

**Land Use Commission Conditions - SLU Docket A04-747 - Comprehensive Annual Report 2014 - 2025**  
**Kamehameha Investment Corp.**



| Condition | Requirement   | Status   | Comments  |
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| 1         | <b>Affordable Housing.</b> Petitioner shall provide affordable housing opportunities for residents in the State of Hawai'i in accordance with applicable affordable housing requirements of the County of Hawai'i. 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 Hawai'i.  | On-going | KIC is still evaluating its development plans for the Properties included in this docket, but understands that its proposed land use for this area or other project areas may generate the need for affordable housing. KIC acknowledges and will comply with this condition. |
| 2         | <b>Drainage Improvements.</b> Petitioner shall prepare a drainage study of the Property and the recommended drainage system shall be constructed, meeting with the approval of the State and County agencies.   | On-going | KIC acknowledges this condition.  |
| 3         | <b>Transportation.</b> Petitioner shall submit a revised TIAR for review and approval by the DOT and the DPW prior to submittal of a change of zone application with the County. The TIAR shall identify the local and regional traffic impacts attributable to the Project and recommend mitigation measures. The report shall also evaluate the existing and potential future developments in the Keauhou area. Based on an analysis of traffic-related impacts, Petitioner shall fund, design, construct, and/or make fair-share payments toward the construction of necessary local and regional roadway improvements necessitated by the Project in designs and schedules accepted by the DOT and the County of Hawai'i. | On-going | KIC acknowledges this condition. KIC will prepare the required TIAR prior to submitting a request for a rezoning once development plans for the Properties are solidified.  |
| 4         | <b>Water System Facilities and Improvements.</b> Petitioner shall fund and construct adequate potable and non-potable water source, storage and transmission facilities and improvements as required by the DWS to accommodate the Project.   | On-going | KIC acknowledges this condition.  |
| 5         | <b>Wastewater Facilities.</b> Petitioner shall fund and construct adequate wastewater treatment, transmission and disposal facilities, as determined to be necessary by the County and the DOH.   | On-going | KIC acknowledges this condition.  |
| 6         | <b>Integrated [sic] Solid Waste Management Plan.</b> Petitioner shall develop and shall implement or cause to be implemented a solid waste management plan in conformance with the Integrated Solid Waste Management Act, chapter 342G, HRS. The solid waste management plan shall be approved by the County of Hawai'i Department of Environmental Management.   | On-going | KIC acknowledges this condition.  |

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| 7 | <p><b>Historic Preservation Mitigation Plan.</b> Petitioner shall implement the mitigation plans contained in the BTP prior to any ground altering activities on the Property. Design plans shall be submitted to the SHPD prior to the development of specific mitigation measures to ensure that the burials and other sites recommended for preservation are adequately protected during future development. Petitioner shall confirm in writing to the LUC that the SHPD has found Petitioner's mitigation commitments, if any, to be acceptable and has determined that any historic preservation mitigation plan and archaeological data recovery sub-plan has been successfully implemented.</p> | On-going | <p>KIC acknowledges this condition. The <i>Kamehameha Investment Corporation (KIC) Keauhou Parcel 53 Mauka Land Mitigation Plan Keauhou Parcel 52 and Kahalu 'u Ahupua 'a, North Kona District Island of Hawai'i TMK: 3 7-8-010:006, 022, 029, 030, 050</i> (Mitigation Plan) was submitted to SHPD in 2004.</p> <p>The Mitigation Plan was based on findings and recommendations presented in the SHPD-approved archeological inventory survey report, "<i>Population and Land-use on the Keauhou Coast: The Mauka Inventory Survey, Keauhou, North Kona, Hawaii Island</i>" (Burtchard 1996).</p> <p>The Mitigation Plan included four (4) components: (1) Data Recovery Plan, (2) Monitoring Plan, (3) Burial Treatment Plan, and (4) Long-Term Preservation and Interpretive Plan.</p> <p>On or about April 13, 2005 SHPD accepted the Data Recovery Plan (with some requested additions) and Monitoring Plan components of the Mitigation Plan.</p> <p>Although reviewed the Long-Term Preservation Plan was reviewed by SHPD, several changes were requested by SHPD.</p> <p>The Burial Treatment Plan was also reviewed by SHPD and was to be submitted separately for Hawai'i Island Burial Council consideration, and subsequent SHPD approval.</p> <p>No ground altering activities have occurred on the Properties.</p> |
| 8 | <p><b>Previously Unidentified Burial/Archeological/Historic Sites.</b> Without limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, then all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.</p>  | On-going | <p>KIC acknowledges this condition.</p>  |
| 9 | <p><b>Public School Facilities.</b> Petitioner shall contribute to the development, funding, and/or construction of school facilities, on a fair-share basis relating to the projected impacts of Petitioner's development upon regional public school facilities, as determined by and to the satisfaction of the DOE. Terms of the contribution shall be agreed upon in writing by Petitioner and the DOE prior to</p>  | On-going | <p>KIC acknowledges this condition. An Education Contribution Agreement with the Department of Education ("DOE") was reached on August 29, 2006. A First Amended Education Agreement was approved by the Attorney General on June 25, 2010 and executed by Petitioner and the DOE ("DOE Agreement"). In accordance with the DOE Agreement KIC</p>  |

