

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

121 WAIANUENUE AVENUE

P.O. BOX 686

HILO, HAWAII 96721-0686

TELEPHONE 808.935.6644 FAX 808.935.7975

WWW.CARLSMITH.COM

DIRECT DIAL NO.  
808.969.8403

KGARSON@CARLSMITH.COM

OUR REFERENCE NO.  
060075-35



March 14, 2025

**VIA REGULAR MAIL AND E-MAIL: DBEDT.LUC.WEB@HAWAII.GOV**

Daniel E. Orodenker  
Executive Officer  
Land Use Commission  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804

Re: **2019 to 2025 Annual Progress Report**  
State Land Use Commission Docket No. A93-701  
Original Petitioner: Kaupulehu Developments  
Successor Petitioner for Lot 4-B: Hualalai Investors, LLC  
Tax Map Key Nos.: (3) 7-2-010:020, 028 to 030, (3) 7-2-029: 001-020, 022 to  
025, 027 to 048, 050 to 058, (3) 7-2-030:001 to 048  
(Formerly (3) 7-2-003: Portion of 001) (collectively "Lot 4-B")

Dear Mr. Orodenker:

This will serve as a response to your letter dated December 23, 2024, addressed to Mr. Steven S.C. Lim of Carlsmith Ball, LLP, which informed that the annual progress reports required for submittal to the State Land Use Commission ("**Commission**") pursuant to Condition 27<sup>1</sup> of the Findings of Fact, Conclusions of Law, and Decision and Order under Docket No. A93-701 ("**Docket No. A93-701**") were delinquent.

As discussed in prior annual reports to the Commission, the area reclassified by Docket No. A93-701 was divided into two (2) distinct development areas, now identified as the "**Lot 4-A**" development area and the "**Lot 4-B**" development area. On behalf of our current client Hualalai Investors, LLC (hereinafter referred to as "**HILLC**"), we are hereby submitting a

---

1. As discussed in the 2018 Annual Progress Report submitted to the Commission on June 1, 2018, the current developer of Lot 4-A is KD Acquisition LLLP (and KD Acquisition II, LP), a successor-in-interest to the original Petitioner under Docket No. A93-701, and will be filing separate annual progress reports with the Commission as to Lot 4-A.

comprehensive 2019 to 2025 Annual Progress Report<sup>2</sup> as to Lot 4-B, a portion of the lands covered by Docket No. A93-701 for consideration. HILLC became the successor applicant from Kaupulehu Makai Venture, specifically to those lands comprising Lot 4-B on June 1, 2006, as mentioned in our earlier June 1, 2018 annual report to the Commission.

Since the filing of the 2018 Annual Progress Report on June 1, 2018, and as discussed in more detail below, HILLC is nearly complete with the development as to the Lot 4-B development area under Docket No. A93-701. We previously reported in 2018 that HILLC developed 217.394 acres of the 238.609 acres comprising the Lot 4-B development area and that there were two (2) vacant bulk lots left remaining to be developed. HILLC has since obtained final subdivision approval in late 2023 from the County Planning Department to subdivide one of these remaining bulk lots into 12 additional single-family lots, while also receiving a recent Tentative Approval to allow the subdivision of an additional (four) 4 lots of the other remaining bulk lot. HILLC has now developed approximately 233.835 acres of the original 238.609 acres comprising Lot 4-B<sup>3</sup>. The fifteen (15) separate development areas within Lot 4-B, now consist of ninety (90) single-family lots and twenty (20) multiple-family residential units for a total of 110 completed residential units within Lot 4-B, including holes 11 through 17, along with portions of holes 10 and 18 of the Keolu Golf Course. Once the remaining lots are completed within the last vacant bulk lot in Lot 4-B, HILLC will have successfully completed the entire balance of improvements planned for the Lot 4-B development area under Docket No. A93-701.

Over the years, HILLC has processed numerous subdivisions within the development in compliance and consistent with the representations made in Docket No. A93-701, as well as in compliance with the underlying County Project District zoning and the Special Management Area Use Permit for the area. The County of Hawaii also approved of a 20-year extension of the overall development period under the Project District zoning for Lot 4-A and Lot 4-B in 2019.

The following sections are intended to provide a summary on the history of the entitlements on Lot 4-B (Section I), and report on HILLC's development activities since the adoption of Docket No. A93-701 (Section II), the development plans for beyond 2025 (Section III). Attached as "**Exhibit A**" is a chart with the conditions contained in the Findings of Fact, Conclusions of Law, and Decision and Order dated October 18, 2001 in Docket No. A93-701.

## **I. ENTITLEMENTS HISTORY FOR LOT 4-A**

### **A. State Land Use Urban District reclassification.**

The original Petitioner under Docket No. A93-701, Kaupulehu Developments, proposed to develop a residential community consisting of 530 single-family

---

<sup>2</sup> As indicated in Carlsmith Ball LLP's 2003 to 2004 Annual Progress Report to the Commission, Hualalai Investors, LLC ("HILLC") the successor-in-interest to former Petitioner Kaupulehu Makai Venture, would file separate annual progress reports with the Commission for Lot 4-B.

<sup>3</sup> The total acreage accounts for the development of the completed subdivision improvements, including roadways and utilities, in addition to the back 9 golf holes of the Keolu Golf Course.

homes and 500 low-rise multiple-family units to complement the adjacent resort development, 36 holes of golf, a golf clubhouse, an 11-acre neighborhood commercial center with 45,000 sq. ft. of leasable space, a 3-acre residents/members recreation club, and a 70-acre area abutting the north boundary of Lot 4-A for public shoreline access facilities, other recreational uses, and cultural activities. The original Findings of Fact, Conclusions of Law, and Decision and Order entered on June 17, 1996 was revised on October 18, 2001, after the Supreme Court in *Ka Pa`akai O Ka`Aina v. Land Use Commission*, 94 Hawai`i 31, 7 P.3d 1068 (2000), vacated the Commission's Decision and Order and remanded the case for the limited purpose of entering specific findings and conclusions regarding the rights of native Hawaiians and valued native Hawaiian resources.

On October 18, 2001, the Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order in Docket No. A93-701, which amended the district classification for approximately 1,009.086 acres of land, a majority of Lot 4-A<sup>4</sup> and all of Lot 4-B from the "Conservation District" to the "Urban District"<sup>5</sup>.

B. Special Management Area.

On December 4, 1998, the County Planning Commission voted to approve Special Management Area Use Permit No. 389 ("**SMA 389**") to allow the development of a resort residential community within Lot 4-A and Lot 4-B, to include a resident's beach club, golf course and clubhouse, a Hawaiian interpretive center, and other related facilities. SMA 389 was ratified and reaffirmed on December 30, 1999.

C. Project District Re-Zoning.

On April 10, 1999, the County of Hawaii adopted Project District Ordinance No. 99-42 ("**PDO 99-42**"), which changed the zoning classification for Lot 4-A and Lot 4-B from the "Open" zone to "Project District". PDO 99-42 permitted the development of the same number of dwellings/units and elements allowed under Docket No. A93-701.

The Kaupulehu Project District established by PDO 99-042 imposed a 20-year development period (Condition B) by which the proposed development activities within the Kaupulehu Project District would need to have been completed by April 10, 2019. On February 20, 2019, the County of Hawaii determined that it was warranted that the development period be extended another 20 years or until February 20, 2039, to complete the remaining development in the overall

---

<sup>4</sup> Approximately 37.064 acres within portions of TMK: (3) 7-2-010:022 and 023 at Kaupulehu were left in the Conservation District, as this area comprises an existing archaeological preserve.

<sup>5</sup> A portion of Kaupulehu Lot 4-A was previously reclassified from Conservation to Urban in Docket No. A81-524.

Kaupulehu Project District through the adoption of an amendment to PDO 99-042, which is now Project District Ordinance No. 19-12 (See "**Exhibit B**").

D. Bulk Lot Subdivision Creating Lot 4-A and Lot 4-B.

The Planning Department approved a 2-lot subdivision under Subdivision Application No. SUB-7571-Revised on September 18, 2002, which subdivided the development area covered by the subject entitlements discussed above into new bulk Lot 4-A (Kaupulehu) comprised of 876.553 acres, and Lot 4-B (portion of Hualalai Resort) comprised of 238.609 acres, respectively.

## II. DEVELOPMENT SUMMARY FOR LOT 4-B

As highlighted earlier, Lot 4-B is comprised of 15 separate development areas that presently contain 90 single-family lots and 20 multiple-family residential units, holes 11 to 17 and portions of 10 and 18 of the Keolu Golf Course, along with 1 vacant bulk lot subject to pending Tentative Approval to allow a further subdivision of this property into for 4 additional lots. (See "**Exhibit C**" - Updated Lot 4-B Master Plan).

The following sections will further describe the elements that have been developed within Lot 4-B to date.

