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PLANNING DEPT.
COUNTY OF HAWAII

January 14, 2000

Ms. Virginia Goldstein, Planning Director
County of Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

**Subject: Annual Progress Report - Hokuli'a
Change of Zone Ordinance 96-7
Change of Zone Ordinance 96-8
Special Management Area Use Permit 356**

Dear Ms. Goldstein:

I am pleased to submit the following progress report for the Change of Zone Ordinances 96-7 and 96-8, and SMA Ordinance 356 relating to Hokuli'a, (the "Project"). This report will indicate the status of the development and compliance with the conditions of approval for Ordinance 96-7, which changed the zoning designation of 756 acres from Unplanned (U) to Agriculture (A-1a), Ordinance 96-8, which changed the zoning designation of 684 acres from Unplanned (U) and Agriculture (A-5a) to Agriculture (A-1a), and SMA Ordinance 356 which was issued to allow development of portions of the agricultural subdivision along with related facilities and infrastructure improvements.

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A table that summarizes all of the conditions and the status of compliance in regard to each condition is attached hereto for your review. The following is a brief summary of the status of various project related elements.

Archaeology

The integrated archaeological monitoring plan has been approved by DLNR-SHPD. Currently, we are undertaking data recovery work and continuing monitoring of all construction activity. The Hawaii Island Burial Council voted to recommend approval of the Burial Treatment Plan to DLNR on November 18, 1999.

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Mamalaho Highway Bypass

A bond assuring the bypass was signed by Oceanside and the County on September 17, 1999. Engineering work as well as processing of the SMA permit is currently underway. Oceanside has entered into agreements to acquire the right-of-way needed for the roadway, and the County is processing a condemnation action for a small parcel that is needed at the south terminus of the bypass.

Shoreline Park

The CDUA for the park has been submitted to DLNR for their review and comment prior to Board submittal. Also, we have discussed our plans with OHA prior to submittal to DLNR. The SMA permit for park-related improvements has been submitted to the County for review and processing.

Subdivision

Oceanside received approval of the revised tentative plat for the first phases of the project on July 27, 1999. On September 18, 1999, Oceanside received final subdivision approval for the Phase 1 lots. A grubbing permit for the property, including Phase 1 lots, was issued by the County on September 24, 1999. Also, a grading permit for subdivision roadwork has been submitted to the County for approval. The final plat for the Phase 1 lots was recorded with the State on December 21, 1999.

Golf Course

A grubbing permit for the golf course was issued on January 11, 1999. A grading permit for the golf course was issued on September 24, 1999. Construction work continues on all facets of the course construction.

There are no other items to report that affect the status of the Project as it relates to the conditions of these ordinances. Oceanside 1250 intends to meet all of the terms and comply with all of the conditions that are specified within these ordinances. Oceanside will comply with all applicable laws, rules, regulations, and requirements in development of the Project.

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I trust the above summary and the attached compliance table provide a useful description of the status of development and compliance with the conditions of approval for the ordinances. Should you have any questions regarding this report, or if you require further information regarding the Project, please contact myself or Rick Humphreys at 324-1500.

Sincerely,



Robert A. Stuit
Director of Planning



cc: L. Anderson
B. Kudo
J. Leonard
Y. Takeda
B. Tsukazaki
R. Frye

Hokuli'a at Hokukano by Oceanside 1250
 Agricultural Subdivision and Related Improvements
 Submittals for Final Subdivision Approval
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Change of Zone Ordinance No. 96-8
 Change of Zone Ordinance No. 96-7
 Special Management Area Use Permit No. 356

Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 A. Ord. 96-7 A. SMA 356 1.	Comply with Stated Conditions of Approval.	N/A	On going	Various	Oceanside acknowledges compliance.
SMA 356 2.	Indemnify the County for any loss or claim arising under this permit.	N/A	Completed	Indemnification Language from CC&R's (Exhibit A)	Indemnification is incorporated into project CC&R's.
Ord. 96-8 B.	Establishes effective date of rezoning.	N/A	Completed		Effective Zoning Date of 96-8 is Mar. 17, 1995.
Ord. 96-7 C.	Requires transfer of water commitment rights. Secure additional commitments prior to 500 th unit.	Not specified	Completed		Assignment of water commitment rights was executed on Mar. 17, 1995.
SMA 356 3.	Establishes that the effective date of SMA permit shall be the same as Ordinance 96-7.	N/A	Completed		Effective Date of Ord. 96-7. Is Jan 15, 1996.

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**Change of Zone Ordinance No. 96-8
Change of Zone Ordinance No. 96-7
Special Management Area Use Permit No. 356**

Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 C.	Secure Tentative Subdivision Approval within 4 years of effective date of Change of Zone.	By Mar. 17, 1999	Completed	Tentative Subdivision Approval, Dec. 9, 1998. (Exhibit B1) Revised Tentative Subdivision Approval Jul. 29, 1999. (Exhibit B2) Final Subdivision Approval Sept. 18, 1999.	
Ord. 96-7 D.	Secure Final Subdivision Approval (FSA) within 5 years of effective date.	By Mar. 17, 2000	Completed	Final Subdivision Approval Sept. 18, 1999.	
Ord. 96-8 D. Ord. 96-7 E. SMA 356 12.	Construct wastewater disposal system meeting with the approval of DOH or DPW.	By Jan. 15, 2001	Completed	Final Subdivision Approval Sept. 18, 1999.	Basis of Design and Engineering Report Submitted to DOH.
Ord. 96-8 E. Ord. 96-7 F. SMA 356 11.	All electrical and communication utility lines shall be underground (except for main 69 Kv line).	Not specified.	Under Construction		Construction plans approved by DPW include underground utilities.

