

COUNTY OF HAWAII STATE OF HAWAII



RESOLUTION NO. 294 10

A RESOLUTION AUTHORIZING THE EXEMPTION OF THE KALOKO HOUSING PROGRAM IN KAILUA-KONA FROM CERTAIN CODE REQUIRMENTS AND RULES PURSUANT TO SECTION 201H-38 OF THE HAWAII`I REVISED STATUTES.

WHEREAS, the Office of Housing and Community Development ("OHCD") of the County of Hawaii`i ("County") intends to construct the Kaloko Housing Program ("Project"), a transitional and rental housing project, on an approximately eight-acre parcel of County-owned land in Kailua-Kona, Hawaii`i, identified as Tax Map Key No. (3) 7-3-009:055 ("Property"), currently zoned State Land Use - Agriculture, to provide a decent, safe and sanitary housing program and supportive services to qualified homeless individuals; and

WHEREAS, the proposed Project will function in collaboration with The Friendly Place, a daytime service center, and the West Hawaii`i Emergency Housing Program, an overnight housing program for individuals; and

WHEREAS, pursuant to Section 205-3.1 of the Hawaii`i Revised Statutes ("HRS"), district boundary amendments involving land areas of fifteen (15) acres or less "shall be determined by the appropriate county land use decision making authority of the district"; and

WHEREAS, district boundary amendments over which the County has jurisdiction normally are processed pursuant to Chapter 28 of the County Code and the rules of the Planning Commission of the County; and

WHEREAS, Section 201H-38, in conjunction with HRS Section 46-15.1, allows the County to exempt the Project "from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon..." contingent on County Council approval; and

WHEREAS, the Project will promote the goals contained in Chapter 201H of the HRS and Chapter 2, Article 13 of the County Code; and

WHEREAS, to expedite the development of the urgently needed Project, the OHCD has requested exemption from Chapter 28 of the County Code and the rules of the County Planning Commission relating to State Land Use boundary amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that the district boundary amendment for the Kaloko Housing Program be exempt from the procedures set forth in Section 28 of the County Code and the rules of the Planning Commission of the County of Hawai'i.

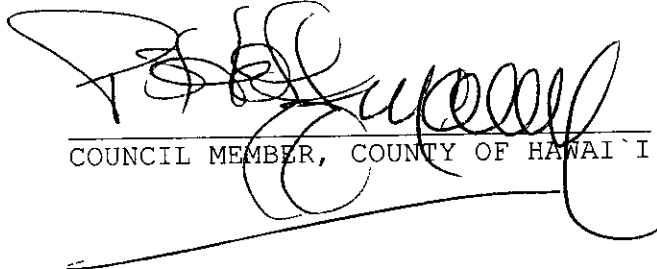
BE IT FURTHER RESOLVED, that the State Land Use Boundary Amendment Application, descriptive site plan, State DLNR Historic Preservation Division "no effect letter," floral, fauna, and valued cultural resources, descriptive access to the community, and a traffic study attached as Exhibit "A" are hereby approved.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Planning Director and the Office of Housing and Community Development of the County of Hawai'i.

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

Dated at Hilo, Hawai'i, this 3rd day of February, 2010.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
 County of Hawai'i
 Hilo, Hawai'i

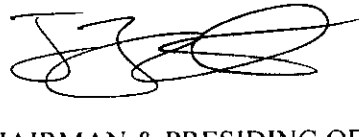
ROLL CALL VOTE

	AYES	NOES	ABS	EX
ENRIQUES	X			
FORD	X			
GREENWELL	X			
HOFFMANN	X			
IKEDA	X			
NAEOLE-BEASON			X	
ONISHI	X			
YAGONG	X			
YOSHIMOTO	X			
	8	0	1	0

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on February 3, 2010.

ATTEST:


 COUNTY CLERK


 CHAIRMAN & PRESIDING OFFICER

Reference C-678/Waived PC

RESOLUTION NO. **294 10**

Exhibit A

**STATE LAND USE BOUNDARY AMENDMENT APPLICATION
(15 ACRES OR LESS)**

**COUNTY OF HAWAII
PLANNING DEPARTMENT**

(Type or legibly print the requested information)

PETITIONER: The County of Hawai'i

PETITIONER'S SIGNATURE: _____ DATE: _____

ADDRESS: 50 Wailuku Dr.
Hilo, HI 96720

PETITIONER'S INTEREST IF NOT OWNER: _____

TELEPHONE:(Bus.)808-961-8379 (Res.) _____ (Fax)808-961-8685

LANDOWNER(S): The County of Hawai'i

LANDOWNER SIGNATURE(S): _____ DATE: _____

ADDRESS: 50 Wailuku Dr.
Hilo, HI 96720
(May be by letter)

TAX MAP KEY: h7-3-009-055

STREET ADDRESS OF PROPERTY: Hina Lani Street, Kailua-Kona, HI 96740

ZONING: Agriculture SIZE OF PROPERTY: 8.016 acres

CURRENT STATE LAND USE DISTRICT CLASSIFICATION: Agriculture

REQUESTED STATE LAND USE DISTRICT CLASSIFICATION: Urban

AGENT: _____

ADDRESS: _____

TELEPHONE:(Bus.) _____ (Res.) _____ (Fax) _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: The Office of Housing and Community Development COPIES: Same

(See Instructions on Reverse Side)

Purpose and Need

The purpose of the petition for a boundary amendment is to bring the property in alignment with the existing adjacent properties. The property West of the proposed development is zoned State Land Use – Urban and the property North of the proposed development is also zoned State Land Use – Urban (exhibit A). The property East of the proposed development is zoned State Land Use – Agriculture and will be separated by a County of Hawaii dedicated road. The proposed boundary amendment would then allow the proposed development to meet the established guidelines under the Urban zoning, thus allowing the Office of Housing and Community Development (OHCD) to meet the needs of the community.

It would appear that the current zoning classification of Agriculture does not completely align with studies conducted of the area and surrounding area. The *Detailed Land Classification – Island Of Hawai'i* prepared by the University of Hawai'i Land Study Bureau (LSB), evaluates the quality or productive capacity of certain lands on the Island for selected crops and overall suitability in agricultural use. A five-class productivity rating system was established with "A" representing the highest productivity and "E" the lowest. According to the study, the project site consists mostly of bare pahoehoe lava flows with no soil cover. The site is classified as "E", or very poorly suited for agricultural productivity.

