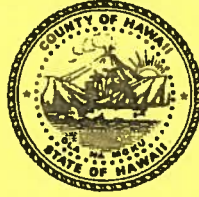


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

April 20, 2007

Mr. Robert A. Stuit  
1250 Oceanside Partners  
78-6831 Alii Drive, #K15  
Kailua-Kona, HI 96740-2440

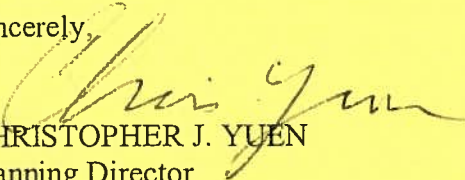
Dear Mr. Stuit:

Applicant: Hokulia  
Special Management Area Use Permit No. 401 (SMA 401)  
Special Management Area Use Permit No. 402 (SMA 402)  
Special Management Area Use Permit No. 404 (SMA 404)  
Special Permit No. 1056  
Subject: 2006 Annual Progress Reports  
TMK: 7-8-10: por. of 30; 7-9-12: por. of 3; 8-1-04: por. of 3  
Hokukano to Onouli, North and South Kona, Hawaii

Thank you for your letter dated March 29, 2007, containing the annual progress reports for the development of various improvements and uses as approved by the above-referenced permits. In calculating the effective date of these permits, we will exclude the time period from the filing of Civil No. 00-1-0192K (October 30, 2000) to the date of the Settlement Agreement (March 2, 2006). Thus, the effective date for any time conditions required by the permits will be September 4, 2005 instead of the original effective date of these permits (May 5, 2000). Annual progress reports will be due on or before September 4 of each year, beginning in 2008. A copy of your annual progress reports will be transmitted to the Planning Commission for their information.

If you have any questions, please feel free to contact Norman Hayashi or Jeff Darrow at 961-8288.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

JWD:smn

P:\public\wpwin60\Jeff\Letters\Annual Reports\LHokuliaSMA401-402-404-SPP1056-APR2006.doc

xc w/ltr: Planning Commission  
West Hawaii Office

March 29, 2007

Mr. Christopher J. Yuen, Planning Director  
County of Hawaii Planning Department  
Aupuni Center  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

**Subject: Hokuli'a 2006 Annual Reports**

**SMA Permit 401 - Shoreline Park  
Condition No. 16 – Annual Report  
Tax Map Key: 7-9-012: portion of 003, TMK: 8-1-004: portion of 3,  
TMK:8-1-004: portion of 65**

**SMA Permit 402 - Mamalahoa Highway Bypass  
Condition No. 8 – Annual Report  
Tax Map Key: 7-8-010: portion of 030**

**SMA Permit 404 - Wastewater Treatment Plan  
Condition No. 10 – Annual Report  
TMK: 8-1-004: portion of 3**

**Special Permit No. 1056 - Wastewater Treatment Plant  
Condition No. 10 – Annual Report**

Dear Mr. Yuen:

This letter is sent to fulfill the annual report requirement as required by each of the above referenced Special Management Area Major Use Permits (SMA) and Special Permit conditions of approval that were approved by the Planning Commission on May 5, 2000. Since these permits have conditions that are common across each permit, the report addresses those conditions that are similar in bulk, while those individual conditions that are unique to separate permits are addressed separately in the attached matrix for each of the above-referenced permits.

026892

Mr. Christopher J. Yuen, Planning Director  
March 29, 2007  
Page 2

### **Archaeology**

Oceanside obtained approval from SHPD on September 7, 1999 and September 15, 1999 for the Integrated Archaeological Mitigation Plan that includes a Data Recovery Plan, an Interim Protection/Preservation Plan, Interpretive Plan and a Monitoring Plan. We are currently in the process of preparing the final Preservation Plans in consultation with DLNR and Hawaiian community organizations. As required by the terms of the land use entitlements for the Project, approved mitigation measures are being implemented prior to or in conjunction with land alteration on the property.