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Change of Zone Ordinance No. 96-7
Special Management Area Use Permit No. 356**

Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 F. Ord. 96-7 G. SMA 356 7.	Submit flood study in conjunction with plans for subdivision review.	With Subdivision Plans	Completed	Flood and Drainage Study for Project area. Submitted Aug. 4, 1999. (Exhibit C)	The required drainage improvements are included in the subdivision construction plans. These improvements have been bonded in connection with final subdivision approval.
	Construct drainage improvements.	Prior to Final Subdivision Approval	Completed	Subdivision Improvements. (Exhibit L)	Bond Agreements for these improvements have been approved in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.
Ord 96-8 G. Ord. 96-7 H. SMA 356 (4). SMA 345 (3). UP 115 (10).	Submit Archaeological Mitigation and Interpretation Plan. Approved mitigation plans shall be implemented prior to or in conjunction with any land alteration.	Prior to submitting plans for subdivision approval Prior to or in conjunction with any land alteration.	Completed Completed	Submitted May 17, 1999. (Exhibit D) Approval of Data Recovery Plan, Aug. 4, 1999. (Exhibit E) Approval of Preservation, Interpretation & Monitoring Plans, Sept. 15, 1999.	Data Recovery is underway. Monitoring of construction activity is ongoing.

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 H. Ord. 96-7 K.	Comprehensive Public Access Plan shall be prepared in consultation with community groups, Planning Director and DLNR.	Prior to FSA or land alteration.	Completed	Letter of approval of Public Access Plan. (Exhibit F)	Letter dated Jan. 23, 1999 from Director approved the Public Access Plan.
	Construction of shoreline park and access ways shall be subject to obtaining CDUA and SMA permits.	Not Specified (w/in 1 year of approval of CPA per UP 115).	In Process		Oceanside has submitted the SMA and CDUA applications for review and comment by County and State.
Ord. 96-8 H.1. Ord. 96-7 K.1.	25% of park area shall be developed in phases. First phase of park shall be opened.	Within 5 years of FSA. Within 30 days of opening the golf course.	In Process In Process		Park improvements in design for construction documents.
Ord. 96-8 H.2. Ord. 96-7 K.2.	25 parking stalls shall be provided upon opening of first phase of park area. The number of stalls shall be increased commensurate with the approval of additional park phases.	Within 30 days of opening of golf course. Not Specified.	In Process On Going		Park improvements in design for construction documents.

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 H.3. Ord. 96-7 K.3.	Public shoreline access plan shall integrate access to interpretive trails and archaeological sites in conjunction with mitigation plan.	Not Specified (After approval of mitigation/preservation plan).	In Process		Mitigation measures included into Final Preservation Plan and implemented through construction improvements.
Ord. 96-8 I. Ord. 96-7 L.	Convey perpetual easement the right to public access and recreational use of the coastline park and trails.	Prior to FSA	Completed	Public Access and Use Easement Documents Submitted Sept. 2, 1999. (Exhibit G)	Public Access and Use Easement recorded by Bureau of Conveyances on December 29, 1999.
Ord. 96-8 J. Ord. 96-7 I. SMA 356 5.	Cease work if unidentified sites or remains are encountered.	Not Specified	On Going		Oceanside is in compliance.
Ord. 96-8 K. Ord. 96-7 J.	Prepare Solid Waste Management Plan	Prior to submitting plans for subdivision review.	Completed	Solid Waste Management Plan. Submitted Jul. 28, 1999. (Exhibit H)	
	Approved recommendations and mitigation measures shall be implemented.	In accordance with requirements of DPW.	In Process		

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 L 1. Ord. 96-7 M.1.	Construct Mamalahoa Highway-Haleki'i Street intersection improvements	Prior FSA	Completed	Bond Agreement for Regional Hwy Improvements. (Exhibit I)	These improvements are bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.
Ord. 96-8 L 2.	Determine final Mamalahoa Highway Bypass right-of-way alignment.	Prior to FSA	Completed	Letter from DPW Approving Bypass Alignment Aug. 17, 1999. (Exhibit J)	For those segments where no agreement for purchase could be negotiated, Oceanside will be submitting a letter requesting condemnation by the County in accordance with Paragraph 11 of Development Agreement No. 1, prior to FSA.
	Provide metes and bounds description and evidence of control of each segment.		Completed	Metes and Bounds of roadway Right of Way. (Exhibit K)	Purchase agreements or requests for condemnation have been transmitted under separate cover.