The *Agricultural Lands of Importance in the State of Hawai'i* (ALISH), prepared by the State Department of Agriculture, classifies lands into three categories: 1) Prime Agricultural Land, 2) Unique Agricultural Land, and 3) Other Important Agricultural Land. The project site is not classified as Important Agricultural Land in any category under the ALISH system.

The OHCD is an agency operating under the direct supervision of the Mayor and is responsible for the planning, administration and monitoring of assigned federal grants (e.g., U.S. Department of Housing and Urban Development (HUD)) and other programs. The OHCD also manages assigned leases and lands. The goal of the OHCD is to provide for the development of viable communities in Hawai'i County by providing decent housing, suitable living environments and the expansion of economic opportunities.

The KHP will provide transitional and serviced-enriched, affordable housing inventory in West Hawai'i. A comprehensive housing program for homeless families has been a major County challenge for over 20 years. The County has worked with the community to implement programs that address the needs of the housing continuum – including The Friendly Place in the Old Industrial Area of Kailua-Kona (donated by Stanford Carr Development), which provides essential daytime services to the homeless population. A 30-bed overnight shelter funded by the County, State and the U.S Department of Housing and Urban Development (currently in the environmental review stage) will address emergency housing needs of homeless individuals. While the County is utilizing \$40 million of its limited resources to provide permanent affordable housing (rental and for-sale) in Waikoloa, the KHP remains the critically-needed missing piece of this housing continuum. Partnering with the business community, organizations and community

members composing the Community Alliance Partners (CAP), the KHP has been designed to serve the needs of working families in West Hawai'i.

Project Description

The KHP facility will include approximately 24 transitional housing units, approximately 72 affordable rental units and a warehouse to facilitate operations of The Food Basket and Habitat for Humanity. A portion of the parcel will also be used for a self-contained wastewater treatment plant for wastewater generated onsite. Although not legally required, parts of a geologic feature consisting of a collapsed lava tube channel will be set aside to preserve an archaeological site and rare native plants. Access will be from a driveway on an extension of Maiiau Street, which is currently being built. The design of the facility has not yet been finalized.

Transitional housing units provide immediate shelter for homeless working families. The KHP will replace the current 24-unit transitional housing facility Kawaihae Transitional Housing Program (KTHP) that is currently the only housing program of its kind that serves homeless persons in West Hawai'i.

The affordable rental units will provide long term housing opportunities for working families in need of affordable rental housing. The proposed warehouse will be operated by Habitat for Humanity-West Hawai'i and The Food Basket and will provide a unique opportunity for job readiness and placement on-site. This essential component will enhance the sustainability of the program, strengthening the ability of participants to secure not only long-term housing but also training and employment resources. Current plans call for the County to lease the KHP to a non-profit management group for management and daily operation of the facility. The group will be encouraged to provide a tailored service array that will address such needs as life skills training, budgeting and credit counseling, job training and placement, educational referrals and non-profit and community-based collaborative. A combination of housing and customized services will create an uplifting environment that doesn't overpower the residents, who may be afflicted by any of the social and/or economic stresses of homelessness. Units will be secure, yet user friendly, integrating private quarters for families with communal uses such as classrooms and recreational facilities, and offering office space for support service providers.

Project Location

The County of Hawai'i Office of Housing and Community Development (OHCD) proposes to develop the KHP community on a County-owned, 8.016-acre parcel (Tax Map Key: 3rd.- 7-3-009:055) located along Hina Lani Drive in the North Kona District of the County of Hawai'i. The project site is located adjacent to the planned Phase III and IV Kaloko Light Industrial Park and is presently vacant and unused.

The project site is located along Hina Lani Street, a two-lane, County roadway that serves as an arterial connector between the Queen Ka'ahumanu Highway (SR19) and the Mamalahoa Highway (SR190). The makai portion of Hina Lani has industrial and commercial land uses; farther mauka, there are residential subdivisions. The vegetation of the project area has been extensively modified by grazing animals and the introduction of non-native plants that now dominate the landscape, although a variety of native species still exist. Adjacent land is generally vacant and unused, but is planned for mixed industrial commercial uses, similar to the Kaloko Industrial Park, located about a half mile makai (west) of the project site. The average maximum daily temperature is approximately 83 degrees F., with an average minimum of 67 degrees, and annual rainfall averages approximately 25 inches (U.H. Hilo-Geography 1998:57).

Hawai'i County General Plan and Zoning

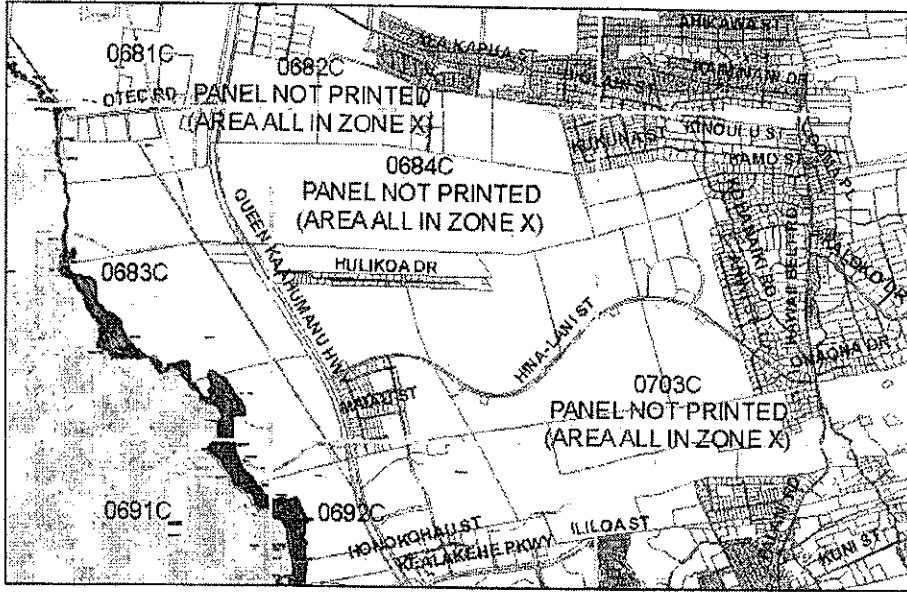
The *Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG)*. The LUPAG map component of the *General Plan* is a graphic representation of the Plan's goals, policies, and standards as well as of the physical relationship between land uses. It also establishes the basic urban and non-urban form as well as the location of planned public and cultural facilities, public utilities and safety features, and transportation corridors. The project site is classified as Urban Expansion in the LUPAG. The project is consistent with the Urban Expansion designation, which is intended for a mix of high density, medium density, low density, industrial, industrial commercial, and/or open areas.