### **Shoreline Park**

In regard to the Shoreline Park, the Board of Land and Natural Resources approved a Conservation District Use Application in November 17, 2000 (CDUA No. HA-2977). A detailed site plan for improvements on the park is currently in preparation and will be submitted in conjunction with the final archaeological preservation plan for the shoreline area. The park improvements are designed to comply with and implement the measures from the Comprehensive Public Access Plan, the SMA, and the CDUA, including measures for access, parking, signage, emergency response, use restrictions, recreational improvements, restroom facilities, trails and archaeological preservation and interpretive measures. The first phase of the Shoreline Park with the required public parking stalls was opened on August 1, 2002.

### **Mamalahoa Highway Bypass**

The Mamalahoa Highway Bypass is in part, designed to address existing traffic conditions in the area and to provide an alternative route for interregional traffic between North and South Kona in support of the County's long-range traffic plan.

The Final Environmental Impact Statement was approved and accepted by Department of Public Works on November 15, 1999. SHPD approved the Archaeological Inventory Survey on November 21, 2001. Construction started in January 2002 and is nearly complete for that portion of the roadway between Keauhou and the Hokuli'a project. The last portion of the construction plans for the south end have been submitted to the County for review and approval.

### **WWTP**

In regard to the wastewater treatment plant (WWTP), Final Plan Approval was granted in July 2002 and construction of Phase I was started, but was halted due to the September 2003 court ruling. Engineering and site preparation have begun again and construction should begin later in 2007.

Mr. Christopher J. Yuen, Planning Director  
March 29, 2007  
Page 3

I trust this report provides the information adequate for the annual report condition for the above-referenced permits. Again for your reference, please find attached, a separate matrix for each of the above-referenced permits that shows the status and compliance of each condition.

Should you have any questions regarding this information, please contact me at (808) 324-4212.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert A. Stult". The signature is written in a cursive style with a large, looping initial "R".

Robert A. Stult  
Vice President of Development

Cc: John De Fries  
Bob Rice  
Malcolm Patten  
Yutaka Takeda

**Hokuli'a  
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)  
Request: To Allow Development of a Shoreline Park and Related Uses  
Tax Map Key: 7-9-012: portion of 003; 8-1-004: portion of 003  
2006 Annual Report  
Page 1 of 4**

Condition No.	Condition	Status	Date of Compliance
SMA 401-1	The applicant, successors, or assigns shall be responsible for complying with all stated Conditions of Approval	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SMA 401-2	A conservation district use permit shall be secured by the applicant from the Department of Land and Natural Resources.	Complied	1. CDUA No. HA-2977 approved November 17, 2000.
SMA 401-3	The Shoreline Park and related improvements shall comply with the Final Comprehensive Public Access Plan (FCPAP) approved by the Planning Director in consultation with the Department of Land and Natural Resources (DLNR). The plan includes measures for mauka-makai and lateral shoreline accesses, parking area(s), signage, emergency response considerations, restrictions on use, provision of recreational and restroom facilities and related improvements. The plan also integrates public accessways to the trail system and to appropriate historical and archaeological sites.	Complied	1. Public Access and Shoreline Management Plan approved on January 29, 1999. 2. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002.
SMA 401-4	An area comprising of twenty-five (25% ) of the total park area shall be developed and improved by the applicant in phases within five (5) years from the date of final subdivision approval, September 18, 1999. The first phase shall be completed and open to the public within (30) days following the opening of the golf course.	Ongoing	1. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002.
SMA 401-5	Upon opening the first phase of the park area, a minimum of twenty five (25) public parking stalls shall be provided in addition to parking stalls for residents, guests, and employees within the subject property and the applicant's adjacent lands at the principal shoreline access parking area(s). Signage relating to provisions for public access for night fishing and marine food gathering purposes over designated vehicular and pedestrian access routes subject to restrictions which limit said uses to recreation uses only, and other restrictions which provide for health and safety of the general public and residents alike shall also be posted upon opening. Additional parking stalls may be required with subsequent park development phases.	Ongoing	1. The first Phase of the coastline park with the required 25 public parking stalls was opened on August 1, 2002.
SMA 401-6	To provide for ongoing management of the coastal area and the shoreline	In Process	Hokuli'a agrees to comply with this condition.