1. *Hualalai Resort Phase 2-C Subdivision No. 1 (SUB-7835-Revised)*

The Planning Department approved SUB-7835-Revised on October 19, 2004. This subdivision represented the initial development phase of Lot 4-B, which consisted of 3 single-family lots, 2 multiple-family lots now comprising the 4-unit Na Hale at Kahikole condominium project, presently located on TMK: (3) 7-2-030:002, and the adjoining 4-unit Na Hale at Kahikole Phase II condominium project now located on TMK: (3) 7-2-030:001. This subdivision also consisted of remainder bulk lots that HILLC planned to subdivide over subsequent phases. The subdivision improvements for this phase were completed in 2006.

2. *Hualalai Resort Phase 2-C Subdivision No. 2 (SUB-04-000219)*

The Planning Department approved SUB-04-000219 on September 12, 2005. This phase of the development consisted of 19 single-family residential lots, 1 multiple-family lot, and remainder bulk lots for future single-family lot or multiple-family residential units, and for the back 9 golf holes of the Keolu Golf Course. HILLC constructed the 12-unit Hali'i Pua Villas condominium project on TMK: (3) 7-2-029:028. The subdivision improvements for this phase were completed in 2006.



3. *Hualalai Resort Phase 2-C Subdivision No. 3 (SUB-05-000222)*

The Planning Department approved SUB-05-000222 on February 21, 2007. This phase of the development within Lot 4-B consisted of 31 single-family residential lots, together with a readjustment of the boundary lines for certain bulk lots for portions of the golf course. The subdivision improvements for this phase were completed at the end of 2007.

4. *Hualalai Resort Parcel 20 Subdivision (SUB-07-000564)*

The Planning Department approved SUB-07-000564 on January 9, 2014. This phase of the development consisted of 12 single-family residential lots, together with a readjustment of the boundary lines for certain bulk lots for portions of the golf course. The subdivision improvements for this phase were completed in 2014.

5. *Kulanakauhale (SUB-14-001426-Revised)*

The Planning Department approved SUB-14-001426-Revised-2 on April 5, 2017. This phase of the development consisted of 11 single-family residential lots. The subdivision improvements for this phase were completed in 2017.

5. *Hualalai Resort Parcel 19 Subdivision (SUB-14-001449-Revised)*

The Planning Department approved SUB-14-001449-Revised on March 21, 2023. This phase of the development consisted of 12 lots and the improvements for this phase was completed in 2023.

6. *Hualalai Resort Parcel 21 Subdivision (PL-SUB-2023-000190)*

The Planning Department granted Tentative Approval for 4 single-family lots within Lot 4-B on March 4, 2023.

### **III. DEVELOPMENT PLANS FOR LOT 4-A (INCREMENT 2) AND BEYOND 2025**

As evidenced by the development of Lot 4-B to date, HILLC is committed to satisfy the conditions of Docket No. A93-701 applicable to Lot 4-B, as it continues forward towards to full completion of the remaining lots within the 4-B development area.

Specifically responding to the Commission's request for information on the satisfaction of affordable housing requirements relating to the development of Lot 4-B, HILLC's predecessors established an employee affordable housing subsidy program or the "*Hualalai Resort Affordable Housing Implementation Plan*" (the "**Housing Program**") for the Hualalai Resort project, which was approved by the County on July 1, 1998. The Housing Program provided subsidies to income-eligible resort employees to assist with the purchase or construction of a new home,

Daniel E. Orodener  
Executive Officer  
March 14, 2025  
Page 6

which was funded through an initial contribution of \$1,000,000 made by the developer. On December 2, 2003, the County Council adopted Resolution 133 (Draft 2) to expand the Housing Program to fulfill the affordable housing requirements for Lot 4-B ("**Exhibit D**"). The County further confirmed that the affordable housing requirements for Lot 4-B were satisfied through the adoption of Resolution 133 (Draft 2) by letter dated March 15, 2004 ("**Exhibit E**").

HILLC will provide a final report to the Commission upon conclusion of the development activities within Lot 4-B shortly.

Per the Commission's request, the updated contact information for the ownership of the properties is as follows:

Hualalai Investors, LLC  
100 Kaupulehu Drive  
Kailua-Kona, Hawaii 96740  
Telephone: (808) 325-8191  
E-mail: Juyeda@hualaliresort.com

Trustees of the Estate of Bernice Pauahi Bishop  
567 South King Street  
Honolulu, Hawaii 96813  
Attn: Tee Suntaro  
Telephone: (808) 534-8080  
E-mail: tesuntha@ksbe.edu

We trust that the foregoing and the attached charts satisfy the annual reporting requirements of Docket No. A93-701, Condition 27. If you have any questions regarding this request or if you require additional information, please feel free to contact me or my paralegal Jason Knable at 935-6644 at any time. Thank you.

Sincerely,



Katherine A. Garson

KAG/jkk1

Enclosures

cc: Hualalai Investors, LLC  
County of Hawaii Planning Department  
State of Hawaii Office of Planning and Sustainable Development

**Successor Applicant: Hualalai Investors, LLC ("HILLC")**  
**State Land Use Commission Docket No. A93-701**  
**Effective Date: October 18, 2001 (A93-701)**  
**2019 to 2025 Annual Report**

No.	Condition	Status	Comments
1a.	Petitioner shall initially establish and annually provide reasonable operating and capital expenditure costs through revenues from the Project and assessments, a Kaupulehu Development Monitoring Committee (KDMC) composed of: (1) person of native Hawaiian ancestry who is knowledgeable regarding the type of cultural resources and practices within the Petition Area, as selected by the LUC from a list of three names submitted by each of the parties based on review of their resumes and a formal interview process; and (2) a management member knowledgeable regarding the type of cultural resources and practices within the Petition Area, as selected by Petitioner and landowner. The individuals making up the KDMC shall operate on an equal vote basis. In the event that the individuals making up the KDMC cannot agree on specific decision, they shall jointly select a third person to break the tie.	<b>Satisfied</b>	<p>This condition was satisfied for Lot 4-B.</p> <p>Hannah Kihalani Springer was selected to be the native Hawaiian representative on the KDMC pursuant to the D&amp;O Approval Selection of Native Hawaiian Committee Member to the KDMC dated 05/13/02. Leina'ala Keakealani Lightner was selected as the Successor Petitioner's appointee to the KDMC. Pursuant to the KDMC Operational Plan, each KDMC member shall serve a 5-year term.</p> <p>The first 5-year term for Ms. Springer and Ms. Lightner expired on 04/09/07. The terms for Ms. Springer and Ms. Lightner were extended for an additional 5 years ending on 04/07/12, and they continue to serve the KDMC in their original capacity.</p> <p><u>REFERENCE:</u>  1) KDMC term extension letter (April/May 2007)  2) KDMC Letter (05/07/2012)  3) KDMC Letter (02/25/2025)</p>
1b.	The KDMC shall be established by Petitioner no later than six months from the issuance of this decision and order. Upon establishment of the KDMC, Petitioner shall provide a written report to the Land Use Commission, the Office of Planning, and the County of Hawaii with details as to its composition, structure, operating costs and compensation for members and staff, procedures, and plan of action to be approved by the Land Use Commission.	<b>Satisfied</b>	<p>This condition was satisfied for Lot 4-B.</p> <p>The KDMC was established and commenced operations in April of 2002. The KDMC Operational Plan was filed with the Commission on 03/08/02.</p> <p><u>REFERENCE:</u>  1) KDMC Operational Plan</p>
1c.	The KDMC shall jointly decide on an equal vote basis monitoring and dispute resolution decisions related to the protection of native Hawaiian practitioner's exercise of customary and traditional practices and rights as described above; the availability of natural and cultural resources for present and future generations; and appropriate access in the subject areas to the extent that these rights are protected by PASH vs. Hawaii County Planning Commission, 79 Haw. 425, (1995), in perpetuity. In the event that the two person KDMC cannot agree on a specific decision, they shall jointly select a third person to break the tie. A certified description of any action requiring section of a third member of the KDMC shall be filed with the Land Use Commission.	<b>Satisfied</b>	<p>This condition was satisfied for Lot 4-B.</p> <p>The KDMC Operational Plan outlines monitoring and dispute resolution decisions. Pursuant to the charter of duties established in the KDMC Operational Plan, the KDMC members continue to monitor and make recommendations relating to the maintenance and or preservation of traditional and customary native Hawaiian practices and cultural resources.</p> <p><u>REFERENCE:</u>  1) KDMC Operational Plan</p>