Hawai'i County Zoning. The project site is in Hawai'i County Agricultural (A-5a) Zoning Designation. The KHP facility would not be a permitted use within this designation, however, the OHCD has the option of pre-empting this zoning designation for public housing projects. The property is not situated within the County's Special Management Area (SMA).

The General Plan for the County of Hawai'i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The General Plan itself is organized into thirteen elements, with policies, objectives, standards, and policies for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai'i. Most relevant to the project are the Goals, Standards, Policies and Courses of Action of particular chapters.



- Zoom In
- Zoom Out
- Pan
- Measure
- Full View
- Last View
- Identify
- LOMC
- Report
- Datasheet
- Home



County: _____ TMR: _____ Address: _____ LOMC: _____

Layers
Property Search

1. Select a County
Hawaii

2. Enter a Street Name:
(without Street, Avenue, Drive, etc.)
HINA LANI STREET

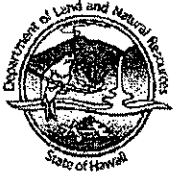
OR
Enter a Tax Map Key
(Example: 44400000)

Map Legend

- Letter of Map Change (LOMC)
- Flood Insurance Studies (FIS)
- Island Number
- HELP...

Property Search
Using Toolbox buttons
Letter of Map Changes

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUJI
FIRST DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
HAWAIIAN ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 6, 2009

Alan E. Haun, Ph.D., Principal Archaeologist
Haun & Associates
73-1168 Kahuna A'o Road
Kailua-Kona, Hawai'i 96740

LOG NO: 2009.4067
DOC NO: 0911TD08

Dear Dr. Haun:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Notice of Fieldwork Completion, Archaeological Data Recovery at Site 26269
Kaloko Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-3-09: 055**

Thank you for your letter dated November 2, 2009 regarding the subject data recovery project. As indicated in your letter, the fieldwork followed an approved data recovery plan, and no new or unexpected discoveries were made at the site during the fieldwork. A full report on the findings and results of age determination analysis of collected dating samples will be submitted to our office within ten months.

We concur with your recommendation that no additional archaeological work is warranted at this site. We have previously reviewed the inventory survey for this 8.016-acre parcel and concurred with the recommendation that no further work is needed at three additional sites found within the property (Log 2008.0288, Doc 0807MD56). Should we receive a request for review of a grading or grubbing permit for this parcel, we will indicate that the action will have no effect on historic properties.

Please contact Theresa Donham at 808-933-7653 if you have any questions or concerns regarding this letter.

Aloha,

Nancy McMahon, Deputy SHPO/State Archaeologist
and Historic Preservation Manager
State Historic Preservation Division

cc: Ron Terry, Geometrician Associates, PO Box 396, Hilo, HI 96721



Flora, Fauna and Ecosystems

Existing Environment

The natural vegetation of this part of North Kona was most likely a lowland dry grassland community (Gagne and Cuddihy 1990) dominated by 'ohe makai (*Reynoldsia sandwichensis*), alahe'e (*Psydrax odorata*), naio (*Myoporum sandwicense*), and lama (*Diospyros sandwicensis*), and shrubs, herbs and vines such as maiapilo (*Capparis sandwichiana*), 'ilima (*Sida fallax*), and huehue (*Cocculus orbiculatus*). These original communities, however, have been heavily degraded by cattle grazing and colonization and competition by invasive species that now dominate the site.

A walk-through botanical survey of the project site was performed by Reginald E. David on October 22, 2005. Of the 33 different plant species detected, just ten (30%) are recognized as being native to the Hawaiian Island, with four of these endemic and seven indigenous to the islands. The project site contains individuals of ko'oko'olau (*Bidens micrantha* ssp. *Ctenophylla*), 'ohe makai (*Reynoldsia sandwichensis*) and maiapilo (*Capparis sandwichiana*), all of which are Species of Concern. All were located within or on the rim of the collapsed lava tube, where there is partial protection from goats and cattle. Although not protected by any State or federal laws, Species of Concern are considered rare and are important botanical and sometimes cultural resources. One other species, noni (*Morinda citrifolia*), is considered to have been an early Polynesian introduction to the islands. The remaining 22 (67%) species detected are alien species now considered to be naturalized in the islands.

A resurvey in February 2008 by biologists Patrick Hart, Ph.D., and Ron Terry, Ph.D., confirmed the findings of the botanical survey. The large ko'oko'olau present on the mauka rim of the lava tube collapse feature appeared to be undergoing natural senescence and may not be alive by the time the project begins construction.

The project site was surveyed for fauna by biologist Reginald E. David on November 23 and 26, 2005. While the majority of bird species observed during this survey were nonnative, including Common Myna (*Acridotheres tristis*), Japanese White-Eye (*Zosterops japonicus*), Northern Cardinal (*Cardinalis cardinalis*), House Finch (*Carpodacus mexicanus*) and Nutmeg Mannikin (*Lonchura punctulata*), several indigenous migratory waterfowl were also observed. These included the Pacific Golden Plover (*Pluvialis fulva*), Wandering Tattler (*Heteroscelus incanus*), and the Ruddy Turnstone (*Arenaria interpres*). The endangered Hawaiian hoary bat, or 'ope'ape'a, as it is known in Hawaiian (*Lasiurus cinereus semotus*), which is the only non-marine mammal native to the Hawaiian Islands, may fly over the project site while foraging. The vegetation of the site does not offer suitable roosting habitat for bats.