**Hokuli'a**  
**Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)**  
**Request: To Allow Development of a Shoreline Park and Related Uses**  
**Tax Map Key: 7-9-012; portion of 003; 8-1-004; portion of 003**  
**2006 Annual Report**  
**Page 2 of 4**

Condition No.	Condition	Status	Date of Compliance
SMA 401-7	<p>marine resources, a program for the long-term management of the coastal area and shoreline marine resources shall be implemented with the participation of an advisory committee consisting of representatives of community groups, the park owner, the park management entity, and other interested individuals.</p> <p>A Solid Waste Management Plan shall be prepared meeting with the approval of Department of Public Works, prior to submitting plans for Final Plan Approval. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.</p>	In Process	<ol style="list-style-type: none"> <li>1. A Solid Waste Management Plan was approved by the DPW on October 31, 2000.</li> <li>2. Hokuli'a agrees to comply with this condition.</li> </ol>
SMA 401-8	<p>During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.</p> <p>All electrical and communication utilities and systems within the project site shall be placed underground.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-9	<p>All electrical and communication utilities and systems within the project site shall be placed underground.</p>	In Process	<p>The utility improvements for Phase 1 and 2 were bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1.</p> <p>Hokuli'a agrees to comply with this condition.</p>

**Hokuli'a  
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)  
Request: To Allow Development of a Shoreline Park and Related Uses  
Tax Map Key: 7-9-012: portion of 003; 8-1-004: portion of 003  
2004 Annual Report  
Page 3 of 4**

Condition No.	Condition	Status	Date of Compliance
SMA 401-10	A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable.	In Process	1. The wastewater disposal system improvements for Phase 1 and 2 was bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1. Hokuli'a agrees to comply with this condition.
SMA 401-11	Construction of improvements within the shoreline park shall be subject to the requirements of Chapter 27- Flood Control, of the Hawaii County Code. Campsites should not be located within the flood zones.	Ongoing	1. See FCPAP approved on January 29, 1999. 2. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002. Hokuli'a agrees to comply with this condition.
SMA 401-12	An interpretation plan shall be prepared and submitted to Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations. Approved mitigation measures shall be implemented prior to or in conjunction with any land alteration activity within the project area. The Plan shall also include a map of known lava tube/cave systems located within the shoreline park site.	In Process	Hokuli'a agrees to comply with this condition.
SMA 401-13	Proposed mitigation treatment (preservation in place or disinterment/reinterment) for burial sites must be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans area finalized for these sites. A copy of the approved Final Data Recovery Plan and Preservation Plan shall be submitted to the Planning Director for its files prior to submitting plans for any land alteration permits.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-14	Should any unrecorded remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient	Ongoing	Hokuli'a agrees to comply with this condition.

**Hokuli'a  
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)  
Request: To Allow Development of a Shoreline Park and Related Uses  
Tax Map Key: 7-9-012; portion of 003; 8-1-004; portion of 003  
2004 Annual Report  
Page 4 of 4**

Condition No.	Condition	Status	Date of Compliance
SMA 401-15	<p>mitigative measures have been taken..</p> <p>The applicant shall comply with all applicable laws, rules, regulations and requirements.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-16	<p>An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<ol style="list-style-type: none"> <li>1. 2001 Annual Report submitted on May 4, 2001.</li> <li>2. 2002 Annual Report submitted on May 3, 2002.</li> <li>3. 2003 Annual Report submitted on April 17, 2003.</li> </ol> <p>Hokuli'a agrees to comply with this condition.</p>
SMA 401-17	<p>An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:</p> <ol style="list-style-type: none"> <li>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.</li> <li>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</li> <li>C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.</li> <li>D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).</li> </ol> <p>This approval does not, however, sanction the specific plans submitted with the applications they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.



