

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
HEMMETER/VMS KAUAI COMPANY III)
For a Special Use Permit to Allow the)
Redesign of the Existing Golf Course)
and the Establishment of a Driving)
Range and Related Golf Course)
Accessory Uses, Boat Docks, Lake)
and Waterways, Parking Areas, Boat)
Maintenance Facility, Irrigation)
Lagoon, Access Roads, and Other)
Miscellaneous Accessory Uses on)
Approximately 310 Acres of Land)
Situated within the Agricultural)
District at Nawiliwili, Lihue,)
Kauai, Tax Map Key Nos.: 3-5-01:83)
and Portions of 1, 6, 27 and 82)

DOCKET NO. SP86-360
HEMMETER/VMS KAUAI
COMPANY III

In the Matter of the Petition of)
HEMMETER/VMS KAUAI COMPANY III)
For a Special Use Permit to)
Establish a Second 18-Hole Golf)
Course with Ponds, a Driving Range)
and Miscellaneous Accessory Uses)
Including Carriage Paths and)
Landscaping on Approximately 200)
Acres of Land Situate within the)
Agricultural District at)
Nawiliwili, Lihue, Kauai, Tax Map)
Key No.: 3-5-01: Portion of Parcel 6)
and Portion of Parcel 82)

DOCKET NO: SP86-361
HEMMETER/VMS KAUAI
COMPANY III

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LAND USE COMMISSION
STATE OF HAWAII

ORDER TO AMEND
FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION AND ORDERS

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ORDER TO AMEND
FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION AND ORDERS

Hemmeter/VMS Kauai Company III (hereinafter
"Petitioner") initiated a Motion to Amend Decision and Order,
on August 3, 1988 and Supplement to Motion to Amend Decision

and Order on September 1, 1988, pursuant to Section 15-15-70, Title 15, Subtitle 3, Chapter 15, Hawaii Administrative Rules, to amend Findings of Fact, Conclusions of Law, and Decision and Orders in Land Use Commission Docket Number SP86-360-Hemmeter/VMS Kauai Company III (hereinafter "Special Permit 360") and Land Use Commission Docket Number SP86-361- Hemmeter/VMS Kauai Company III (hereinafter "Special Permit 361"). The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of facts and conclusions of law:

FINDINGS OF FACT

Background

1. On October 27, 1986, the Commission conditionally approved Special Permit 360 covering approximately 310 acres in the State Land Use Agricultural District for the redesign of the existing golf course, and the establishment of related uses including a golf clubhouse and starter shed. The Commission's approval included a condition requiring Petitioner to file a petition for District Boundary Amendment for the approved area.

2. On October 16, 1986, the Commission received the record of Special Permit 361 from the Kauai Planning Commission (hereinafter "Planning Commission") for a second golf course situated generally mauka of the area covered by Special Permit 360. A portion of the area covered by Special Permit 361 overlapped with the area of the proposed clubhouse and starter

shed as located and approved under Special Permit 360. This overlap area was approximately 1.8 acres.

3. By letter dated November 3, 1986, from the Kauai Planning Department ("Planning Department"), the Planning Department clarified that all graphic presentations within the engineering document, in Special Permit 361, reflecting a clubhouse/starter shed within the second golf course were incorrect.

4. On January 7, 1987, the Commission approved Special Permit 361 covering approximately 200 acres in the State Land Use Agricultural District. This approval excluded the 1.8-acre overlap area of the clubhouse/starter shed.

5. On August 8, 1987, Petitioner filed a boundary amendment Petition Docket No. A87-614/Hemmeter/VMS Kauai Company III, to amend the area approved under Special Permit 360 for Urban reclassification, excluding however, the apparent overlap of 1.8 acres for a golf clubhouse/starter shed area.

6. On November 30, 1987, the Commission received a letter from the Planning Department, dated November 27, 1987, clarifying that the clubhouse/starter shed area should be covered in both Special Permit 360 and Special Permit 361 and requested the Commission take appropriate action to correct this matter.

7. At its meeting on January 5, 1988 the Commission considered the Planning Department's request and directed

Petitioner to file a motion to amend the Findings of Fact, Conclusions of Law, and Decision and Order for Special Permit 361.

8. On February 17, 1988, the Commission approved Docket No. A87-614/Hemmeter/VMS Kauai Company III for approximately 299.79 acres of land from the Agricultural District to the Urban District.

Petitioner's Motion and Supporting Affidavit

8. Petitioner states that the clubhouse/starter shed area was intended to be included in both Special Permit 360 and 361 because the clubhouse/starter shed area was originally believed to fall within the boundaries of the first golf course but later became part of the second golf course.

9. Petitioner's motion requests that the Commission amend the Order for Special Permit 360 by deleting the clubhouse/starter shed area and amend the Order for Special Permit 361 by including the clubhouse/starter shed area.

ORDER

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law, and Decision and Order for Special Permit Docket Number 86-360 is hereby amended by deleting the clubhouse/starter shed area as reflected on Revised Exhibit A-1 attached hereto and incorporated by reference herein.