Cultural Resources

The 8-acre project site itself appears to have contained very few valued natural resources such as traditional quarries or water features, although plants important for cultural purposes (e.g., ko'oko'olau) were probably present. Today, alien vegetation has replaced native species almost entirely, leaving only the most common natives. Still present are two native plants with ethnobotanical value, the 'uhaloa (*Waltheria indica*) and maiapilo (*Capparis sandwichiana*). The former species is extremely common in many parts of the Big Island; the latter is less common but relatively well-distributed throughout the kula kai.

As part of the current study an effort was made to obtain information about any potential traditional cultural properties and associated practices that might be present, or have taken place in the project area. The Office of Hawaiian Affairs, the Kuakini Hawaiian Civic Club of Kona, the Kona Hawaiian Civic Club, the Edith Kanaka'ole Foundation, and Na Po'e Hoa 'Aina were contacted in an attempt to obtain information on traditional cultural properties and practices in the project area, but these groups did not provide any relevant information.

Based on historical research and oral interviews, as well as review of natural and historical resources, it is reasonable to conclude that the only potentially valued cultural, natural or historical resources within the project site consist of the rare native plants (ko'oko'olau and maiapilo) found in the collapsed lava tube. Although there is no evidence of gathering or use of this patch of plants, this area is being preserved, along with an archaeological site.

The proposed project site does not appear to have been used for traditional cultural purposes in the recent memory of any of the extensive list of interviewees consulted as part of oral history research performed for nearby projects, and consultation for this project has not revealed any use. It is reasonable to conclude that based upon the limited range of resources and the proposed mitigation to all affected resources, including rare plants, the exercise of native Hawaiian rights related to gathering, access or other customary activities will not be affected, and there will be no adverse effect upon cultural practices or beliefs.

Existing Roadway and Traffic Conditions

A reconnaissance of the area was performed in order to identify the existing roadway conditions, crosssection, speed limits and right-of-way controls, as well as any other factors that might affect ingress to and egress from the proposed project. Most of the frontage of the property is along Hina Lani Street, a two-lane County roadway that serves as an arterial connector between the Queen Ka'ahumanu Highway (SR11) and the Mamalahoa Highway (SR19). Hina Lani Street is planned to be widened from two to four lanes as part of Phases III and IV of the Kaloko Industrial Park.

It is also understood that the intersection of Hina Lani Road at Maiau Street will be modified to provide separate left-turn lanes and left-turn refuge lanes. The KHP facility will take access from driveway on an extension of Maiau Street that will be constructed at the time of site development of KHP. Upon development of Phase IV of the Industrial Park, Maiau Street will be completely extended from Kamanu Street eastward to a new intersection with Hina Lani Road. Maiau Street will be a major collector connecting Hina Lani Road with the industrial area. The driveway serving the project will be along the north side of Maiau Street, approximately 350 feet west of Hina Lani Street.

Existing traffic volumes along Hina Lani Road were estimated from manual traffic counts at the intersection of Hina Lani Road at Kamanu Street. These counts were performed in June 2008. The intersection of Hina Lani Road at Maiau Street does not exist yet.

Summary and Conclusions

The conclusions of the traffic impact assessment are:

1. The proposed project will consist of 72 affordable rental units, 24 transitional housing units and a 10,000 square foot warehouse.
2. The proposed project will generate 14 inbound and 40 outbound trips during the morning peak hour. During the afternoon peak hour, the project will generate 40 inbound and 25 outbound trips.
3. We have been advised that the sponsoring agency has experience with several comparable projects on the Island of Hawaii and their experience is that these types of projects generate significantly less traffic than the trip generation estimates above. However, there are no studies to quantify trip generation rates. If the observations are correct, the trip generation estimates used in this report and the conclusions are conservative.
4. Residents should be encouraged to use public transportation and to carpool as much as possible. Typically, the property manager acts as a transportation coordinator with the task of coordinating public transportation for the residents.
5. The public transportation provider should be contacted regarding the feasibility of providing bus service to and from the project.

Existing Facilities and Services, Impacts and Mitigation Measures

Electrical power to the area is supplied by Hawai'i Electric Light Company (HELCO), a privately owned utility company regulated by the State Public Utilities Commission, via their island wide distribution network. Electrical service is available at the project site via transmission lines along Hina Lani Street. Telephone and CATV services are also available. Water is supplied by the Hawai'i County Department of Water Supply. Wastewater treatment is not presently available to the project area.

The proposed action would not have any substantial impact on existing electrical facilities or HELCO's ability to provide electricity. Although the precise amount of water required is not yet available, the OHCD has secured a number of water commitments from the DWS and will work closely with the non-profit management group to secure the additional necessary water commitments. In order to conserve water, all plumbing facilities will be designed for low water use, landscaping will be primarily xerophytic, and water usage will be monitored by the facility manager. No other utilities will be affected in any way. Wastewater will be treated via a package plant. In summary, the utility infrastructure for the facility is adequate and no adverse impacts are expected.

Consistency with Government Plans and Policies

Hawai'i State Plan

Adopted in 1978 and last revised in 1991 (Hawai'i Revised Statutes, Chapter 226, as amended), the Plan establishes a set of themes, goals, objectives and policies that are meant to guide the State's long term growth and development activities. The three themes that express the basic purpose of the *Hawai'i State Plan* are individual and family self-sufficiency, social and economic mobility and community or social well-being. The project would promote these goals primarily by enhancing housing opportunity and social well-being.

Hawai'i County General Plan and Zoning

The *Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG)*. The LUPAG map component of the *General Plan* is a graphic representation of the Plan's goals, policies, and standards as well as of the physical relationship between land uses. It also establishes the basic urban and non-urban form as well as the location of planned public and cultural facilities, public utilities and safety features, and transportation corridors. The project site is classified as Urban Expansion in the LUPAG. The project is consistent with the Urban Expansion designation, which is intended for a mix of high density, medium density, low density, industrial, industrial commercial, and/or open areas.

Hawai'i County Zoning. The project site is in Hawai'i County Agricultural (A-5a) Zoning Designation. The KHP facility would not be a permitted use within this designation, however, the OHCD has the option of pre-empting this zoning designation for public housing projects. The property is not situated within the County's Special Management Area (SMA).

The General Plan for the County of Hawai'i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The General Plan itself is organized into thirteen elements, with policies, objectives, standards, and policies for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai'i. Most relevant to the project are the following Goals, Standards, Policies and Courses of Action of particular chapters:

Economic – Goals

- (a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- (b) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Discussion: The project would help to achieve the stated goals of the Economic chapter of the General Plan by improving economic opportunity for residents in a manner that enhances the social environment.