**Hokuli`a**  
**Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)**  
**Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet**  
**Tax Map Key: 7-8-010: portion of 30**  
**2006 Annual Report**  
**Page 1 of 3**

Condition No.	Condition	Status	Date of Compliance
SMA 402-1	The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.	Ongoing	Hokuli`a agrees that it will comply with all stated conditions of approval.
SMA 402-2	Drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works.	In Process	Hokuli`a agrees to comply with this condition.
SMA 402-3	A flood study for improvements affecting designated flood hazards shall be submitted to the Department of Public Works for review. Should a conditional letter of map revision (CLOMAR) be required, the CLOMAR shall be obtained from the Federal Emergency Management Agency (FEMA) prior to the approval of construction plans for the Mamalahoa Highway Bypass Road or any grading in the flood zone area, whichever comes first, and an application for a letter of map revision shall be filed upon completion of construction.	In Process	Hokuli`a agrees to comply with this condition.
SMA 402-4	During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli`a agrees to comply with this condition.
SMA 402-5	An archaeological mitigation and interpretation plan shall be prepared and submitted for approval by Planning Director, in consultation with Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations, prior to submitting construction plans. The plans shall consist of 3 subplans: (1) an archaeological data recovery plan for the sites to undergo data recovery (2) a detailed interim protection/preservation plan for the sites to undergo preservation and (3) an interpretation plan which shall include buffer zones, signage and long range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alteration activity within the Mamalahoa Highway bypass road project area.	Ongoing	<ol style="list-style-type: none"> <li>1. Archaeological Data Recovery Plan Approval March 20, 2001. Interim Preservation Plan approved January 30, 2001.</li> <li>2. Hokuli`a agrees to comply with this condition.</li> </ol>

**Hokuli'a  
Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)  
Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet  
Tax Map Key: 7-8-010: portion of 30  
2006 Annual Report  
Page 2 of 3**

Condition No.	Condition	Status	Date of Compliance
SMA 402-6	<p>Proposed mitigation treatment (preservation in place or disinterment/reinternment for burial sites must be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans are finalized for these sites. A copy of the approved Final data recovery and preservation plan shall be submitted to the Planning Director for its files prior to submitting plans for any land alteration permits.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 402-7	<p>Should any unrecorded remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 402-8	<p>An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<ol style="list-style-type: none"> <li>1. 2001 Annual Report submitted on May 4, 2001.</li> <li>2. 2002 Annual Report submitted on May 3, 2002.</li> <li>3. 2003 Annual Report submitted on April 17, 2003.</li> </ol>

**Hokuli'a**  
**Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)**  
**Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet**  
**Tax Map Key: 7-8-010: portion of 30**  
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Condition No.	Condition	Status	Date of Compliance
SMA 402-9	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:</p> <ul style="list-style-type: none"> <li>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that they are not the result of their fault or negligence.</li> <li>B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.</li> <li>C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.</li> <li>D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.</li> </ul> <p>This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a agrees to comply with this condition.

**Hokuli'a**  
**Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)**  
**Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres**  
**Tax Map Key: 8-1-004: portion of 003**  
**2006 Annual Report**  
**Page 1 of 3**

Condition No.	Condition	Status	Date of Compliance
SMA 404-1	The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SMA 404-2	Final plan approval for the proposed wastewater treatment facility shall be secured from the Planning Department in accordance with Section 25-2-72 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impact to adjacent properties.	<b>Completed</b>	<ol style="list-style-type: none"> <li>1. PD approved relocation of WWTP on July 6, 2001.</li> <li>2. Final Plan Approval dated July 11, 2003.</li> <li>3. Hokuli'a agrees to comply with this condition.</li> <li>4. Re-design underway.</li> </ol>
SMA 404-3	Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of permit.	Ongoing	<ol style="list-style-type: none"> <li>1. Construction of Phase I halted – will restart late 2007.</li> </ol>
SMA 404-4	The wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-5	A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to occupancy.	In Process	Hokuli'a agrees to comply with this condition.
SMA 404-6	A Solid Waste Management Plan shall be prepared meeting with the approval of the Department of Public Works. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.	Ongoing	SWMP approved by DPW on October 31, 2000. Hokuli'a agrees to comply with this condition.

