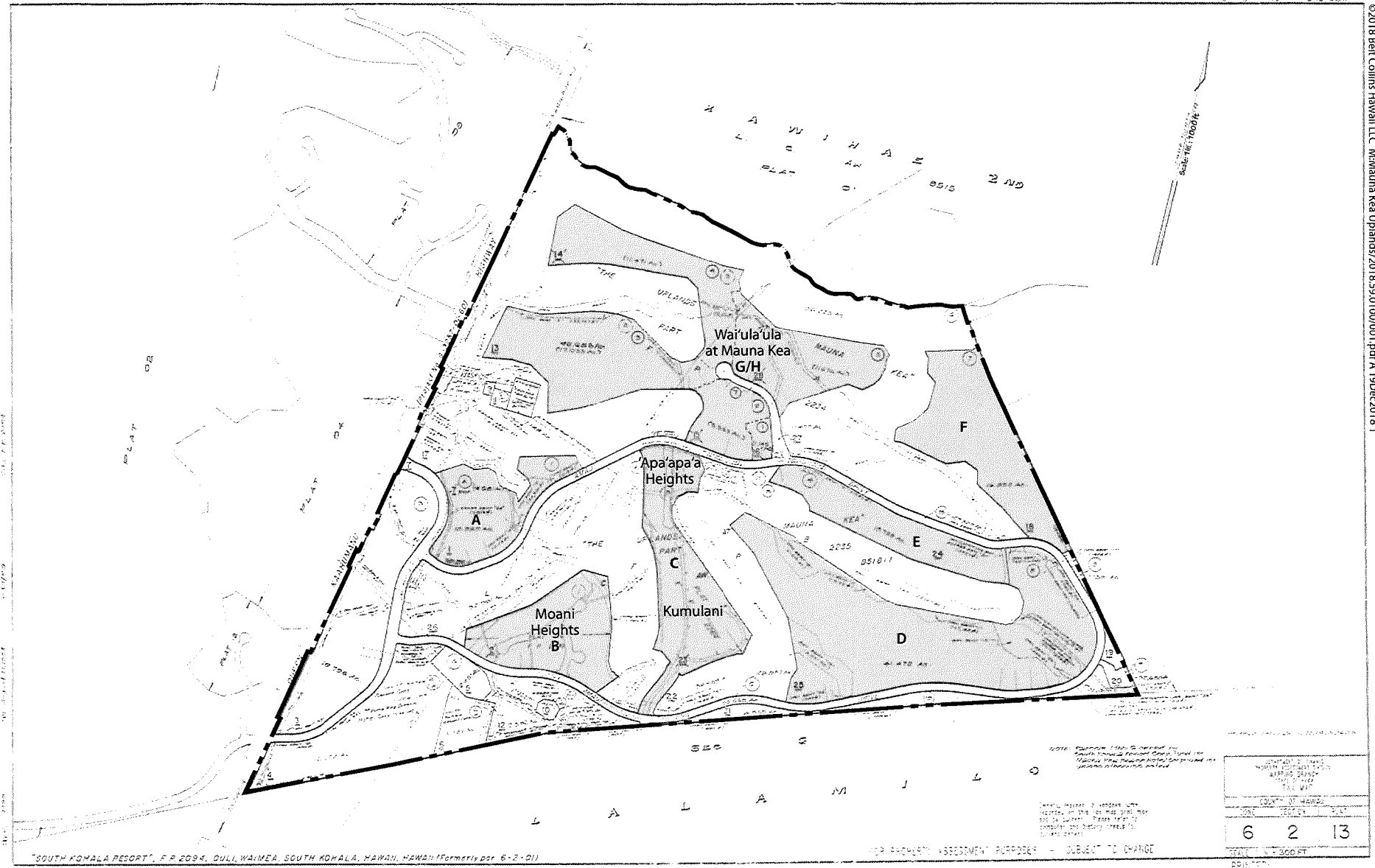


Figure 1
DEVELOPMENT PARCELS A-G/H

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 Mauna Kea Resort Services LLC
 2020