1d.	The KDMC shall monitor the quality of the salt gathering resource and the effectiveness of the Petitioner's actions to provide access to and/or preserve and maintain traditional and customary native Hawaiian practices and cultural resources. The KDMC shall provide recommendations consistent with this decision and order to the Land Use Commission with respect to maintenance and/or preservation of those traditional and customary native Hawaiian practices and cultural resources.	<b>Satisfied</b>	<p>This condition was satisfied for Lot 4-B.</p> <p>The KDMC members continue to monitor the salt gathering and the Successor Petitioner's actions to allow to adequate traditional and customary native Hawaiian access.</p> <p>“Salt Pans and Quality of Salt from Kalaemano, Lot 4 Project Site” (March 2008, Environmental Assessment, LLC) was reviewed and approved by the KDMC and submitted to the County of Hawaii Planning Department ("PD"), LUC, DLNR and DOH Clean Water Branch on 02/10/09.</p> <p><u>REFERENCE:</u></p> <p>1) The "Salt Pan Quality Monitoring Plan" (Marine Research Consultants, 5/23/00)</p> <p>2) DOH approval (01/11/05) - "Proposed Water Quality/Salt Pan/Marine Life Monitoring Program for Kaupulehu Lot 4-A" (Environmental Assessment, LLC, 4/26/04)</p> <p>3) Reviewed and approved by the KDMC; and submitted to the PD, LUC, DLNR, and DOH Clean Water Branch (02/10/09) - “Salt Pans and Quality of Salt from Kalaemano, Lot 4 Project Site” (Environmental Assessment, LLC, March 2008)</p>
1e.	The KDMC shall provide reports on an annual basis describing items and issues covered in their deliberations and any other findings and recommendations.	On-going	<p>This condition shall continue to be satisfied by the KDMC as necessary.</p> <p>According to available records, the last KDMC annual report filed with SLUC was on 08/20/13.</p>
2a.	Petitioner shall establish a 235-acre resource management area to maintain, protect, and preserve the exercise of traditional and customary practices and cultural resources within the Petition Area consistent with this decision and order. Petitioner shall establish an annual budget for maintaining the resource management area including the costs for administration, infrastructure, capital costs, security and educational personnel to be approved by the KDMC. Excluding the approx. 37.064-acre archaeological preserve, which will be retained in the Conservation District, the resource management area shall encompass approx. 198 acres.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>Pursuant to the provisions of the "Kaupulehu Integrated Resources Management Plan" ("IRMP") (Belt Collins Hawaii, Ltd., 6/17/98), a 235-acre resource management area, designated as “coastal planning areas”, was established and recorded under the Declaration of Coastal Planning Area on 11/10/04 (Document No.: 2004-228042) (duplicate recorded 11/16/2004 as Document No. 2004-230820).</p> <p><u>REFERENCE:</u></p> <p>1) Declaration of Coastal Planning Area (11/10/04) (BOC Document No.: 2004-228042)</p> <p>The developer of the Kaupulehu project funds the annual budget for the maintenance of the resource management area. The KDMC will review and approve the annual budget upon turnover by the Developer.</p>

			C) from this area. The following is a breakdown of the various subzones within the resource management area: Subzone A: 104.221; Subzone B1 = 31.961 acres; Subzone B2 = 19.660 acres; Subzone B3 = 47.656 acres.
2b.	The resource management area shall contain five subzones. The delineation of the five subzones shall be based upon the resources and activities within each respective subzone and the management and preservation measures to be employed with regard to those resources as set forth in the decision and order. All five subzones will be linked by public access way consisting of portions of the historic coastal trail and new pedestrian paths. Petitioner shall provide metes and bounds map and description of boundaries of each of the subzones to the Land Use Commission within six months of the issuance of this decision and order.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>The metes and bounds map and description of the boundaries of each of the five (5) subzones was submitted to the SLUC on 11/14/02, and recorded with the State Bureau of Conveyances on 11/10/04 by way of Declaration of Coastal Planning Area (Document No.: 2004-228042).</p> <p><u>REFERENCE:</u>  1) Declaration of Coastal Planning Area (11/10/04) (BOC Document No.: 2004-228042)</p>
2c.	Subzone A shall be designated for preservation of salt gathering, the coastal trail, coastal views, and archaeological sites. Petitioner shall prohibit any ground-disturbing activity within the subzone except for pedestrian paths or other public access improvements that may be required by the State of County. Public access will be provided to and within this subzone over the shoreline, historic coastal trail, and other onsite pedestrian pathways.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>The provisions for restricted activity and public access within Subzone A are addressed in the following documents on file with the Commission.</p> <p><u>REFERENCE:</u>  1) Kaupulehu Lot 4-A Comprehensive Public Access Plan ("CPAP") (September 2004)  2) Declaration of CC&amp;Rs' regarding Restricted Parcels (Recorded on 12/23/05; Document No.: 2005-262407), as amended by instrument dated September 26, 2007, recorded as Document No. 2007-170884, and dated February 11, 2016, recorded as Document Nos A-58910413A through A-58910413B.  3) Declaration of Coastal Planning Area (Recorded on 11/10/04; Document No.: 2004-228042) [Subzone A = 104.221 acres]</p>
2d.	Subzone B shall be divided into three components, B1, B2, and B3. Subzone B1 shall include approximately 30 acres, and will be designated as an activity-oriented area for public access parking. Subzone B2 shall include approximately 15 acres and traverse the coastal edge of the 1800-1801 lava flow over a distance of approximately 3,900 feet along the coast and at least 100 feet inland from the certified shoreline, and in some instances 300 feet. It will preserve the coastal trail and the shoreline resources. Subzone B3 shall include approximately 49 acres surrounding Kona Village Resort, and will provide a buffer to reduce visual and other impacts to the Kona Village Resort. This buffer are will be restricted to open space uses such as golf course and related improvements, landscaping, infrastructure, existing heliport, and other uses which may be acceptable to Kona Village Resort.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>The provisions for restricted activity and public access within Subzones B1, B2, and B3 are addressed in the following documents on file with the Commission.</p> <p><u>REFERENCE:</u>  1) Kaupulehu Lot 4-A CPAP (September 2004)  2) Declaration of CC&amp;Rs' Regarding Restricted Parcels (Recorded on 12/23/05; Document No.: 2005-262407), as amended.  3) Declaration of Coastal Planning Area (Recorded on 11/10/04; Document No.: 2004-228042) [B1 = 31.961 acres; B2 = 19.660 acres; B3 = 47.656 acres]</p>
2e.	Subzone C shall consist of approximately 37 acres just inland of Kona Village Resort and will be an archaeological preserve for 38	<b>Satisfied</b>	This condition has been satisfied for Lot 4-B.

	landscaping, infrastructure, existing heliport, and other uses which may be acceptable to Kona Village Resort.		
2e.	Subzone C shall consist of approximately 37 acres just inland of Kona Village Resort and will be an archaeological preserve for 38 archaeological sites containing 191 separate features, as identified in the archaeological inventory level survey conducted by Paul H. Rosendahl, Inc. Improvements in this subzone will be limited to interpretive signage and trail maintenance.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>The provisions for restricted activity and public access within Subzone C are addressed in the following documents on file with the Commission.</p> <p><u>REFERENCE:</u></p> <p>1) Kaupulehu Lot 4-A CPAP (September 2004)</p> <p>2) Declaration of CC&amp;Rs' regarding Restricted Parcels (Recorded on 12/23/05; Document No.: 2005-262407), as amended</p> <p>3) Declaration of Coastal Planning Area (Recorded on 11/10/04; Document No.: 2004-228042) [C = 37.064 acres]</p>
3a.	Petitioner shall preserve and protect the gathering and access rights of native Hawaiians by providing appropriate access to the salt gathering resource at Kalaemano and fund adequate security and maintenance to maintain trails and salt gathering areas in accordance with traditional and customary native Hawaiian practices located within Subzone A as decided and monitored by the KDMC.	<b>Satisfied</b>	<p>This condition has been satisfied for Lot 4-B.</p> <p>The access provisions of this condition are included and addressed in the IRMP and the Kaupulehu Lot 4-A CPAP.</p> <p>The developer of the Kaupulehu project funds the annual budget for the maintenance and security of the resources management area, which is done in consultation with and monitored by the KDMC.</p>
3b.	Petitioner shall preserve and protect the gathering for cultural purposes including religious practice by providing appropriate access to burial sites and other archaeological sites within the Petition area consistent with this decision and order. Petitioner shall adhere to prevailing and/or published protocols of the Hawaii County Burial Council and/or State Historic Preservation Division where these sites are found to exist as monitored by the KDMC.	<b>Satisfied</b>	<p>HILLC has satisfied this condition, as evidenced by the numerous Grading and Grubbing Permits approved by the County and the State Historic Preservation Division, which cover the completed development within Lot 4-B.</p> <p>HILLC has also implemented all the required mitigation protocols and preservation measures, in compliance with the approved archaeological plans referenced below.</p> <p><u>REFERENCE:</u></p> <p>1) Archaeological Inventory Survey (1991 &amp; 1994; Rosendahl, Ph.D)</p> <p>2) Archaeological Data Recovery and Interim Site Preservation Plans, Hualalai Resort Phase II Expansion Project (July 2002; Rosendahl, Ph.D)</p> <p>3) Archaeological Mitigation Plan for Hualalai Resort Phase II Expansion Project (July 2002; Rosendahl, Ph.D)</p> <p>4) Burial Treatment Plan, Hualalai Resort Phase II Expansion Area Project, Kaupulehu Makai - Lot 4 (July 2000; Rosendahl, Ph.D)</p> <p>5) A Revised Archaeological Preservation Plan for Five Sites on Development Parcel 19 in Hualalai Resort (October 2015, ASM Affiliates) and DLNR-SHPD approval letter dated 03/03/16)</p> <p>6) An archaeological field inspection report of Hualalai Resort Parcel 21 (February 2023, ASM Affiliates)</p>