IT IS HEREBY FURTHER ORDERED that the Findings of Fact, Conclusions of Law, and Decision and Order for Special


Permit Docket Number 86-361 is hereby amended by adding the clubhouse/starter shed area as reflected on Revised Exhibit A-2 attached hereto and incorporated by reference herein.

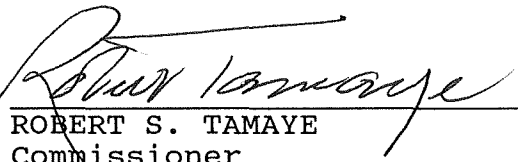
DOCKET NO. SP86-360 - HEMMETER/VMS KAUAI COMPANY III
DOCKET NO. SP86-361 - HEMMETER/VMS KAUAI COMPANY III

Done at Honolulu, Hawaii, this 4th day of November 1988,
per motions on September 7, 1988 and October 13, 1988.


LAND USE COMMISSION
STATE OF HAWAII


By 
RENTON L. K. NIP
Chairman and Commissioner

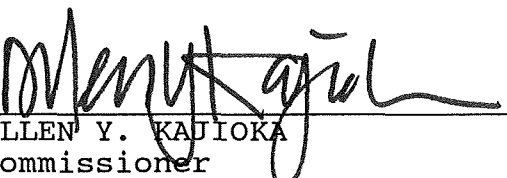
By 
LAWRENCE F. CHUN
Vice Chairman and Commissioner