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|    | obtaining final subdivision approval.  |          | installed a portable classroom at Holualoa Elementary School located at Holualoa, Kona in 2011. A payment in lieu fee was also made in accordance with the DOE Agreement   |
| 10 | <b>Civil Defense.</b> Petitioner shall fund and construct adequate solar-powered civil defense measures serving the Property as determined by the State of Hawai'i Department of Defense, Office of Civil Defense, and County Civil Defense Agency.  | On-going | KIC acknowledges this condition.   |
| 11 | <b>Air Quality Monitoring.</b> Petitioner shall participate in an air-quality monitoring program for the Project as specified by the DOH.  | On-going | KIC acknowledges this condition.   |
| 12 | <b>Provisions of the Hawai'i Right to Farm Act.</b> Petitioner shall notify all prospective buyers and/or lessees of the Property or any lot in the Project that the Hawai'i Right to Farm Act, chapter 165, HRS, limits the circumstances under which pre-existing farm activities may be deemed a nuisance.                              | On-going | KIC acknowledges this condition.   |
| 13 | <b>Preservation of Access Rights.</b> Petitioner shall preserve access rights of native Hawaiians who customarily and traditionally have used the Property for access to other areas for subsistence, cultural, and religious practices.   | On-going | KIC acknowledges this condition.   |
| 14 | <b>Soil Erosion and Dust Control.</b> Petitioner shall implement BMPs applicable to each proposed land use on the Property to reduce or eliminate soil erosion and groundwater pollution, and effect dust control measures during and after the development process in accordance with the DOH guidelines.                                 | On-going | KIC acknowledges this condition.   |
| 15 | <b>Water Conservation Measures.</b> Petitioner shall implement water conservation measures and BMPs on the Property, such as use of indigenous and drought tolerant plants and turf, and incorporate such measures into common areas landscape planting.   | On-going | KIC acknowledges this condition.   |
| 16 | <b>Energy Conservation Measures.</b> Petitioner shall implement energy conservation measures such as use of solar energy and solar heating and incorporate such measures into the Project on the Property.   | On-going | KIC acknowledges this condition.   |
| 17 | <b>Updates to the Commission.</b> In its annual report, Petitioner shall include updated information relating to: <ul style="list-style-type: none"> <li>a. the Mitigation Plan for data recovery and preservation;</li> <li>b. the BTP; and</li> <li>c. the MOA between Petitioner and Na Ala Hele regarding the trail system.</li> </ul> | On-going | See response to Condition #7 above.<br><br>The Keauhou Historic Trail System over these Properties is still conceptual; however, it has met with the preliminary approval of the Na Ala Hele advisory committee, subject to the development of parking sites for hikers at the beginning, mid-point and end of the trail system, and final delineation of the actual trail routing. The development of the parking sites |

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|    | The terms of the MOA shall be agreed upon in writing by Petitioner and Na Ala Hele prior to obtaining final subdivision approval. Petitioner shall provide a copy of the fully executed MOA to the Commission.  |              | will be addressed upon final subdivision approval. The Department of Land and Natural Resources ("DLNR") also requires a surveyed description of the trail system and parking, which will be dedicated as part of the perpetual easement assigned to the State of Hawai'i. The dedication of the easement is expected to be completed in conjunction with the change of zone process, and subsequent subdivision of lots that will border the trail system.<br><br>Further updates to these plans will be provided in future annual reports as the proposed project progresses. |
| 18 | <b>Flora and Fauna.</b> Petitioner shall preserve the `ohe makai on the Property in accordance with the recommended preservation measures. Petitioner shall not conduct any clearing and grubbing on the Property between the months of March through August to prevent any impact to the endangered Hawaiian Hoary Bat and the Hawaiian Hawk when they are breeding or caring for their young. | On-going     | KIC acknowledges this condition   |
| 19 | <b>Compliance with Representations to the Commission.</b> 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.   | On-going     | KIC acknowledges this condition.  |
| 20 | <b>Notice of Change to Ownership Interests.</b> 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.  | On-going     | KIC acknowledges this condition. The Properties are licensed on a short term basis for cattle grazing.  |
| 21 | <b>Annual Reports.</b> Petitioner shall timely provide without any prior notice, annual reports to the Commission, the OP, and the Planning Department in connection with the status of the Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.            | On-going     | KIC acknowledges this condition and is providing this report.   |
| 22 | <b>Release of Conditions Imposed by the Commission.</b> The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.  | Acknowledged |   |
| 23 | <b>Notice of Imposition of Conditions.</b> Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the  | Satisfied    | The Notice of Imposition of Conditions was recorded with the Bureau of Conveyances on August 26, 2005 as Document No.   |

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|    | Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Commission in the reclassification of the Property; and (b) file a copy of such recorded statement with the Commission. |           | 2005-170765. It was filed with the Commission on or about October 31, 2005.   |
| 24 | <b>Recording of Conditions.</b> Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to section 15-15-92, HAR.  | Satisfied | The Certificate of Conditions was recorded with the Bureau of Conveyances on February 25, 2011 as Document No. 2011-033148. |

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