	KDMC should identify a specific site in the course of their monitoring of Petitioner's efforts to maintain and/or preserve traditional native Hawaiian cultural resources, it shall forward its recommendation to the Land Use Commission for its approval that such site be designated for Pele worship.		
3d.	Petitioner shall initiate and fund a nearshore water quality monitoring program. The parameters of the monitoring program shall be approved by the State Department of Health (DOH). Petitioner shall provide regular reports to the Land Use Commission and the KDMC as to the findings of this water quality monitoring program.	N/A to Lot 4-B	Lot 4-B is not located near or along the shoreline. This condition is being satisfied through monitoring of Lot 4-A.
4	Petitioner shall to the extent feasible inventory non-renewable resources such as Pele's Tears found at the makai edge of the 1800-1801 Hualalai lava flow located in Subzones A, B2, and B3. The KDMC shall review this inventory and recommend to the Land Use Commission methods to preserve, protect, exhibit, or provide appropriate access to any such resource in its six-month plan for the LUC approval.	<b>Satisfied</b>	This condition has been satisfied for Lot 4-B.  The described locations have been surveyed and no Pele's Tears were found.
5	Petitioner shall provide appropriate access to the shoreline of the Petition Area to preserve and protect access rights of native Hawaiians and the general public to Kupe'e shells that may be found along the shoreline as monitored by the KDMC.	<b>Satisfied</b>	HILLC has satisfied this condition for Lot 4-B development area.  HILLC completed all public access improvements, pursuant to the Public Access Plan. Recently, HILLC by letter dated 04/06/18, submitted to the Planning Department an update to reflect the total number of public access parking stalls at 77.  <u>REFERENCE:</u> 1) Final Comprehensive Public Access Plan for Hualalai at Historic Kaupulehu (November 1997) 2) Final Comprehensive Public Access Plan for Hualalai at Historic Kaupulehu (updated November 2000), approved by the Planning Department (12/01/01) 3) Letter update (07/12/04), approved by the Planning Department (08/25/04) 4) Letter update (05/19/16), acknowledged by the Planning Department (06/16/16) 5) Letter update (04/06/18), pending acknowledgment by the Planning Department  See also Kaupulehu Lot 4-A CPAP (September 2004).
6a.	At a minimum, to preserve and protect mauka and makai view planes and the shoreline as a site for spiritual meditation and educational practices, Petitioner shall cause to be established a setback zone of 75 feet from the certified shoreline within which there shall be no	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B, as the subject development area is not located along the certified shoreline.

	improvements of any kind other than improvements which may be reasonably necessary for purposes of public safety, and where the property will be left in its natural state; provided that certain golf holes may be allowed within the setback subject to mutual agreement between Petitioner, the Department of Land and Natural Resources, and the Office of Planning.		
6b.	At a minimum, to preserve and protect mauka and makai view plans and the shoreline as a site for spiritual meditation and education practices, Petitioner shall prohibit any residential development or vertical improvements, other than landscaping and improvements allowed by County ordinance or variance, to be constructed or erected within 150 feet of the certified shoreline.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B, as the subject development area is not located along the certified shoreline.
7a.	The proposed mitigation commitments for all identified sites with burials must be submitted to the State Historic Preservations Division's Hawaii Island Burial Council for vote on the mitigation proposals. Once a decision is made by the Council, then the mitigation commitments for those sites will be finalized. A burial treatment plan for the mitigation treatment for those sites must then be approved by the State Historic Preservation Division, in consultation with their Hawaii Island Burial Council, and a certified copy of said plan shall be filed with the LUC prior to any land alteration in the vicinity of these sites as monitored by the KDMC. Mitigation commitments shall be monitored by the KDMC.	<b>Satisfied</b>	<p>HILLC has satisfied this condition, as evidenced by the numerous Grading and Grubbing Permits approved by the County and the State Historic Preservation Division, which cover the completed development within Lot 4-B. HILLC has also implemented all the required mitigation protocols and preservation measures, in compliance with the approved archaeological plans referenced below</p> <p>The KDMC members continue to monitor the mitigation protocols for the identified burial sites.</p> <p><u>REFERENCE:</u> 1) Burial Treatment Plan, Hualalai Resort Phase II Expansion Area Project, Kaupulehu Makai - Lot 4 (July 2000; Rosendahl, Ph.D)</p>
7b.	For all sites approved by the State Historic Preservation Division (SHPD) to undergo archaeological data recovery, an archaeological data recovery plan (scope of work) must be prepared by Petitioner. This plan must be approved by the SHPD and a certified copy of said plan shall be filed with the LUC prior to any land alteration in the vicinity of these sites. The approval plan will be monitored by the KDMC.	<b>Satisfied</b>	<p>HILLC has satisfied this condition, as evidenced by the numerous Grading and Grubbing Permits approved by the County and the State Historic Preservation Division, which cover the completed development within Lot 4-B.</p> <p>The KDMC no longer needs to monitor the sites that were subject to the completed Data Recovery.</p> <p><u>REFERENCE:</u> 1) SHPD approval (8/14/03) - "Archaeological Data Recovery and Interim Site Preservation Plans, Remainder of Lot 4, Kaupulehu Makai" 2) DLNR-SHPD submittal on 2/12/08 - "Archaeological Data Recovery, Kaupulehu Makai, Remainder of Lot 4" (January 2008)</p>
7c.	For all sites approved for preservation by the State Historic Preservation Division (SHPD), a preservation plan must be prepared by Petitioner. (Burial sites may be covered under the burial treatment plan.) This plan must include buffer zones/interim	<b>Satisfied</b>	HILLC has also implemented all the required mitigation protocols and preservation measures, in compliance with the approved archaeological plans referenced below.

	protection measures during construction, and long-range preservation (including public access and interpretation, where appropriate). The plan must include input from the local native Hawaiian community and relevant Hawaiian groups. The plan must be approved by the SHPD and a certified copy of said plan shall be filed with the LUC prior to any land alteration in the vicinity of these sites. The approval plan will be monitored by the KDMC.		The KDMC members continues to monitor the mitigation protocols for the identified burial sites.  <u>REFERENCE:</u> 1) Archaeological Data Recovery and Interim Site Preservation Plans, Hualalai Resort Phase II Expansion Project (July 2002; Rosendahl, Ph.D) 2) A Revised Archaeological Preservation Plan for Five Sites on Development Parcel 19 in Hualalai Resort (October 2015, ASM Affiliates) and DLNR-SHPD approval letter dated 03/03/16)
7d.	Petitioner shall immediately stop work and contact the SHPD should any previously unidentified archaeological resources such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered during Project development. Mitigation and preservation shall be monitored by the KDMC.	On-going	HILLC shall continue to comply with this condition until full build-out of the Lot 4-B development area.
8	Petitioner shall preserve and protect the coastal trail in its entirety and portions of the mauka-makai trail located within the Resource Management Area and Petition Area with interpretive development, pursuant to the recommendations of Paul H. Rosendahl, Inc., and as approved by the State Historic Preservation Division to manage this cultural resource. Preservation and protection shall be monitored by the KDMC.	<b>Satisfied</b>	This condition has been satisfied.  The KDMC members monitor the coastal and mauka-makai trails and collaborates with National Park Service ("NPS") Ala Kahakai Trail Program on trail preservation and interpretation.  <u>REFERENCE:</u> 1) PD approval (09/29/04) - Kaupulehu Lot 4-A CPAP 2) SHPD approval (8/08/08) - "Archaeological Site Preservation Plan"(January 2008)
9	Petitioner shall initiate and fund a program to monitor the populations of threatened and endangered green sea turtles, hawksbill turtles, and humpback whales, as required by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Division of Aquatics Resources. Mitigation measures shall be implemented by Petitioner if the results of the monitoring program warrant them. Mitigation measures shall be approved by the US Fish and Wildlife Service, the National Marine Fisheries Service, and Department of Land and Natural Resources.	<b>Satisfied</b>	This condition has been satisfied.  As recommended by the U.S. Fish & Wildlife Service in its 12/16/02 letter, continued monitoring of the two (2) shoreline sites that show characteristics of turtle nesting beaches will be accomplished.  <u>REFERENCE:</u> 1) DLNR Letter (06/19/02) 2) National Ocean and Atmospheric Administration ("NOAA")/National Marine Fisheries Service ("NMFS") Letter (09/18/02) 3) U.S. Fish and Wildlife Service ("USFWS") Letter (12/16/02)
10	Petitioner shall conduct biological survey for terrestrial invertebrates, the Hawaiian Hoary bat, and Kona Nightingale (feral donkey), prior to submitting an application for rezoning to the County of Hawaii. Petitioner shall consult with the U.S. Fish and Wildlife Service prior to initiating the study, regarding the content and completeness. The study shall be accepted and approved by the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service must also verify in	<b>Satisfied</b>	This condition has been satisfied.  <u>REFERENCE:</u> 1) USFWS Letter (09/11/98) - "Avifaunal and Feral Mammal Survey of Kaupulehu Phase 2 Expansion Project, North Kona, Hawaii" (Belt Collins, 02/9/94)