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Special Management Area Use Permit No. 356**

Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 L 3. Ord. 96-7 M.3.	Construct Mamalahoa Highway Bypass in its entirety.	Prior to FSA	Completed	Bond Agreement for Regional Highway Improvements (Exhibit I)	These improvements are bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.
Ord. 96-8 L 4. Ord. 96-7 M.4.	The section between Keauhou and Haleki'i Street shall be completed. Construct the extension of Haleki'i Street through the property meeting with the approval of DPW.	Prior to occupancy of any dwelling unit. Prior to FSA	In Process Completed	Bond Agreement for Subdivision Improvements (Exhibit L).	Oceanside will complete the section between Keauhou and Haleki'i Street prior to occupancy of any dwelling unit. These improvements are bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.
Ord. 96-8 L 5. Ord. 96-7 M 5.	Provide roadway stubouts as shown in Exhibit "B" in Ordinances, meeting with the approval of DPW.	Prior to FSA	Completed		These roadway stubouts are shown on the approved Tentative Plat Map and are incorporated on the Final Plat Map. The roadway improvements are bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 M.	All roadway improvements stated on Condition L shall be dedicate to the County.	Not Specified	In Progress		In order to allow certain landscape improvements within the right-of-way, Oceanside agrees to maintain these areas in accordance with the approved Maintenance Agreement.
Ord. 96-8 N.	Provide two acres of land abutting the north side of Kona Scenic Park for public purposes prior to FSA.	Prior to FSA	Completed	Dedication documents (Exhibit M)	Dedication documents have been submitted to County for processing and dedication of land.
Ord. 96-8 O. Ord. 96-7 N.	Bonding of improvements required pursuant to Conditions D, F, H, K and L or Ord. 96-8 (Conditions E,G, J, K and M of Ord. 96-7) is allowed.	Prior to FSA	Completed	Bonds & Bond Agreements	Bonds and bond agreements for improvements have been submitted and approved.
Ord. 96-8 P.	Demonstrate that agricultural activity is being conducted on the subdivided lots.	Within 3 years of FSA	In Process		Oceanside acknowledges requirement of Condition P.

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-7 B.	Comply with Requirements of Chapter 205 relating to permissible uses in the Agricultural District.	Not Specified	In Process		Oceanside acknowledges requirements of Chapter 205.
SMA 356 6.	Prepare Natural Resource Management (NRM) Plan.	Prior to FSA	Completed	Letter of approval of NRM Jul 9., 1999. (Exhibit N)	
SMA 356 8.	Use of pesticides and herbicides shall conform with applicable regulations of appropriate government agencies.	Not Specified	On Going		Integrated Management Process Plan submitted with Water Monitoring Plan; Approved Jul. 14, 1999.
SMA 356 9.	Minimize dust and runoff sedimentation. Measures shall be in compliance with industry standards and practices.	Not Specified	On Going		Erosion Control Plans submitted as part of construction document package.
SMA 356 10.	Prepare an overall water monitoring plan.	Prior to FSA	Completed	Letter of approval of Water Monitoring Plan. Jul 14., 1999. (Exhibit O)	

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Ord. 96-8 Q.	Restrictive covenants prohibiting construction of second dwellings.	Prior to FSA	Completed	Covenants prohibiting construction of second dwellings. (Exhibit P)	Planning Department to submit to the Bureau of Conveyances for recordation.
Ord 96-8 R. Ord. 96-7 O.	Copy of approved covenant shall be recorded with the Bureau of Conveyances prior to FSA. Fair share contribution for impacts on parks, fire, police, solid waste and roads shall be made prior to FSA.	Prior to FSA	Completed	Copy of Fair share compliance letter (Exhibit Q)	Covenant recorded at Bureau of Conveyances on September 20, 1999. Fair Share Payments made on September 15, 1999.
Ord. 96-8 S.	Should Department of Education adopt an educational facilities impact fee program, participate in the requirements of the program.	Not Specified	Completed	Letter from Planning Department. (Exhibit R)	Per its letter of Jan. 30, 1999, Planning Department has determined that the DOE has not adopted an educational facilities impact fee.
Ord. 96-8 T. Ord. 96-7 P.	Comply with all applicable laws, rules, and requirements.	Not Specified	On Going		Oceanside will comply with all applicable laws, rules and requirements.

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Permit/No.	Condition	Due Date	Status	Compliance	Comments/Next Steps
Ord. 96-8 U. Ord. 96-7 Q.	Acknowledge that exactions required herein shall be credited towards the requirements of a Unified Impact Fee Ordinance should it be adopted.	Not Specified	On Going		Oceanside acknowledges that required exactions may be credited towards the requirements of a Unified Impact Fee Ordinance should it be adopted.
Ord. 96-8 V. Ord. 96-7 R. SMA 356 13.	Provide annual progress reports until conditions of approval are complied with.	Prior to anniversary of approval date each year.	On Going		Oceanside will provide annual reports to the County in accordance with this requirement.
Ord. 96-8 W. Ord. 96-7 S. SMA 356 14.	Acknowledges that a time extension for compliance with the conditions of approval may be granted.	Not Specified	On Going		Oceanside acknowledges that a time extension for compliance with the conditions of approval may be granted by the Director.