

COPY

LAND USE COMMISSION  
STATE OF HAWAII

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STEPHEN J. MENEZES 1806  
441 Kipuni Street  
Hilo, Hawaii 96720  
Telephone No.: 934-8916

Attorney for Petitioner

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the	)	DOCKET NO. A81-525
Petition of	)	
Y-0 LIMITED PARTNERSHIP	)	PROGRESS REPORT;
	)	CERTIFICATE OF SERVICE
To Amend the District	)	
Boundary of Property	)	
Situated in the Land	)	
Divisions of Kaloko and	)	
Kohanaiki, North Kona,	)	
Island of Hawaii.	)	

PROGRESS REPORT

Petitioner Y-0 LIMITED PARTNERSHIP ("Y-0"), by and through its undersigned attorney, submits this report to the Land Use Commission ("LUC") on the progress and status of its efforts toward satisfying the conditions imposed on the reclassification and incremental districting of the subject property. This report covers the period from January 2001 through December 2001.

I.

Project Status

The revised construction plans for the roadways and drainage system within Y-0's residential subdivision project have been approved by the County Planning Department and all

other required agencies.

As noted in the last annual report, Y-O has not yet commenced construction of the subdivision infrastructure for the reason that funding for construction has not been available to its general partner, Yanase & Co., Ltd., a Japan corporation, which has been financially impacted by the extended stagnation of the Japanese economy. In addition, the Big Island economy most likely could not presently absorb the large number of lots that will be available when the subdivision is completed. At present, there is no date by which construction is anticipated to commence.

Toward the end of 2000, Y-O and the County Department of Water Supply ("DWS") began discussions concerning the dedication by Y-O of a parcel to DWS for a water reservoir site. The location and size of the parcel, approximately 1.5875 acres, were determined in late 2000. DWS completed the subdivision of the parcel from the Y-O property in June, 2001. On July 29, 2001, Y-O delivered to DWS a dedication Deed to the parcel. Thereafter, the Deed was accepted by the Water Board of the County of Hawaii and recorded at the Bureau of Conveyances on October 1, 2001. The parcel was dedicated to DWS without charge.

## II.

### Extension of Time to Apply for Redistricting of Phase II

On October 24, 1997, Y-O filed a motion with the LUC

for a third extension of time to apply for redistricting of Phase II of the Y-0 project. The LUC granted the motion by Order Granting Motion for Third Extension of Time to Apply for Redistricting of Phase II, filed December 22, 1997. The order allows Y-0 until January 20, 2003 to substantially complete Phase I and to apply for redistricting of Phase II.

III.

Compliance with LUC Conditions

The LUC's Order Granting Motion for Second Extension of Time to Apply for Redistricting of Phase II and Amending Conditions of the Decision and Orders Dated January 20, 1983 and June 13, 1990, which was filed on November 17, 1992, requires Y-0 to comply with seven conditions, designated as conditions 1 through 7.

Condition 1.

Condition 1 states:

1. Petitioner shall provide housing opportunities for low and moderate income residents by offering for sale, on a preferential basis, on its own or in cooperation with both the Housing Finance and Development Corporation and the County of Hawaii, ten per cent (10%) of the lots or houses and lots to be developed on the subject property, to residents of the State of Hawaii of low and moderate family income as determined by the Housing Finance and Development Corporation and County of Hawaii from time to time. The preferential lots or houses and lots shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (e.g., Hula Mae) or federally-insured or assisted financing (e.g., FHA Section 245 Program) intended to encourage home ownership by low and moderate income families.

Y-0 has in the past had discussions with the County office of Housing and Community Development on satisfying the affordable housing condition. Y-0 expects that discussions with the County OHCD will continue in the future. At the appropriate time, Y-0 will also discuss satisfaction of the affordable housing condition with the Housing Finance and Development Corporation.

Condition 2.

Condition 2 states:

2. Petitioner shall afford lot purchasers public access from the subject property to Queen Kaahumanu Highway and to Mamalahoa Highway by participating in the construction of a roadway connecting the two highways and running through the subject property, the location and standard of design and construction of such roadway to be approved and accepted by the County of Hawaii. The Petitioner shall be responsible for constructing such portions of the roadway within the subject property. The Petitioner's participation for the portions of the roadway outside the subject property may be by way of loans, loan guaranties, purchase of County obligations or otherwise.

Construction of the portion of the mauka-makai roadway, street lighting system and water transmission lines through the Y-0 property has been completed. Y-0 has subdivided the roadway from the rest of its property and has dedicated the road, street lighting system and water transmission system to the County.

Construction of the portion of the mauka-makai roadway outside the Y-0 property has also been completed and dedicated to the County. The entire length of the mauka-makai

roadway, from Queen Kaahumanu Highway to Mamalahoa Highway, is open to public use.

Construction of the channelized intersection at Mamalahoa Highway and Hina Lani Street has been completed and approved by the State Highways Division.

Condition 3.

Condition 3 states:

3. Petitioner shall dedicate to appropriate State and County agencies sufficient land for the provision of necessary public facilities.

A condition similar to Condition 3 is included in the County rezoning ordinance. In accordance with these conditions, Y-O's subdivision plans include sites for reservoir and park use. These sites will be dedicated to the appropriate agencies once subdivision approval has been obtained and the agencies request dedication. As noted above, Y-O dedicated a water reservoir site to the County Department of Water Supply in 2001.

Condition 4.

Condition 4 states:

4. Petitioner shall submit annual progress reports to the Commission, Office of State Planning and Hawaii County Planning Department as to its progress in satisfying these conditions.

This report is being submitted to the LUC, the Office of State Planning and the Hawaii County Planning Department.

Condition 5.

Condition 5 states:

5. These conditions may be fully or partially released by the Commission as to all or any portion of the subject properties upon timely motion and provision of adequate assurance of satisfaction of these conditions by the Petitioner.

To date, Y-0 has not requested the release of any of the LUC conditions.

Condition 6.

Condition 6 states:

6. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.

Y-0 intends to develop the Property in substantial compliance with representations made to the LUC.

Condition 7.

Condition 7 states:

7. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property.

Y-0 intends to comply with this condition in the event of the voluntary alteration of the ownership interests in the property.

IV.

Conclusion

Y-0 has satisfied LUC condition #2 and will satisfy

LUC conditions #1 and #3 as it develops its subdivision project. With respect to condition #3, in 2001 Y-0 dedicated a parcel to the County Department of Water Supply for use as a reservoir site. Y-0 intends to timely comply with the remaining LUC conditions.

Dated: Hilo, Hawaii, January 29, 2002.

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STEPHEN J. MENEZES  
Attorney for Petitioner  
Y-0 Limited Partnership

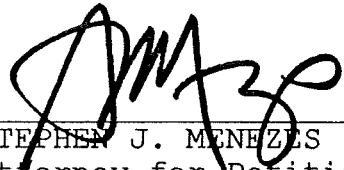
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Progress Report was duly served upon the following parties at their respective addresses, by mailing the same at the United States Post Office, first class mail, postage prepaid, at Hilo, Hawaii, on January 29, 2002.

Office of State Planning  
415 South Beretania Street  
Honolulu, HI 96813

Chris Yuen  
Planning Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, HI 96720

Dated: Hilo, Hawaii, January 29, 2002.

  
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STEPHEN J. MENEZES  
Attorney for Petitioner  
Y-O Limited Partnership