	writing the successful execution of the study, and the implementation of the mitigation/preservation plan.		
11	Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents in the State of Hawaii to the satisfaction of the County of Hawaii. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the County of Hawaii.	<b>Satisfied</b>	<p>HILLC has satisfied this condition for the Lot 4-B development area.</p> <p>The County Housing Agency adopted Resolution 133 effective 12/02/03, which demonstrated HILLC's satisfaction of the subject condition.</p> <p><u>REFERENCE:</u> 1) Office of Housing and Community Development condition compliance letter (03/15/04)</p>
12	Petitioner shall implement effective soil erosion and dust control measures during and after construction to ensure that the development activities of the Petitioner shall not impact the salt gathering resources at Kalaemano located within subzone A of the Resources Management Area and other resources. Such measures shall be to the satisfaction of the State Department of Health and the County of Hawaii.	On-going	<p>HILLC shall continue to comply with this condition until full build-out of the Lot 4-B development area.</p> <p>During construction, soil erosion and fugitive dust are mitigated through implementation of Best Management Practices that HILLC and all individual contractors must observe.</p>
13	Petitioner shall develop a solid waste management plan in conformance with the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes. Petitioner's solid waste management plan shall be approved by the County of Hawaii Department of Public Works.	<b>Satisfied</b>	<p>HILLC has satisfied this condition for the Lot 4-B development area.</p> <p><u>REFERENCE:</u> 1) DPW Solid Waste Management Division approval (04/30/01) - "<i>Solid Waste Management Plan for the Hualalai Resort Phase II Development</i>" (prepared by Belt Collins Hawaii; December 2000) .</p>
14	Petitioners shall fund and construct adequate wastewater treatment, transmission and disposal facilities, as determined by the State Department of Health and the County of Hawaii.	<b>Satisfied</b>	<p>HILLC shall continue to comply with this condition until full build-out of the Lot 4-B development area.</p> <p>HILLC developed the Hualalai private waste water treatment plant ("WWTP") to handle all effluent generated within Lot 4-B. The WWTP has sufficient capacity for the remaining development of Lot 4-B.</p> <p>HILLC has complied with the subject condition by constructing wastewater disposal systems pursuant to the County approved construction plans for the multiple subdivision phases within Lot 4-B, which are referenced below. As further evidence of compliance with the subject condition, the Planning Department also issued Final Subdivision Approval ("FSA") for these same subdivisions, in connection within the development of the existing single-family and multiple-family residential uses, commercial uses, and the completed 9-hole golf course.</p> <p><u>REFERENCE:</u> Single-Family Lot Subdivisions: 1) Hualalai Resort Phase 2-C Subdivision No. 1 (SUB-7835-Revised) - FSA (10/19/04)</p>

			<p>2) Hualalai Resort Phase 2-C Subdivision No. 2 (SUB-04-000219) - FSA (09/12/05)</p> <p>3) Hualalai Resort Phase 2-C Subdivision No. 3 (SUB-05-000222) - FSA (02/21/07)</p> <p>4) Hualalai Resort Parcel 20 Subdivision (SUB-07-000564) - FSA (01/09/14)</p> <p>5) Kulanakauhale (SUB-14-001426-Revised) - FSA (05/01/15)</p> <p>6) Hualalai Resort Parcel 19 Subdivision (SUB-14-001449-Revised) - FSA (03/21/23)</p> <p>7) Hualalai Resort Parcel 21 Subdivision (PL-SUB-2023-000190) - Tentative Approval (03/04/24)</p> <p>Multiple-Family Unit Developments:</p> <p>8) Halipua Villas (FPA 04/25/06)</p> <p>9) Na Hale at Kahikole Phase I - Project District Site Plan approval covering development Parcel 17 (07/16/02)</p> <p>8) Na Hale at Kahikole Phase II - Project District Site Plan approval covering development Parcel 17 (07/16/02)</p>
15	Petitioner shall participate in air quality monitoring program as specified by the State Department of Health.	<b>Satisfied</b>	HILLC has satisfied this condition for Lot 4-B, as the Department of Health has not specified an air quality monitoring program for Lot 4-B and/or the surrounding areas.
16	Petitioner shall fund and construct adequate civil defense measures as determined by the State and County of Hawaii civil defense agencies.	<b>On-going</b>	<p>HILLC shall continue to comply with this condition.</p> <p>County of Hawaii Civil Defense Agency and Fire Dept., and the State of Hawaii, Department of Defense ("DOD") were consulted on the appropriate civil defense measures. By letter dated 09/9/04, the DOD identified the coverage area and civil defense equipment to be installed as part of the development. HILLC will coordinate with KD and the County of Hawaii Civil Defense Agency on implementation of the civil siren.</p> <p><u>REFERENCE:</u></p> <p>1) Emergency Plan approval from Civil Defense Agency (07/08/04)</p>
17	Petitioner shall provide a fair-share contribution for school facilities as mutually agreed upon with the Department of Education. The contribution may be combination of land and/or cash required to address the impact on school facilities.	<b>On-going</b>	<p>Lot 4-B is subject to an unrecorded Educational Contribution Agreement dated March 13, 2006, requiring certain contributions to the State of Hawaii Department of Education made payable out of escrow within 30 days of closing up and recordation of each residential unit within the Project. HILLC continues to provide the require fair share contribution to the DOE in compliance with the subject Agreement, and Fair Share contributions are current through the completion of Parcel 19.</p>

18	Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed development in designs and scheduled accepted by the State Department of Transportation and the County of Hawaii.	<b>Satisfied</b>	<p>HILLC shall continue to comply with this condition.</p> <p><u>REFERENCE:</u>  1) Carlsmith Ball transmittal to DOT (04/15/10): Updated Traffic Signal Warrants and Traffic Monitoring Program (11/25/09, PB Americas, Inc.)</p>
19	Petitioner shall fund and construct adequate water source, storage and transmission facilities and improvements shall be coordinated and approved by the appropriate State and County agencies.	On-going	<p>HILLC shall continue to comply with this condition until full build-out of the Lot 4-B development area.</p> <p>The Lot 4-B development area is currently serviced by a private water, owned and operated by the Kaupulehu Water Co., which is a PUC regulated utility. There is sufficient capacity within the existing water system to support the remaining development within the Lot 4-B development area.</p>
20	Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of the appropriate State and County agencies.	On-going	<p>HILLC shall continue to comply with this condition until full build-out of the Lot 4-B development area.</p> <p>HILLC has complied with the subject condition by implementing the applicable drainage improvements described within the County approved construction plans for the multiple subdivision phases within Lot 4-B, which are referenced below. As further evidence of compliance with the subject condition, the Planning Department also issued FSA for these same subdivisions, in connection within the development of the existing single-family and multiple-family residential uses, commercial uses, and the completed 9-hole golf course. An approved Drainage Plan was also required before the issuance of Final Plan Approval for all the completed multiple-family units within Lot 4-B.</p> <p><u>REFERENCE:</u>  Single-Family Lot Subdivisions:  1) Hualalai Resort Phase 2-C Subdivision No. 1 (SUB-7835-Revised) - FSA (10/19/04)  2) Hualalai Resort Phase 2-C Subdivision No. 2 (SUB-04-000219) - FSA (09/12/05)  3) Hualalai Resort Phase 2-C Subdivision No. 3 (SUB-05-000222) - FSA (02/21/07)  4) Kulanakauhale (SUB-14-001426-Revised) - FSA (05/01/15)  5) Hualalai Resort Parcel 20 Subdivision (SUB-07-000564) - FSA (01/09/14)  6) Hualalai Resort Parcel 19 Subdivision (SUB-14-001449-Revised) - FSA (03/21/23)  7) Hualalai Resort Parcel 21 Subdivision (PL-SUB-2023-000190) - Tentative Approval (03/04/24)</p> <p>Multiple-Family Unit Development:</p>



