



February 21, 2024

Land Use Commission
Daniel Orodener
State of Hawaii
P.O. Box 2359
Honolulu, HI 96804



RE: 2023 Annual Progress Report
LUC Docket No. A84-570 W.H. Shipman, Limited
(W.H. Shipman Business Park)

Dear Mr. Orodener,

Submitted herewith is our progress report.

General Progress of Project

The last Annual Report was submitted June 8, 2001. The reason for the lapse was an in-office transition of Presidents. When the outgoing President, Bob Saunders, transitioned from the Company, the Reports stopped. We apologize for this oversight and will ensure that Annual Progress Reports are filed in a timely manner going forward.

The market for industrial properties has changed significantly since our last report, in part due to the scarcity of fee simple industrial land on the island of Hawai'i. Since 2001, we completed the last steps in development of Phase 1D of the Business Park, entirely within Increment I. All 21 lots in this Phase, ranging from half acre to 2 acres (approximately 25 acres total), have been sold.

We are currently completing subdivision, plans and specifications for construction of Phase 1E consisting of 8 lots of one-half acre in size. Construction is projected to start by the end of the year. Phase 1E is also entirely contained within Increment I. We have no immediate plans for development in Increment II of the Business Park.

16-127 Lapa'au Rd - Keaau, Hawaii 96749
tel: 808-966-9325 * fax: 808-966-8522
www.whshipman.com



Conditions and efforts to comply

Condition 1: *Petitioner shall coordinate with the County of Hawaii and the State Department of Health regarding the establishment of appropriate systems to contain spills and prevent materials associated with industrial uses such as petroleum products, chemical or other pollutants, from adversely affecting the groundwater.*

Response: As mentioned in earlier reports, we recorded an additional amendment to the Covenants using language recommended by the State Health Department requiring improvements by each lot owner to mitigate against groundwater contamination. To our knowledge, all of our purchasers have complied with these requirements for groundwater protection.

Condition 2: *Petitioner shall comply with the requirements of the State Department of Health and the County of Hawaii Department of Public Works with respect to the installation of the projects sewage system.*

Response: Plans and specifications have been approved and constructed in accordance the State Department of Health and the County of Hawaii Department of Public Works with respect to the installation of wastewater treatment systems for each lot as it has been further developed by the purchaser. To our knowledge all purchasers have complied and have approved sewage systems.

Condition 3: *Storage and/or disposal of hazardous wastes shall be approved by the Department of Health prior to their establishment on the Property.*

Response: To our knowledge all purchasers are complying with this condition.

Condition 4: *Petitioner shall complete the proposed project in substantial compliance with the representations made before the Land Use Commission. Failure to so develop the Property may result in reversion of the Property to its former land use classification, or change to a more appropriate classification.*

Response: We will continue to develop the Property in substantial compliance with our representations before the Land Use Commission.

Condition 5: *Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Hawaii Planning Department in connection with the*

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status of the subject property and the Petitioner's progress in complying with the conditions imposed.

Response: There has been a gap of submitting annual reports and we have corrected this matter. Reports will be submitted annually.

Condition 6: 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 the Petitioner.

Response: We have not requested any such release.

Condition 7: The conditions imposed by the Land Use Commission shall be recorded with the Bureau of Conveyances and Land Court of the State of Hawaii, if applicable, pursuant to Section 15-15-92, H.A.R.

Response: These have been recorded, as mentioned in earlier reports.

Condition 8: 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 or Land Court of the State of Hawaii, whichever is appropriate, a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

Response: This was done, as mentioned in earlier reports.

Sincerely,

Margaret E.M. Farias
President

cc: Office of Planning
Planning Department, County of Hawaii

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