Environmental Quality – Goals

- (a) Maintain and, if feasible, improve the existing environmental quality of the island.
- (b) Control pollution.

Environmental Quality – Policies

- (a) Take positive action to further maintain the quality of the environment.
- (b) Work with the appropriate agencies to adopt appropriate measures and provide incentives to control point and nonpoint sources of pollution.

Environmental Quality – Standards

- (a) Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and well being, through the enforcement of appropriate Federal, State and County standards.
- (b) Federal and State environmental regulations shall be adhered to.

Discussion: The project would help to achieve the goals of the Environmental Quality chapter of the General Plan by maintaining the existing environmental quality of the island and controlling pollution through mitigation of potential air and water quality impacts.

Flooding and Other Natural Hazards – Goals

- (a) Protect human life.
- (b) Prevent damage to man-made improvements.
- (c) Control pollution.
- (d) Prevent damage from inundation.
- (e) Reduce surface water and sediment runoff.
- (f) Maximize soil and water conservation.

Flooding and Other Natural Hazards – Policies

- (a) Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

Flooding and Other Natural Hazards – Standards

- (a) "Storm Drainage Standards," County of Hawaii, October, 1970, and as revised.
- (b) Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawai'i County Code.
- (c) Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).
- (d) Applicable standards and regulations of Chapter 10, "Erosion and Sedimentation Control," of the Hawaii County Code.
- (e) Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

Discussion: The project site is not located in a flood zone and would conform with applicable standards and regulations pertaining to drainage and erosion and sediment control. Therefore the project will conform to and abide by applicable goals, policies and standards of the Flooding and Other Natural Hazards chapter of the General Plan.

Historic Sites – Goals

- (a) Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii.

Historic Sites – Policies

- (a) Require both public and private developers of land to provide historical and archaeological surveys and cultural assessments, where appropriate, prior to the clearing or development of land when there are indications that the land under consideration has historical significance.
- (b) Signs explaining historic sites, buildings and objects shall be in keeping with the character of the area or the cultural aspects of the feature.

Historic Sites – Standards

- (a) The evaluation of the importance of specific historic sites is necessary for future action. The following standards establish a framework for evaluating sites.
- (b) Importance in the life or activities of a major historic person.
- (c) Associated with a major group or organization in the history of the island or community.
- (d) Associated with a major historic event (cultural, economic, military, social, or political).
- (e) Associated with a major recurring event in the history of the community (such as annual celebrations).
- (f) Associated with a past or continuing institution that has contributed substantially to the life of the community.
- (g) Unique example of a particular style or period.
- (h) One of the few of its age remaining.
- (i) Original materials and/or workmanship that can be valued in themselves.
- (j) Sites with a preponderance of original materials in context and complexes rather than single isolated sites unless they are of great significance.
- (k) Sites of traditional and cultural significance.

Discussion: The project site has been the subject of an archaeological inventory and one site is being preserved, although preservation is not required. The project conforms with applicable portions of the Historic Sites chapter of the General Plan.

Natural Beauty – Goals

- (a) Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- (b) Protect scenic vistas and view planes from becoming obstructed.

Natural Beauty – Policies

- (a) Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews.
- (b) Do not allow incompatible construction in areas of natural beauty.

Discussion: Because the project site is not located in an area noted for its natural beauty, would not obstruct scenic vistas and viewplanes, and is compatible with its surroundings, the project is conformant with applicable goals and policies of the Natural Beauty chapter of the General Plan.

Natural Resources and Shoreline – Goals

- (a) Protect and conserve the natural resources from undue exploitation, encroachment and damage.

- (b) Provide opportunities for recreational, economic, and educational needs without despoiling or endangering natural resources.
- (c) Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- (d) Protect rare or endangered species and habitats native to Hawaii.
- (e) Ensure that alterations to existing land forms, vegetation, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of an earthquake.

Natural Resources and Shoreline – Policies

- (a) Require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.
- (b) Encourage the protection of watersheds, forest, brush, and grassland from destructive agents and uses.
- (c) Encourage the use of native plants for screening and landscaping.
- (d) Preserve and protect significant lava tube caves.
- (e) Ensure that activities authorized or funded by the County do not damage important natural resources.

Natural Resources and Shoreline – Standards

The following shall be considered for the protection and conservation of natural resources.

- (a) Areas necessary for the protection and propagation of specified endangered native wildlife, and conservation for natural ecosystems of endemic plants, fish and wildlife.

Discussion: The project would provide housing opportunity without subjecting natural resources to exploitation, encroachment, and damage. Rare species and a lava tube would be protected and landscaping would incorporate native species. For these reasons the project would conform to the applicable goals, policies, and standards of the Natural Resources and Shoreline chapter of the General Plan.