			1) Halipua Villas (FPA 04/25/06) 2) Na Hale at Kahikole Phase I - Project District Site Plan approval covering development Parcel 17 (07/16/02) 3) Na Hale at Kahikole Phase II - Project District Site Plan approval covering development Parcel 17 (07/16/02)
21	Petitioner shall initiate and fund a groundwater monitoring program as determined by the State Department of Health. Mitigation measures shall be implemented by Petitioner if the results of the monitoring program warrant them. Mitigation measures shall be approved by the State Department of Health.	<b>Satisfied</b>	This condition has been satisfied.  <u>REFERENCE:</u> 1) DOH approval (01/11/05) - "Proposed Water Quality/Salt Pan/Marine Life Monitoring Plan" (Environmental Assessment, LLC) 2) PD submittal (WB KD, 05/13/13): "2012 Annual Water Quality Monitoring Report, Kalaemano, North Kona (Jan. 2013; EAC Report No. 2013-01)" and "Quantitative Assessment of the Marine Communities Fronting the Kalaemano Development - 2012 Annual Survey (Jan. 2013; EAC Report No. 2013-02)" 3) PD submittal (Kaupulehu) 2017 and 2018 Annual Water Quality Monitoring Reports in Support of Development at Kalaemano; 2017 Annual Survey - Quantitative Assessment of the Marine Communities Fronting the Kalaemano Development (Oct. 2017) & Rationale For Not Having Carried Out A Marine Biological Survey For The Ka Lae Mano Project Site In 2018 4) PD letter (08/08/19) - Marine community monitoring and reporting requirement statisfied.
22	Petitioner shall make available adequate golf tee times for affordable rates for public play to State of Hawaii residents.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
23	Petitioner shall comply with environmental health conditions for the State Department of Health, dated August, 1994 (version 5), and entitled "Guidelines Applicable for Golf Courses in Hawaii."	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
24	In developing and operating the golf course and residential development in the Kaupulehu Resort Development Project, Petitioner shall at a minimum protect public access along the accessible coastline by the following:	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
24a.	Petitioner shall establish a perpetual right of public access along the coastline from the State's Puuwaawaa landholding to the intersection of the shoreline with the southernmost boundary of the Project area, which will allow public pedestrian access in perpetuity without obstruction or interference with such access, subject to reasonable rules and regulations for public safety, provided that access shall be maintained.	<b>Satisfied</b>	This condition has been satisfied.  <u>REFERENCE:</u> 1) Kaupulehu Lot 4-A CPAP (September 2004) 2) Declaration of CC&R's for Restricted Parcels (12/23/05)
24b.	In operating the golf course and any future residential development in the Kaupulehu Development Petition Area, Petitioner shall maintain and protect the public's right of access along the shoreline	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B, as the completed Keolu Golf Course is not located along the certified shoreline.

24a.	Petitioner shall establish a perpetual right of public access along the coastline from the State's Puuwaawaa landholding to the intersection of the shoreline with the southernmost boundary of the Project area, which will allow public pedestrian access in perpetuity without obstruction or interference with such access, subject to reasonable rules and regulations for public safety, provided that access shall be maintained.	<b>Satisfied</b>	This condition has been satisfied.  <u>REFERENCE:</u> 1) Kaupulehu Lot 4-A CPAP (September 2004) 2) Declaration of CC&R's for Restricted Parcels (12/23/05)
24b.	In operating the golf course and any future residential development in the Kaupulehu Development Petition Area, Petitioner shall maintain and protect the public's right of access along the shoreline especially at the 1800-1801 a'a lava flow where the existing trail is near the same level as the proposed dwelling units.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B, as the completed Keolu Golf Course is not located along the certified shoreline.
24c.	Petitioner shall work with the Department of Land and Natural Resources to incorporate mauka pathways which may be tied to golf course and residential area pathways which will provide alternative access routes to the accessible coastline areas.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B, as the completed Keolu Golf Course is not located along the certified shoreline.
24d.	Petitioner shall adopt golf course rules and provide mutually agreeable signage which may protect the access along the public access areas and pathways.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
24e.	Petitioner shall provide the plans for golf course layout, location of holes, access pathways, and signage to OP and the appropriate governmental agencies in advance of any final approval of such plans.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
24f.	Petitioner shall record with the appropriate governmental agency all necessary and appropriate instruments to accomplish the purpose of this paragraph.	N/A to Lot 4-B	HILLC acknowledges this condition, however, this condition is not applicable to Lot 4-B.
25	Petitioner shall complete the 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.	On-going	The Successor Petitioner shall continue to comply with this condition for the Kaupulehu Project.  The Successor Petitioner provided the Commission with a status report on compliance with LUC Docket No. A93-701 on 6/21/07. The Commission acknowledged the Successor Petitioner's "substantial compliance" on 10/12/07.
26	Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property covered by the approved Petition prior to the visible commencement of construction of the Property.	<b>Satisfied</b>	HILLC acquired the rights to develop Lot 4-B from Kaupulehu Makai Venture on June 1, 2006, and thus became the successor Petitioner / Applicant for Lot 4-B. Construction activities commenced shortly after HILLC acquired control of Lot 4-B.
27	Petitioner shall provide annual reports to the Land Use Commission, the Office of Planning, and the County of Hawaii in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the Executive Officer of the	On-going	HILLC submits this 2019 to 2025 Annual Progress Report in compliance with this condition.

	(a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall files a copy of such recorded statement with the Commission.		<u>REFERENCE:</u> 1) Notice of Imposition of Conditions by the Commission - BOC recordation 10/26/01 (Document No. 2001-169466).
30	Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, Hawaii Administrative Rules.	<b>Satisfied</b>	This condition has been satisfied.  <u>REFERENCE:</u> 1) Certificate of Conditions Imposed by the Commission in LUC Docket No. A93-701 - BOC recordation 8/19/96 (Document No. 96-118872). 2) Notice of Imposition of Conditions by the Commission - BOC recordation 10/26/01 (Document No. 2001-169466)

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **19 12**

BILL NO. 1  
(DRAFT 2)

AN ORDINANCE AMENDING ORDINANCE NO. 99 42 WHICH RECLASSIFIED LANDS FROM OPEN (O) TO PROJECT DISTRICT (PD) AT KAUPULEHU, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-2-003: PORTION OF 1.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

**SECTION 1.** Section 3 of Ordinance No. 99 42 is amended as follows:

~~“SECTION 3. [This change in district classification is conditioned upon the following:]~~

In accordance with Section 25-2-44, Hawai'i County Code 1983 (2016 Edition, as amended), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
  - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
  - (B) Fulfillment of the need for public service demands created by the proposed use.

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. This project area shall be called the Kaupulehu Project District. The development period for the Kaupulehu Project District will be 20 years from the effective date of approval of ~~[the]~~ this amended Project District Ordinance.

- C. The Kaupulehu Project District shall consist of not more than 1,078.634 acres with 869.698 acres for Residential, golf course and ancillary related development; 197.936 acres for the “Urban” Coastal Planning Area and 11 acres for Commercial development. Any amendment to these acreages shall require an amendment to the Kaupulehu Project District Ordinance.
- D. The maximum number of units to be allowed within the Kaupulehu Project District shall be 1,030 units. Any increase in the number of units shall require an amendment to the Kaupulehu Project District Ordinance.
- E. There shall be no residential, commercial or similar type developments in the Coastal Planning Area other than those specified in the Integrated Resources Management Plan. The Coastal Planning Area shall be described by metes and bounds, and the restrictions shall be specified in the covenant(s) in the property deed. A copy of the metes and bounds, and proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval or Final Plan Approval or land alteration activities, whichever occurs first. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances prior to the issuance of Final Subdivision Approval or Final Plan Approval or land alteration activities, whichever occurs first.
- F. The applicant shall disclose to all potential buyers of lots or units within the proposed project that internal infrastructure and community facilities shall be developed and maintained privately and that the County is not obligated to construct any public facilities within the project area.
- G. The following permitted uses as defined in Chapter 25 (Zoning Code) Ordinance No. 96-160 are to be allowed in the Kaupulehu Project District within the 869.698 acres for

Residential, golf course and ancillary related development and the 11 acres for

Commercial development:

1. Amusement and recreation facilities, indoor.
2. Art galleries, museums.
3. Automobile service stations.
4. Bars.
5. Business services.
6. Churches, temples and synagogues.
7. Day care centers.
8. Convenience stores.
9. Community buildings.
10. Display for products sold elsewhere
11. Dwellings, single-family.
12. Dwellings, double-family or duplex.
13. Dwellings, multiple-family.
14. Farmers Market.
15. Financial institutions.
16. Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
17. Home Occupations as permitted within Section 25-4-13 of the Zoning Code.
18. Major outdoor amusement and recreation facilities.
19. Medical clinics.
20. Meeting facilities.
21. Model homes.
22. Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
23. Offices.
24. Personal services.
25. Photography studios.