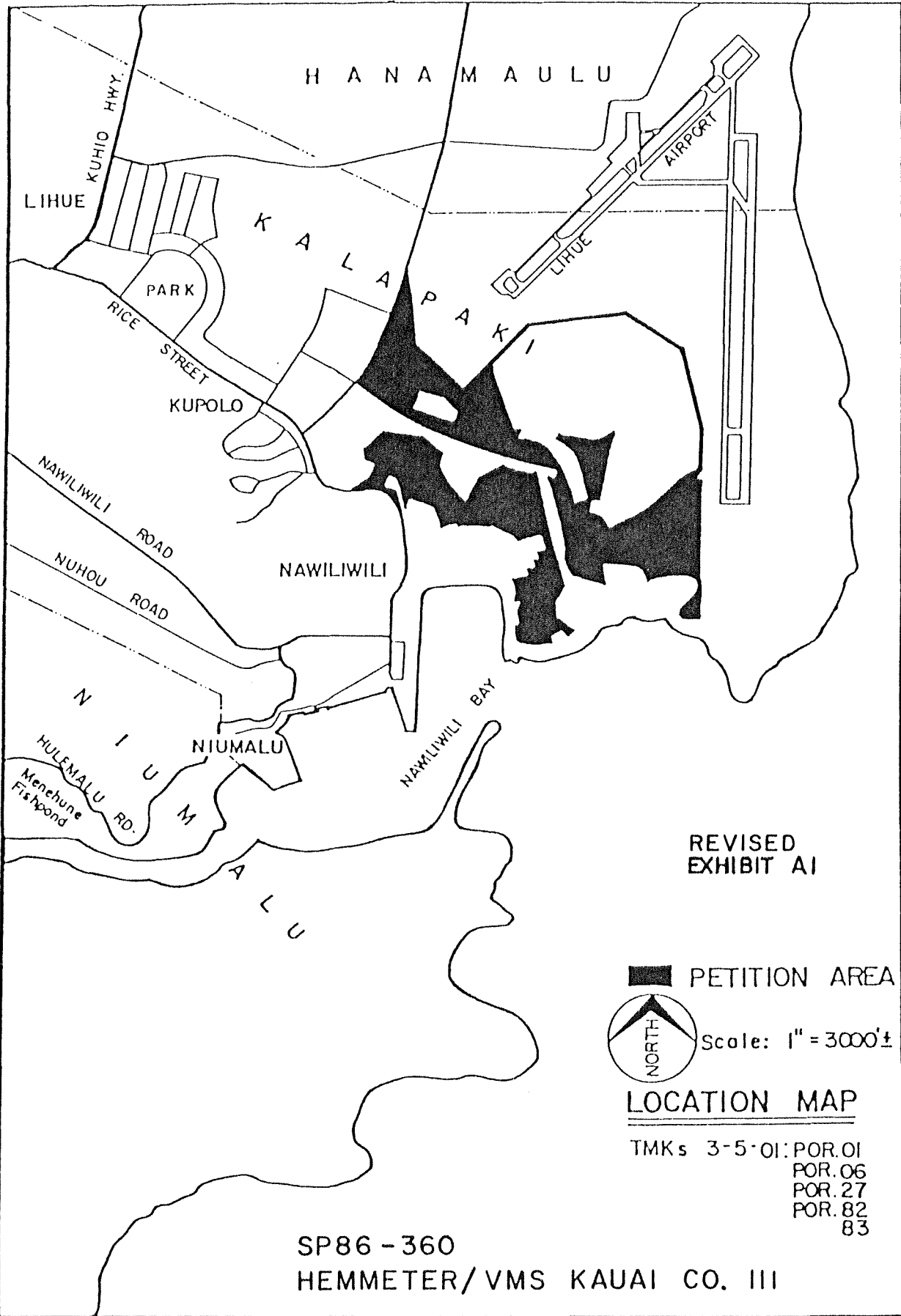
By 
ROBERT S. TAMAYE
Commissioner

By 
TORU SUZUKI
Commissioner

By 
FREDERICK P. WHITTEMORE
Commissioner

By 
ALLEN K. HOE
Commissioner

By 
ALLEN Y. KAJIOKA
Commissioner



REVISED
EXHIBIT A1

 PETITION AREA

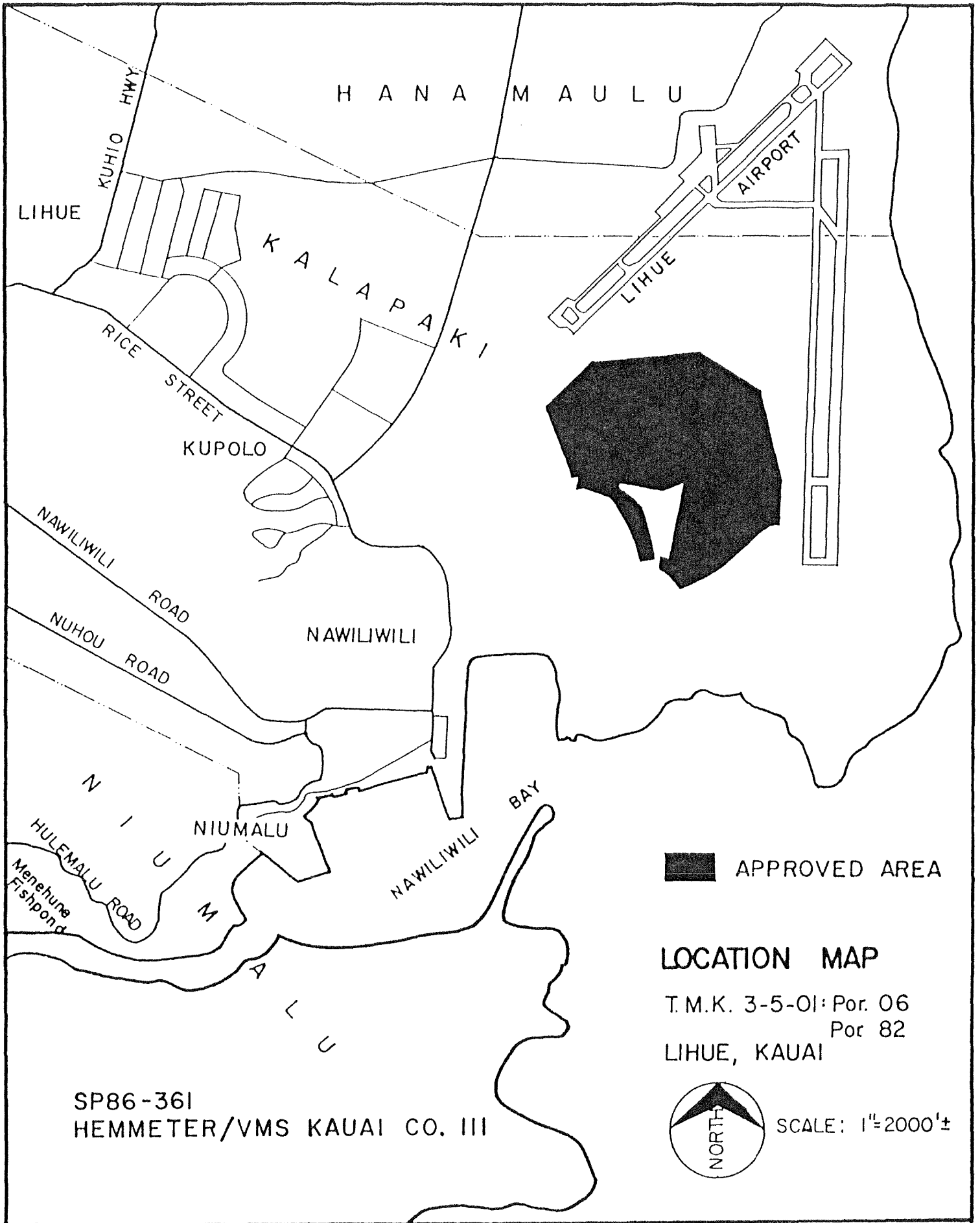


Scale: 1" = 3000'±

LOCATION MAP

TMKs 3-5-01: POR.01
POR.06
POR.27
POR.82
83

SP86 - 360
HEMMETER/VMS KAUAI CO. III



SP86-361
HEMMETER/VMS KAUAI CO. III

 APPROVED AREA

LOCATION MAP

T.M.K. 3-5-01: Por. 06
Por 82
LIHUE, KAUAI



SCALE: 1"=2000'±

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order to Amend Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. TOM H. SHIGEMOTO, Director
Planning Department, County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

CERT. JAMES T. FUNAKI, ESQ., Attorney for Petitioner
Grosvenor Center, Suite 1400
733 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 4th day of November 1988.



ESTHER UEDA
Executive Officer