Housing – Goals

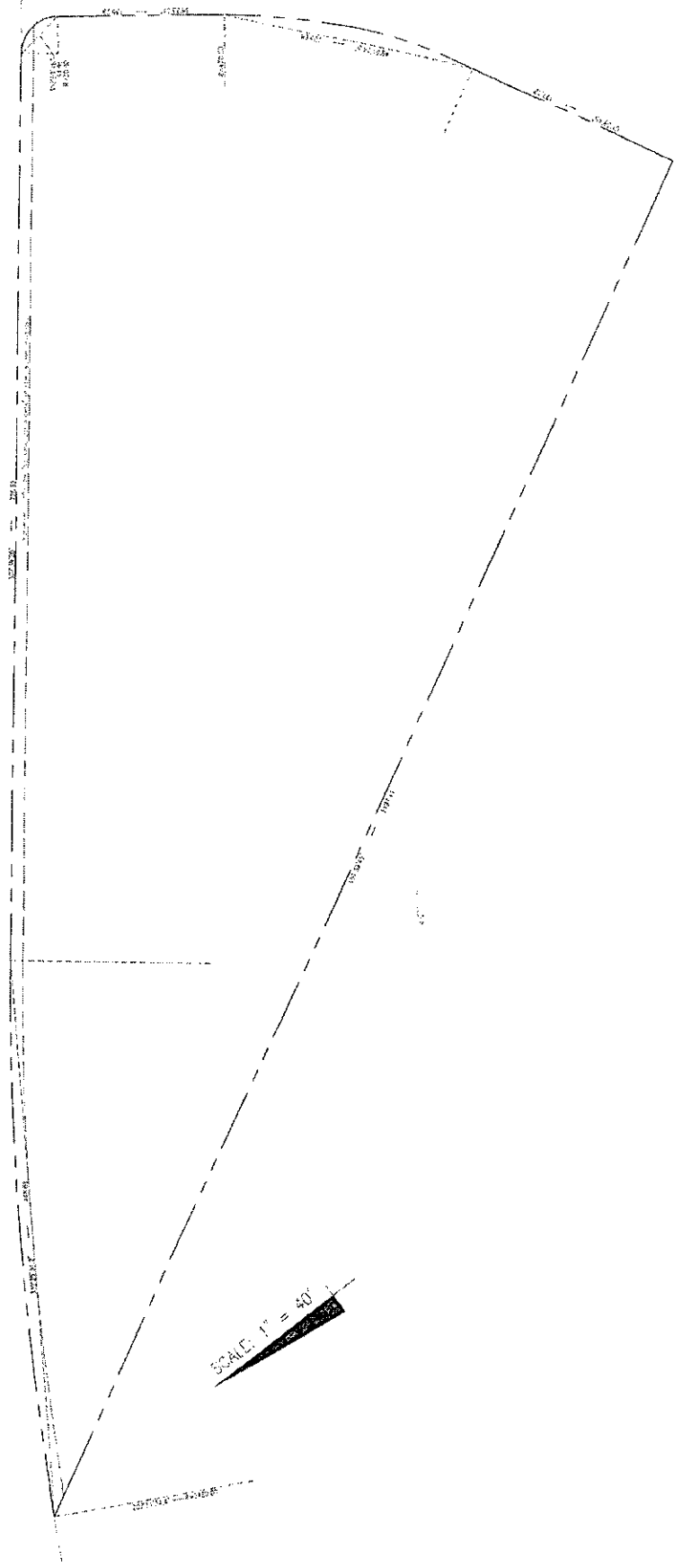
- (a) Attain safe, sanitary, and livable housing for the residents of the County of Hawai'i.
- (b) Ensure that housing is available to all persons regardless of age, sex, marital status, ethnic background, and income.

Housing – Policies

- (a) Encourage corporations and nonprofit organizations to participate in Federal, State and private programs to provide new and rehabilitated housing for low and moderate income families.
- (b) Initiate and participate in activities with the private sector including the provision of leadership and expertise to neighborhoods and nonprofit organizations in the development of housing and community development projects.
- (c) Accommodate the housing requirements of special need groups including the elderly, handicapped, homeless and those residents in rural areas.
- (d) Encourage the use of suitable public lands for housing purposes in fee or lease.
- (e) Vacant lands in urban areas and urban expansion areas should be made available for residential uses before additional agricultural lands are converted into residential uses.

(f) Aid and encourage the development of a wide variety of housing to achieve a diversity of socio-economic housing mix.

Discussion: The project aims to achieve and conform to the applicable goals, policies and standards of the Housing chapter of the General Plan. The project would provide safe, sanitary, affordable housing units and livable housing for the homeless families, in part by involving nonprofit organizations.



Harry Kim
Mayor



Lincoln S.T. Ashida
Corporation Counsel

Gerald Takase
Assistant Corporation
Counsel

**COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL**

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

TRANSMITTAL

DATE: February 7, 2007
TO: Jeremy McComber
OHCD
FROM: Jennifer Kualii, Legal Clerk to
Patricia K. O'Toole, Deputy Corporation Counsel
RE: TSA Dedication Deed

001

2007 FEB 16

RECEIVED

COPIES/ITEMS	DATE	DESCRIPTION
Recorded copy	10/25/06	Dedication Deed Between TSA Corporation and the County of Hawaii Recorded with the Bureau of Conveyances as Document No. 2006-195002

TRANSMITTED FOR:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Your information and files | <input type="checkbox"/> Your approval |
| <input type="checkbox"/> Your signature and return | <input type="checkbox"/> Your review and comments |
| <input type="checkbox"/> Your signature and forwarding as noted below | <input checked="" type="checkbox"/> See remarks below |
| <input checked="" type="checkbox"/> Per your request | <input type="checkbox"/> Filing and return (<i>envelope enclosed</i>) |

REMARKS: Should you have any questions regarding the foregoing, please contact our office. Thank you.

Enclosure



R-658 STATE OF HAWAII
 BUREAU OF CONVEYANCES
 RECORDED
 OCT 25, 2006 08:02 AM
 Doc No(s) 2006-195002



20 1/1 Z8

/s/ CARL T. WATANABE
 REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

AFTER RECORDATION, RETURN BY MAIL [/] PICK-UP []

County of Hawai'i
 Office of the Corporation
 Counsel
 101 Aupuni Street, Suite 325
 Hilo, Hawai'i 96720

This document contains 11 pages

TITLE OF DOCUMENT:

DEDICATION DEED

PARTIES TO DOCUMENT:

GRANTOR: **TSA CORPORATION**, a Hawai'i corporation
 1585 Kapiolani Boulevard, Suite 910
 Honolulu, Hawai'i 96814

GRANTEE: **COUNTY OF HAWAII**, a municipal corporation
 25 Aupuni Street
 Hilo, Hawai'i 96720

PROPERTY DESCRIPTION:	: LIBER/PAGE/DOCUMENT NO.:
LOT A	: 2006-112197
COUNTY OF HAWAII	:
STATE OF HAWAII	: LAND COURT DOCUMENT NO.: N/A
	:
	: TRANSFER CERTIFICATE OF
	TITLE NO(S) .: N/A

TAX MAP KEY: (3) 7-3-009-055

DEDICATION DEED

THIS DEDICATION DEED is made as of the 9th day of October, 2006, by and between TSA CORPORATION, a Hawai'i corporation, whose post office address is 1585 Kapiolani Boulevard, Suite 910, Honolulu, Hawai'i 96814 (hereinafter referred to as "Grantor"), and the COUNTY OF HAWAII, a municipal corporation, whose post office address is 25 Aupuni Street, Hilo, Hawai'i 96720 (hereinafter referred to as "Grantee").