26. Public and private utility uses and structures.
27. Restaurants.
28. Retail establishments.
29. Schools.
30. Telecommunication antennas and towers as permitted under Section 25-4-12 of the Zoning Code.
31. Temporary real estate offices as permitted by Section 25-4-8 of the Zoning Code.
32. Theaters.
33. Time share units.
34. Utility substations, wastewater treatment plants, landscaping and vehicle maintenance service yards.
35. Visitor Information Center.
36. Any uses similar in nature to the above permitted uses shall be permitted upon submittal of a request by the applicant and approved by the Planning Director.
37. Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted.

H. The following design standards shall apply:

1. Landscaping for the development shall comply with the Planning Department's Rule No. 17, Landscaping Requirements.
2. The minimum building site area shall be 7,500 square feet which may include flag lots.
3. The maximum allowable height limit for Single Family Residential units shall be thirty-five feet.

4. The maximum allowable height limit for Multiple Family Residential and Commercial developments shall be 45 feet.
5. The minimum average lot widths shall be determined by the applicant in conjunction with its development plans.
6. The minimum yards in the Kaupulehu Project District shall be as follows:
  - a. Residential Development
    - (1) Front and rear yards, fifteen feet; and
    - (2) Side yards, eight feet.
  - b. Commercial Development
    - (1) Front and rear yards, fifteen feet; and
    - (2) Side yards, none, except where the adjoining building site is a residential development site, when the side yard adjoins the side yard of a residential development site, there shall be a minimum side yard of eight feet.
7. Exceptions to the regulations for the Project district regarding heights, building site areas, and yards, may be approved by the director within a planned unit development, or cluster plan development.
8. The minimum off-street parking and loading space requirements for the Kaupulehu Project District will comply with the minimum standards as required by the Zoning Code, including compliance with the American Disabilities Act (ADA) requirements.

- I. Final Subdivision or Final Plan Approval, whichever is applicable, shall be secured from the Planning Director for any of the above uses prior to the issuance of any land alteration permits for any development phase in the Kaupulehu Project District.
- J. Construction of the residential units, commercial development, golf course and other related improvements shall commence only after Final Subdivision Approval and Final Plan Approval has been secured.
- K. The applicant shall provide assurance satisfactory to the Department of Water Supply and the Planning Director, upon consultation with the State Department of Health and Department of Land and Natural Resources, that water sources of sufficient quality and quantity has been established. Such satisfactory assurance can be met by the actual drilling and testing of a well site of the water source or by the submittal of a hydrological study certifying that a water sources of sufficient quality and quantity can be established at the designated locations.
- L. Upon compliance with Condition K, the actual development of the water source and its water transmission and distribution system shall be developed in conjunction with the subdivision approval process. Final inspection to the residential structures shall not be issued until the approved water source is developed and its transmission and distribution system for such source to the subject property has been constructed. Residential building permits may be issued for model home complexes, provided that such model homes will not be occupied until the approved water source is developed.
- M. The interior roadway requirements for the Kaupulehu Project District shall be designed to resort standards as allowed by the Subdivision Code and as represented in Section 3.3.1 of the applicant's Project District Application.

N. Access(es) to the project site shall meet with the approval of the Departments of Transportation-Highways Division and Public Works as follows:

1. If warranted, a fully channelized intersection improvements, including but not limited to traffic lights and/or an overpass or underpass, shall be provided meeting with the approval of the Department of Transportation prior to initial occupancy of residential units gaining access from the respective intersection. The cost of such improvements shall be borne by the applicant to the extent of the project's projected traffic impacts and may be credited to or deducted from the applicant's fair share contribution for road and traffic improvements, as required under Condition W.
2. A traffic monitoring program at the intersection of Queen Kaahumanu Highway shall be submitted to and approved by the State Department of Transportation, Highways Division, prior to receiving final plan approval for any portion of the proposed development. If additional intersection improvements such as a fully channelized intersection with acceleration/deceleration lanes, an under pass, or overpass, are required as determined by the findings of subsequent monitoring and analysis, the applicant shall provide the improvements to the extent of the project's projected traffic impacts in conformance with the requirements of the State Department of Transportation, Highways Division.
3. All internal roadways within the proposed development shall be constructed in accordance with the Resort Standards or other applicable provisions of the Zoning Code and the Subdivision Code.
4. A roadway connection to the adjacent property along the southwestern boundary shall be provided meeting with the approval of the Department of Public Works.

5. No lots shall have direct access from the Queen Kaahumanu Highway except through an access point approved by the State Department of Transportation.
  6. The applicant shall provide an updated Traffic Impact Analysis Report (TIAR) and Traffic Signal Warrant Study if and when required by the State Department of Transportation.
- O. A detailed drainage study shall be prepared and submitted for review and approval to the Department of Public Works prior to submittal of plans for Subdivision and/or Plan Approval review of the residential, commercial and golf courses subdivisions. The Study shall take into consideration the tile drainage system, retention basins and 'reduced turf' design to be incorporated into the golf courses. A drainage system for each phase of development in the project area shall be installed meeting with the approval of the Department of Public Works, prior to issuance of Final Subdivision Approval, a Certificate of Occupancy or golf course opening, whichever occurs first.
- P. An Emergency Preparedness and Response Plan shall be submitted for review by the Planning Department in consultation with the Fire Department and the Civil Defense Agency prior to the issuance of a Certificate of Occupancy for any residential unit. The plan shall be limited to a review of the emergency roadway network and emergency contact people or association.
- Q. A Solid Waste Management Plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for subdivision approval. Approved recommendations and mitigation measures shall be implemented in a manner meeting with the approval of the Department of Public Works.
- R. A wastewater treatment system shall be constructed to service the residential and commercial developments meeting with the approval of the Department of Health.

- S. A final comprehensive public access plan, to be developed in consultation with community groups and in accordance with applicable conditions of approval of the Land Use Commission Decision and Order (Docket No. A93-701), shall be submitted to the Planning Director and shall include mauka-makai and lateral shoreline accesses, description of trail width and surfacing, parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Implementation of the public access plan shall be completed ~~[with the opening of the golf course.]~~ within one year from the effective date of this amended Project District Ordinance.
- T. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code, relating to Affordable Housing. This requirement shall be approved by the County Housing Agency prior to Final Subdivision Approval of any portion of the residential area.
- U. Integrated Resources Management Plan dated June 1998 or any amendments approved thereafter by affected agencies shall be made a part of this ordinance as Appendix A. The implementation recommendations and management guidelines shall govern the use of the Coastal Planning Area and other resources.
- V. ~~[Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the State Department of Land and Natural Resources Historic Preservation Division (DLNR-HPD) and the Hawaii Island Burial Council, if applicable, shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD and/or the Burial Council when it is found that sufficient mitigative measures have been taken.]~~ The applicant shall comply with mitigation and preservation plans approved by the Department of Land and Natural



Resources-State Historic Preservation Division. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651.

- W. ~~[The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject project with respect to roads, parks and recreation, fire, police and solid waste disposal facilities. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of proposed residential lots in each such increment. The fair share contribution, in a form of cash, land, facilities or any combination thereof, acceptable to the director in consultation with the affected agencies, shall be determined by the County Council. The fair share contribution shall have a maximum combined value of \$4,645.29 per multiple-family residential unit and \$7,239.16 per single-family residential unit. Based upon the applicant's representation of intent to develop up to 1,030 residential units, the indicated total of fair share contribution for 500 multiple-family residential units is \$2,322,645.00 and 530 single-family residential units is \$3,836,754.80 whichever is applicable. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition W. The fair share contribution shall be allocated as follows:~~

1. ~~\$2,291.39 per multiple-family residential unit for an indicated total of \$1,145,695.00 and \$3,490.85 per single-family residential unit for an indicated total of \$1,850,150.50 to the County to support park and recreational improvements and facilities;~~
2. ~~\$72.42 per multiple-family residential unit for an indicated total of \$36,210.00 and \$168.40 per single-family residential unit for an indicated total of \$89,252.00 to the County to support police facilities;~~
3. ~~\$222.77 per multiple-family residential unit for an indicated total of \$111,385.00 and \$332.61 per single-family residential unit for an indicated total of \$176,283.30 to the County to support fire facilities;~~
4. ~~\$99.29 per multiple-family residential unit for an indicated total of \$49,645.00 and \$145.62 per single-family residential unit for an indicated total of \$77,178.60 to the County to support solid waste facilities; and~~
5. ~~\$1,959.42 per multiple-family residential unit for an indicated total of \$979,710.00 and \$3,101.68 per single-family residential unit for an indicated total of \$1,643,890.40 to the State or County to support road and traffic improvements.~~

~~The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for road and traffic improvements. For purposes of administering Condition W, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to review and approval of the director, upon consultation with the appropriate agencies.~~

~~Upon approval of the fair share contributions or in lieu contributions by the director, the director shall submit a final report to the Council for its information that identifies the specific approved fair share and/or in lieu contributions, as allocated, and further implementation requirements.]~~

The applicant shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads for the additional lots to be created. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution shall be based on the actual number of additional lots created. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this amended Project District Ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **\$9,195.34** per multiple family residential unit and **\$14,329.89** per single family residential unit. The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition. The fair share contribution per single family residential unit and multiple family residential unit shall be allocated as follows:

1. **\$4,535.80** per multiple family residential unit and **\$6,910.13** per single family residential unit to the County to support park and recreational improvements and facilities;
2. **\$143.36** per multiple family residential unit and **\$333.35** per single family residential unit to the County to support police facilities;
3. **\$440.97** per multiple family residential unit and **\$658.40** per single family residential unit to the County to support fire facilities;

4. \$196.54 per multiple family residential unit and \$288.25 per single family residential unit to the County to support solid waste facilities; and
5. \$3,878.67 per multiple family residential unit and \$6,139.77 per single family residential unit to the County to support road and traffic improvements.