**Hokuli'a  
Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)  
Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres  
Tax Map Key: 8-1-004: portion of 003  
2006 Annual Report  
Page 2 of 3**

Condition No.	Condition	Status	Date of Compliance
SMA 404-7	During construction measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-8	Should any unrecorded remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources (DLNR-HPD) and the Hawaii Island Burial Council shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-9	The applicant shall comply with all applicable laws, rules, regulations and requirements	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-10	An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval have been complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.	Ongoing	<ol style="list-style-type: none"> <li>1. 2001 Annual Report submitted on May 4, 2001.</li> <li>2. 2002 Annual Report submitted on May 3, 2002</li> <li>3. 2003 Annual Report submitted on April 17, 2003.</li> </ol>
SMA 404-11	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following :</p> <p>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are beyond the control of the applicant, successors, assigns, and that are not the result of their fault or negligence.</p> <p>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</p> <p>C. Granting of the time extension would not be contrary to the original</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.

**Hokuli'a**  
**Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)**  
**Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres**  
**Tax Map Key: 8-1-004: portion of 003**  
**2006 Annual Report**  
**Page 3 of 3**

Condition No.	Condition	Status	Date of Compliance
	reasons for the granting of the permit. D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.		

**Hokuli'a  
Special Permit No. 1056 (Effective Date: May 5, 2000)  
To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres  
Tax Map Key: 8-1-004: portion of 003  
2006 Annual Report  
Page 1 of 2**

Condition No.	Condition	Status	Date of Compliance
SP 1056-1	The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SP 1056-2	Final plan approval for the proposed wastewater treatment facility shall be secured from the Planning Department in accordance with Section 25-2-72 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impact to adjacent properties.	In Process	<ol style="list-style-type: none"> <li>1. PD approved relocation of WWTP on July 6, 2001.</li> <li>2. Final Plan Approval dated July 11, 2003.</li> <li>3. Re-design underway, construction to begin late 2007.</li> </ol>
SP 1056-3	Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of permit.	Ongoing	1. Construction of Phase I underway. Hokuli'a agrees to comply with this condition.
SP 1056-4	The wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-5	A drainage system shall be installed meeting with the approval of the DPW, prior to occupancy.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-6	A Solid Waste Management Plan shall be prepared meeting with the approval of Department of Public Works. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.	<b>Complied</b>	1. A solid waste management plan was approved by the DPW on October 31, 2000.
SP 1056-7	During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-8	Should any remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) and the Hawaii Island Burial	Ongoing	Hokuli'a agrees to comply with this condition.

**Hokuli'a**  
**Special Permit No. 1056 (Effective Date: May 5, 2000)**  
**To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres**  
**Tax Map Key: 8-1-004: portion of 003**  
**2006 Annual Report**  
**Page 2 of 2**

Condition No.	Condition	Status	Date of Compliance
SP 1056-9	<p>Council shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.</p> <p>The applicant shall comply with all applicable laws, rules, regulations and requirements</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-10	<p>An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<ol style="list-style-type: none"> <li>1. 2001 annual report submitted on May 4, 2001.</li> <li>2. 2002 annual report submitted on May 3, 2002.</li> <li>3. 2003 Annual report submitted on April 17, 2003.</li> </ol>
SP 1056-11	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:</p> <p>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence.</p> <p>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</p> <p>C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.</p> <p>D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.</p> <p>These approvals do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.



Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

September 4, 2003

Robert W. Cunningham, LPLS  
Belt Collins Hawaii, Ltd.  
2153 North King Street, Suite 200  
Honolulu, HI 96819

Dear Mr. Cunningham:

**PRELIMINARY PLAT MAP AND DEFER ACTION  
SUBDIVIDER: 1250 OCEANSIDE PARTNERS  
"Hokuli`a Phase 2, Amendment 1"**

Proposed Consolidation of Lot B of Hokuli`a, Phase 2 Large Lot Subdivision (Amended) (File Plan 2306) And Lots 2 to 19, Inclusive, 33 to 49, Inclusive, 58 to 62, Inclusive, R-1, R-2, R-3 & R-5 of Hokuli`a, Phase 2 (Amended) (File Plan 2307) and Resubdivision of said Consolidation into Lots 1 to 37, Inclusive and Roadways At Hokukano 1<sup>st</sup> & 2<sup>nd</sup>, Kanaeue 1<sup>st</sup> & 2<sup>nd</sup>, Halekii, Keekee 1<sup>st</sup> & 2<sup>nd</sup>, Ilikahi, Kanakau 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup>, and Onouli 1<sup>st</sup>, North & South Kona, Island of Hawaii, Hawaii  
TMK: 8-1-004:003; 8-1-032:002-029, 038-042 & por. 054; 8-1-033:001-006 & 020 (SUB 2003-0095)

This is to acknowledge receipt of ten (10) copies of the preliminary plat map dated July 18, 2003, and filing fee of \$1,175.00 for the referenced application for 37 lots.

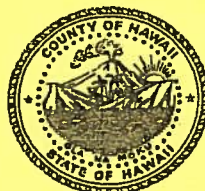
By a copy of this letter, we are forwarding the application and preliminary plat map to the listed officers for their review and comments. Please be advised that we are deferring action on the referenced application until all listed officers' comments are received.

Portions of the project site are situated within the County's Special Management Area (SMA). The proposed consolidation and re-subdivision action is consistent with the scope of uses and improvements permitted by SMA Use Permit No. 356, which allowed the development of portions of the proposed Hokuli`a subdivision situated within the SMA.

Robert W. Cunningham, LPLS  
Belt Collins Hawaii, Ltd.  
Page 3  
September 4, 2003

xc:     Manager, DWS w/application & PPM  
          Director, DPW w/application & PPM  
          District Environmental Health Program Chief, DOH w/application & PPM  
          District Engineer, DOT w/application & PPM  
          DPW-ENG-KONA w/application & PPM  
          Director, DEM w/application & PPM  
          DLNR-SHPD (Kona) w/application & PPM  
          1250 Oceanside Partners  
          SMA Section  
          TMK File 8-1-4:3; SUB 4849, 5850, 6068, 7168, 7168-A, 7168-B;  
          SMA 345, 356, 401, 403, 404; USE 115; REZ 765, 812, 846;  
          GPA 19; SLU 959; SPP 1056; SUB 2000-0185(1250 Oceanside Partners)

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

May 26, 2004

Mr. Robert A. Stuit  
1250 Oceanside Partners  
78-6831 Alii Drive, #K15  
Kailua-Kona, HI 96740-2440

Dear Mr. Stuit:

Applicant: Hokulia  
Special Management Area Use Permit No. 401 (SMA 401)  
Special Management Area Use Permit No. 402 (SMA 402)  
Special Management Area Use Permit No. 403 (SMA 403)  
Special Management Area Use Permit No. 404 (SMA 404)  
Special Permit No. 1056  
Subject: Annual Progress Reports  
TMK: 7-8-10: por. of 30; 7-9-12: por. of 3; 8-1-04: por. of 3  
Hokukano to Onouli, North and South Kona, Hawaii

Thank you for your letter dated May 3, 2004, containing the annual progress reports for the development of various improvements and uses as approved by the above-described permits. A copy of your annual progress reports will be transmitted to the Planning Commission for its information

We look forward to the submittal of your next annual progress report on or before May 5, 2005. If you have any questions, please feel free to contact Norman Hayashi or Jeff Darrow at 961-8288.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Yuen".

CHRISTOPHER J. YUEN  
Planning Director

JWD:smn

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xc w/ltr: Planning Commission  
West Hawaii Office

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