W I T N E S S E T H:

That for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, dedicate and convey unto Grantee, and its successors and assigns, in fee simple, forever, all that certain real property located at Kaloko, North Kona, Island and County of Hawai'i, State of Hawai'i, consisting of approximately 8.016 acres of land, more particularly described in Exhibit "A" attached hereto and by reference incorporated herein, together with the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements thereon, tenements, rights, easements, privileges

and appurtenances thereunto belonging or appertaining, unto Grantee as aforesaid, in fee simple, for any public purpose deemed appropriate by Grantee, forever.

Grantor hereby covenants that Grantor is the owner in fee simple of the property described in said Exhibit "A" and has good right to dedicate and convey the same; that said property is free and clear of all liens and encumbrances, except as described in said Exhibit "A"; and Grantor shall WARRANT and DEFEND the same unto Grantee against the lawful claims and demands of all persons claiming by, through or under Grantor, except as aforesaid.

The covenants made by Grantor and/or Grantee, and all rights and benefits conferred hereunder upon Grantor and/or Grantee, shall be binding upon and inure to the benefit of Grantor and/or Grantee and their respective successors and assigns.

In interpreting this instrument, the use of any gender shall be construed to include all genders, and the use of any number shall be construed as either singular or plural, as the circumstances may require. The terms Grantor and Grantee, together with any pronouns used in lieu thereof, refer to the singular or plural as the case may be.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an

original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

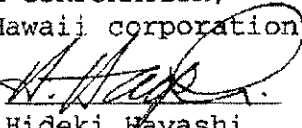
All covenants and obligations undertaken by two or more persons or entities shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

Grantee, for itself and its successors and assigns, does hereby acknowledge and agree that (i) all land and improvements thereon conveyed by this instrument will be dedicated and conveyed in its **EXISTING "AS IS", "WHERE IS", "WITH ALL FAULTS" CONDITION, WITHOUT WARRANTIES OR REPRESENTATIONS, EXPRESSED OR IMPLIED,** and (ii) Grantor is disclaiming any express or implied warranties and representations with respect to such property. Further, Grantee does hereby agree, acknowledge and affirm to Grantor that Grantee has had full opportunity to inspect said property and accepts the same in an **"AS IS", "WHERE IS", "WITH ALL FAULTS"** condition.

IN WITNESS WHEREOF, Grantor and Grantee have executed
this instrument as of the day and year first hereinbefore
written.

GRANTOR:

TSA CORPORATION,
a Hawaii corporation


By: 
Hideki Hayashi
Its: President

GRANTEE:

COUNTY OF HAWAII

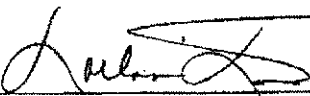
By: 
Name: DIXIE KAETSU
Its: Managing Director

Approved as to Form and Legality:


Deputy Corporation Counsel
County of Hawaii

STATE OF Hawaii)
and) SS.
COUNTY OF Honolulu)

On this 28th day of September, 2006,
before me appeared Hideki Hiyoshi, to me personally
known, who, being by me duly sworn or affirmed, did say that
he/she executed the foregoing instrument as his/her free act and
deed, and if applicable, in the capacity shown, having been duly
authorized to execute such instrument in such capacity.


Notary Public, in and for said
County and State
Print Name: NOELANI N. JINBO
My commission expires: 9/22/2010

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 2006,
before me appeared _____, to me personally
known, who, being by me duly sworn or affirmed, did say that
he/she executed the foregoing instrument as his/her free act and
deed, and if applicable, in the capacity shown, having been duly
authorized to execute such instrument in such capacity.

Notary Public, in and for said
County and State
Print Name: _____
My commission expires: _____

7

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 9th day of October, 2006, before me personally appeared DIXIE KAETSU, to me personally known, who, being by me duly sworn, did say that she is the Managing Director of the County of Hawaii, a municipal corporation of the State of Hawaii; that the seal affixed to the foregoing instrument is the corporate seal of said County of Hawaii; that the foregoing instrument was signed and sealed in behalf of the County of Hawaii by authority given to said Mayor of the County of Hawaii by Section 5-1.3(g) of the County Charter, County of Hawaii (2000), as amended, and assigned by the Mayor to the Managing Director pursuant to Section 6-1.3(h) of the County Charter; and said DIXIE KAETSU acknowledged said instrument to be the free act and deed of said County of Hawaii.

Jean Viernes
JEAN VIERNES
Notary Public, State of Hawaii

My commission expires: 11/1/2009

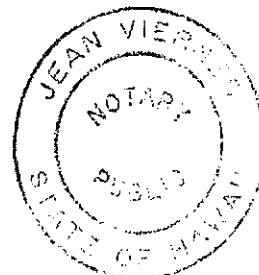


EXHIBIT "A"

Lot A

Being a portion of Lot 7-C-2, being also a portion of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha.

Situate at Kaloko, North Kona, Island of Hawaii, Hawaii

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot 7-D and on the Southwest side of Hina Lani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 17,039.06 feet South and 20,521.12 feet West, and running by azimuths measured clockwise from true South:

1. Along the Southwest side of Hina Lani Street, on a curve to the right with a radius of 2,460.00 feet, the chord azimuth and distance being:
302° 25' 31.2" 448.69 feet;
2. 307° 39' 28" 726.62 feet along the same;
3. Thence along Lot C (Road Reserve), on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
352° 01' 16" 41.95 feet;
4. 36° 23' 04" 135.29 feet along the same;
5. Thence along same, on a curve to the right with a radius of 470.00 feet, the chord azimuth and distance being:
49° 01' 24.5" 205.68 feet;
6. 61° 39' 45" 177.12 feet along same;

Exhibit "A"

Page 1 of 3

7. 151' 39' 45" 1197.41 feet along Lot 7-D along the remainder of R.P.8214, L.C. Aw.7715, Apana 11 to Lota Kamehameha to the point of beginning and containing an area of 8.016 acres.