The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for road and traffic improvements. In lieu of paying the fair share contribution, the applicant(s) may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council.

- X. Should the Council adopt a Unified Impact Fee Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.
- Y. Comply with all other applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
- Z. The applicant shall comply with all other applicable requirements of the Land Use Commission conditions of approval and a copy of the written documentation of compliance with these conditions shall also be submitted to the Planning Director.
- AA. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this Project District Ordinance. The report shall

address in detail the status of the development, the number of units constructed, the compliance with the conditions of approval of both this ordinance and the State Land Use Commission conditions. This condition shall remain in effect until all of the conditions of approval have been complied with and the Director acknowledges that further reports are not required.

BB. ~~[Twenty (20) years from the effective date of the Kaupulehu Project District Ordinance, the applicant shall submit an overall status report of the project, including the percentage of the completed development. The Planning Director shall also provide an assessment of the development of the Project District and its compliance with conditions of approval for transmittal to the Planning Commission for their review and recommendation and then forwarded to the County Council for their review and action.]~~ If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the Planning Commission and the Hawai'i County Council for appropriate action.

CC. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

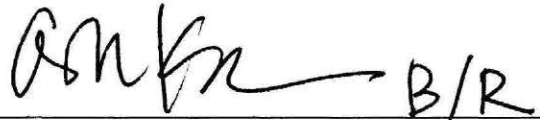
**SECTION 2.** Material to be repealed is bracketed and stricken. New material is underscored.

**SECTION 3.** Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.



**SECTION 4.** This ordinance shall take effect upon its approval.

INTRODUCED BY:

 B/R

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: January 23, 2019

Date of 1st Reading: January 23, 2019

Date of 2nd Reading: February 5, 2019

Effective Date: February 20, 2019

REFERENCE Comm. 13.5





OFFICE OF THE COUNTY CLERK  
County of Hawai'i  
Hilo, Hawai'i

COUNTY CLERK  
COUNTY OF HAWAII

(Draft 2) 2019 FEB 21 AM 9:41

Introduced By: Ashley L. Kierkiewicz (B/R)  
Date Introduced: January 23, 2019  
First Reading: January 23, 2019  
Published: February 2, 2019

REMARKS: \_\_\_\_\_

Second Reading: February 5, 2019  
To Mayor: February 13, 2019  
Returned: February 21, 2019  
Effective: February 20, 2019  
Published: March 2, 2019

REMARKS: \_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Disapproved this 20th day  
of February, 2019

Harry L.  
MAYOR, COUNTY OF HAWAII

[Signature]  
COUNCIL CHAIRPERSON

[Signature]  
COUNTY CLERK

Bill No.: 1 (Draft 2)  
Reference: C-13.5/PC-1  
Ord No.: 19 12





**EXHIBIT C**



COPY  
MAR 1 5 2004

HAWAI`I COUNTY HOUSING AGENCY  
Resolution No. 133  
(DRAFT 2)

RESOLUTION APPROVING SATISFACTION OF CONDITION "T" OF ORDINANCE  
NO. 99-42 BY KA`UPULEHU MAKAI VENTURE

WHEREAS, Ka`upulehu Makai Venture (KMV) is the owner of approximately 240 acres of land at Ka`upulehu, North Kona, Hawai`i, covered by tax map key (3) 7-2-03: Portion of 1, Lot 4B (Property); and

WHEREAS, on April 10, 1999, Change of Zone Ordinance No. 99-42 became effective, rezoned the Property and adjacent lands to Project District; and

WHEREAS, Condition "T" of Change of Zone Ordinance No. 99-42 requires compliance with the requirements of Chapter 11, Article 1, Hawai`i County Code, relating to Affordable Housing; and

WHEREAS, that on June 16, 1998, pursuant to Chapter 11, of the Hawai`i County Code, relating to Affordable Housing, the County Housing Agency approved a housing subsidy program to be administered by KMV to satisfy the residential and resort affordable housing requirements for the "Hualālai Resort" project; and

WHEREAS, KMV agreed to fund this program to the level of \$1,000,000 based on a development plan consisting of 800 residential units and 242 hotel units; and

WHEREAS, KMV's current development plans estimate that a reduced total of approximately 375 residential units will be developed within the original Hualālai Resort development area; and

WHEREAS, the Property is immediately adjacent to KMV's and has been incorporated into Hualālai Resort and is expected to result in the development of approximately 175 residential; and

WHEREAS, the total residential development within the expanded Hualālai Resort is now estimated to be approximately 550 units, a reduction of 250 from the original development plan; and

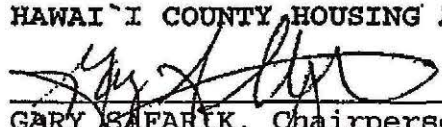
WHEREAS, KMV, through its agent, Hualālai Development Company, has requested that the Hualālai Resort Affordable Housing Implementation Plan be expanded and extended in order to fulfill the affordable housing requirements relating to the Property.

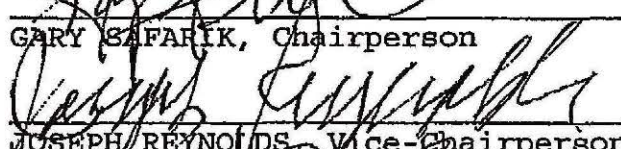
NOW, THEREFORE BE IT RESOLVED BY THE HAWAI`I COUNTY HOUSING AGENCY that, pursuant to Chapter 11, of the Hawai`i County Code, that the County Housing Agency approves Hualālai Development Company's request to extend KMV's affordable housing subsidy program to include the proposed residential development within the Property and that this approval satisfies the requirements of Condition "T" of Ordinance No. 99-42.

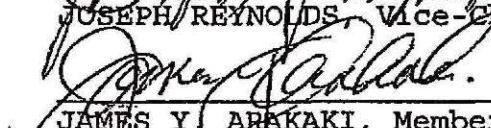
BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Dated at Hilo, Hawai`i, this 2nd day of December, 2003.

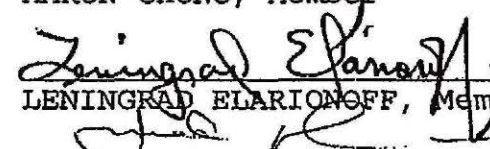
HAWAI`I COUNTY HOUSING AGENCY

  
GARY SAFARIK, Chairperson

  
JOSEPH REYNOLDS, Vice-Chairperson


  
JAMES Y. ARAKAKI, Member

  
AARON CHUNG, Member

  
LENINGRAD ELARIONOFF, Member

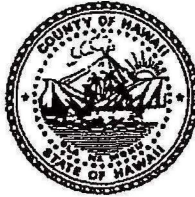
DR. FRED HOLSCHUH, Member

  
BOB JACOBSON, Member

  
MICHAEL C. TULANG, Member

  
J. CURTIS TYLER, III, Member

Harry Kim  
Mayor



Edwin S. Taira  
Housing Administrator

**County of Hawaii**  
**OFFICE OF HOUSING AND**  
**COMMUNITY DEVELOPMENT**  
50 Walluku Drive • Hilo, Hawai'i 96720-2456  
V/TT (808) 961-8379 • FAX (808) 961-8685

March 15, 2004

**TRANSMITTAL**

To: Richard Albrecht  
Chief Operating Officer  
Hualalai Development Company  
P. O. Box 1119  
Kailua-Kona, Hawai'i 96740

Subject: Hualalai Development Company  
Condition T of Ordinance NO. 99-42

We are transmitting the following item As Requested:

<u>Copy</u>	<u>Date</u>	<u>Description</u>
1	12/02/03	Hawai'i County Housing Agency Resolution No. 133 (Draft 2)

**Remarks:**

The Office of Housing and Community Development is transmitting a copy of Hawai'i County Housing Agency Resolution No. 133, Draft 2, for the satisfaction of Condition T of Ordinance 99-42.

Please call us at 961-8379 if you have any questions or need additional information. Thank you.

Signed: \_\_\_\_\_

Edwin S. Taira  
Housing Administrator