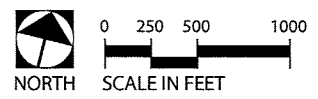
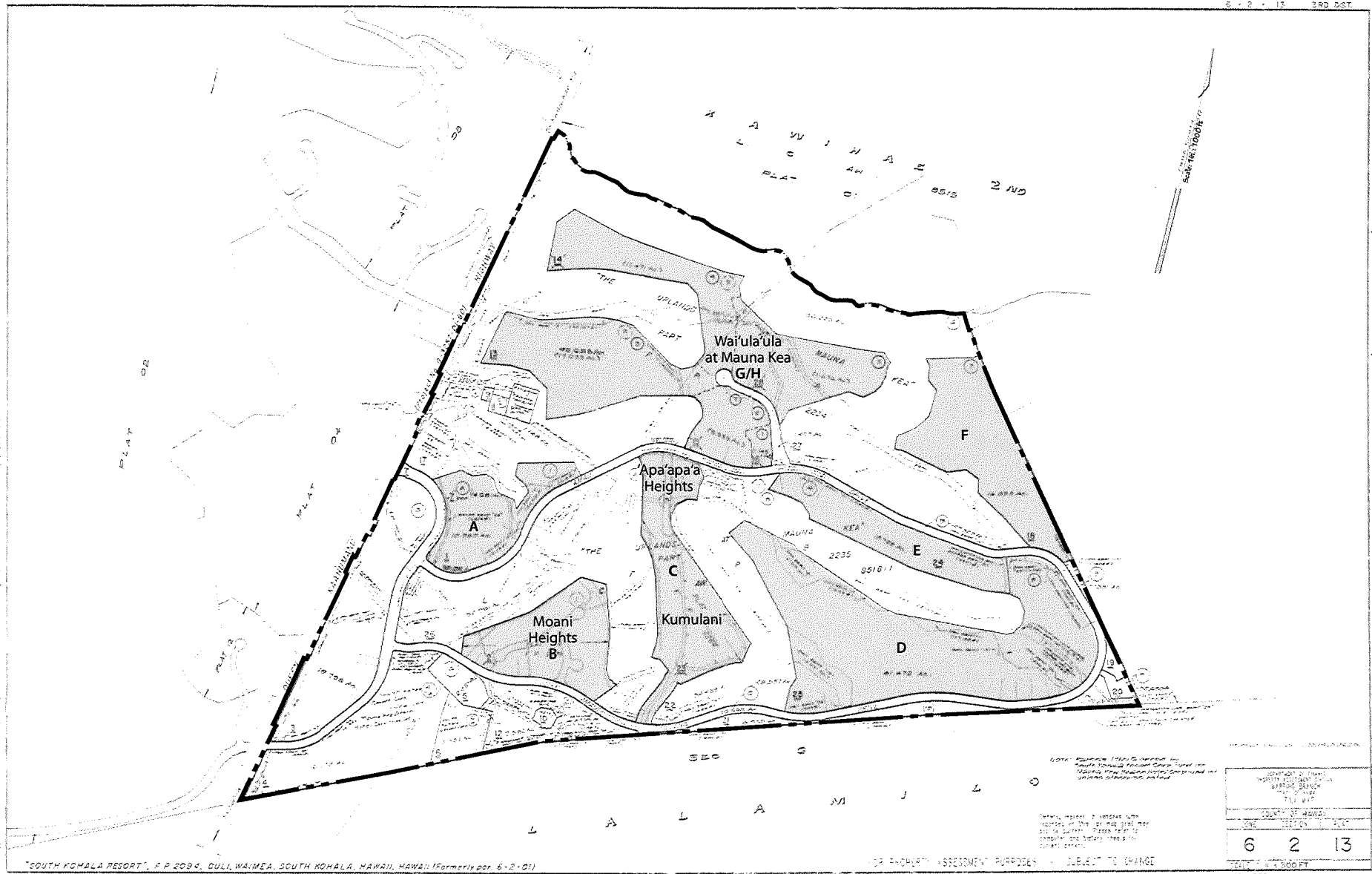


Figure 1
DEVELOPMENT PARCELS A-G/H

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