Being a portion of the premises acquired by Quitclaim Deed dated November 11, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-231805, as corrected by Correction Deed dated June 5, 2006, recorded in said Bureau as Document No. 2006-112197.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Any and all real property taxes due and owing.
2. The lien of deferred or roll back taxes, if any.
3. Any and all improvement district assessments due and owing.
4. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
5. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain Declaration dated March 4, 1991, recorded in said Bureau as Document No. 91-041779, as amended.
6. Certificate of Assessment Lien dated June 28, 1991, recorded in said Bureau as Document No. 91-090470.
7. Grant dated July 19, 1995, recorded in said Bureau as Document No. 95-105422.

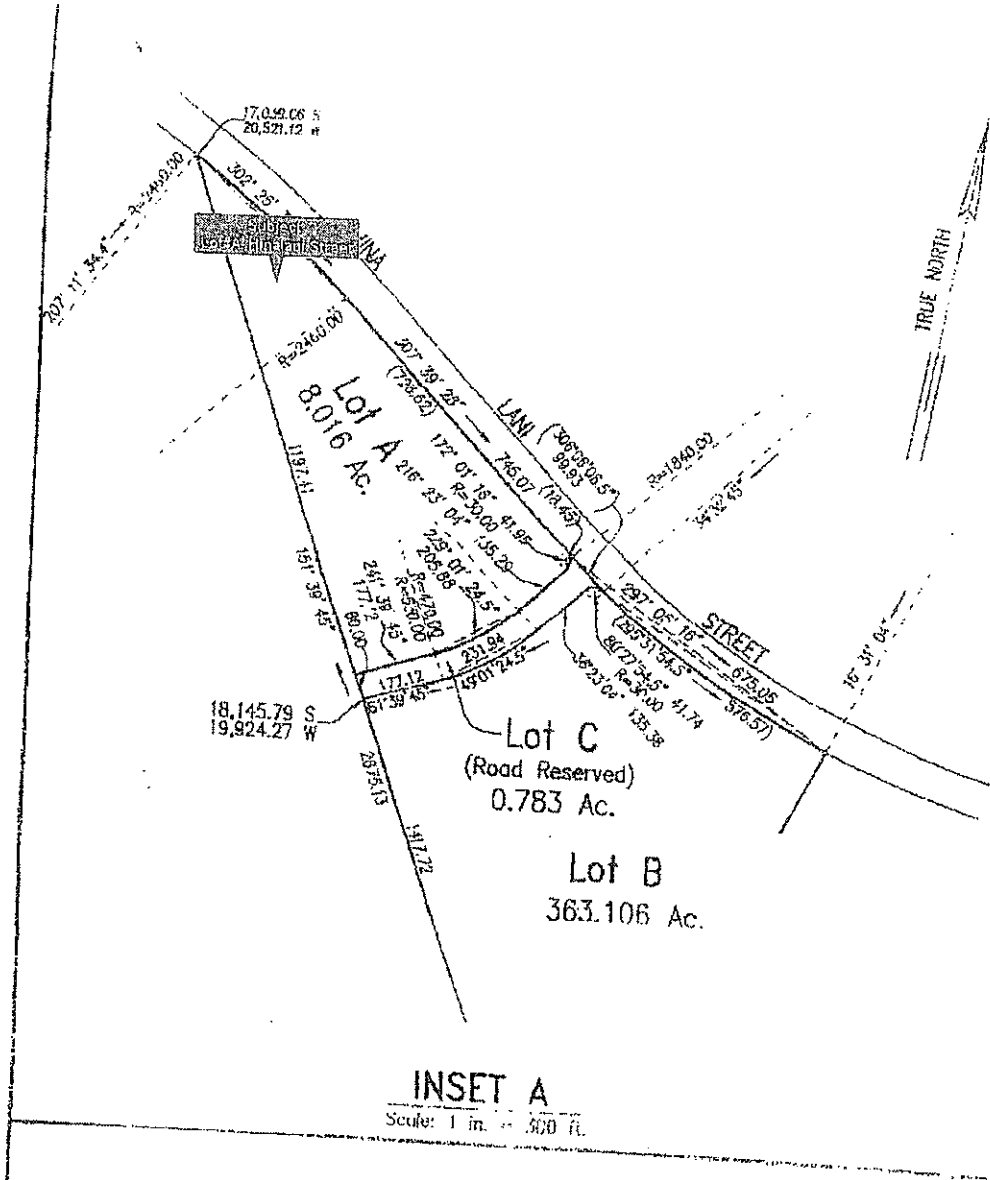
8. Grant of easement for landscape purposes over and across Easement "L-100", more particularly set forth in an instrument entitled "KALOKO 8 ACRES SUBDIVISION METES AND BOUNDS DESCRIPTIONS TMK: (3) 7-3-09-028", recorded November 9, 2005 in said Bureau as Document No. 2005-229475.
9. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain Agreement dated July 14, 2006, recorded in said Bureau as Document 2006-134796.

-NOTE:- THERE IS HEREBY OMITTED FROM ANY COVENANTS, CONDITIONS AND RESERVATIONS CONTAINED IN ANY INSTRUMENT DESCRIBED HEREIN, ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN, UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT OR RESTRICTION (A) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE, OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS.

END OF EXHIBIT "A"

Exhibit "A"
Page 3 of 3

West Hawaii Business Park, LLC			
Property Address	Lot #A, Hinalani Street		
City	Kailua-Kona	County	Hawaii
Lender	West Hawaii Business Park, LLC	State	HI
		Zip Code	96740



Current use and ownership of the properties adjacent to the site are as follows:

- North/East: TMK 7-3-009:025, Use: Vacant, Owner: Kaloko Properties Corp., 1585 Kapiolani Blvd. #910, Honolulu HI 96814 and SCD Kaloko Makai LLC, 1100 Alakea St 27th Fl, Honolulu HI 96813
- South/East: TMK 7-3-009:028, Use: Vacant, Owner: Kaloko Properties Corp., 1585 Kapiolani Blvd. #910, Honolulu HI 96814 and SCD Kaloko Makai LLC, 1100 Alakea St 27th Fl, Honolulu HI 96813
- South/West: TMK 7-3-009:028, Use: Vacant. Owner: TSA Corporation, 1585 Kapiolani Blvd, Ste 910, Honolulu HI 96814
- South/West: TMK 7-3-009:056, Use: vacant, Owner: Waikoloa Village Association, PO Box 383910, Waikoloa HI 96738