

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
MILILANI TOWN, INC.)
To Amend the Agricultural Land)
Use District Boundary into the)
Urban Land Use District for)
Incremental Redistricting of)
Phase II for Approximately)
473.747 acres at Waipio, Ewa,)
Oahu, Tax Map Key No.: 9-5-02:)
portion of 1)

DOCKET NO. A87-609
MILILANI TOWN, INC.

LAND USE COMMISSION
STATE OF HAWAII
APR 21 7 36 AM '92

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A87-609
)	
MILILANI TOWN, INC.)	MILILANI TOWN, INC.
)	
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban Land Use District for)	
Incremental Redistricting of)	
Phase II for Approximately)	
473.747 acres at Waipio, Ewa,)	
Oahu, Tax Map Key No.: 9-5-02:)	
portion of 1)	
)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

CASTLE & COOKE RESIDENTIAL, INC., a Hawaii corporation, formerly known as Mililani Town, Inc., (hereinafter "Petitioner"), filed a Petition on October 8, 1991 pursuant to Chapter 205, Hawaii Revised Statutes (hereinafter "HRS"), as amended, and Title 15, Subtitle 3, Chapter 15, Section 78, Hawaii Administrative Rules (hereinafter "Commission Rules"), as amended, to amend approximately 477 acres of land in the Agricultural District to the Urban District at Waipio, Ewa, Oahu, Hawaii, Tax Map Key No. 9-5-02: portion of 1 (hereinafter "Phase II") comprising the second increment of lands described in the Land Use Commission's (hereinafter "Commission") Decision and Order dated May 17, 1988, in the Petition by Mililani Town, Inc. in Docket No. A87-609. The Commission, having heard and examined the

testimony, evidence, and argument of the parties, the Petitioner's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, the parties' stipulation and exceptions filed thereto, and Petitioner's responses to the exceptions, does hereby make the following findings of fact and conclusions of law:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The Petition was filed on October 8, 1991 by Petitioner to reclassify Phase II, consisting of approximately 477 acres of land in the Agricultural District to the Urban District within the Mililani Mauka Expansion of the Mililani Town planned community.

2. A prehearing conference was held on January 3, 1992 at the conference room of the Department of Business, Economic Development and Tourism, Central Pacific Plaza, in Honolulu. At the prehearing conference, witness lists and exhibits were exchanged among the parties.

3. On December 16, 1991, Petitioner filed its Motion to Clarify Descriptions of Phases I and II which included a map with a metes and bounds description of both Phase I and Phase II which are the subjects of the Commission's Decision and Order dated May 17, 1988 aforesaid, and the approximate acreage of each Phase. This map, which was attached to the said motion as Exhibit "B" (dated December 5, 1991) and marked as Petitioner's

Exhibit M-2, clarified the boundaries of Phase I as approximately 718.192 acres and Phase II as approximately 473.747 acres. By its Order filed February 4, 1992, the Commission clarified and confirmed the area of Phase I to be 718.192 acres and the area of Phase II to be 473.747 acres.

4. The Commission held a hearing on January 23, 1992 at the Department of Education Board Room, Fourth Floor, Queen Liliuokalani Building in Honolulu, pursuant to notice published in the Honolulu Star Bulletin on December 16, 1991. Written communication dated January 8, 1991 [sic] from Elizabeth Ann Stone was received at the hearing.

DESCRIPTION OF THE PROPERTY

5. The Property consists of approximately 473.747 acres of land in the Agricultural District at Waipio, Ewa, Oahu, Hawaii, Tax Map Key No. 9-5-02: portion of 1.

6. The Property is bound to the north by Waikakalaua Gulch, to the south by the Kipapa Gulch, and the west by the Phase I Urban District which abuts the H-2 Freeway. Mililani Town is located south of the H-2 Freeway.

7. The Property is owned in fee by Dole Food Company, Inc. (formerly known as Castle & Cooke, Inc.). Petitioner is a wholly-owned subsidiary of Castle & Cooke Properties, Inc. (formerly known as Oceanic Properties, Inc.), which is a wholly-owned subsidiary of Dole Food Company, Inc., and holds an option to purchase the Property.

8. By its Order dated May 17, 1988, the Commission reclassified from the Agricultural District to the Urban District on an incremental basis approximately 723 acres of land comprising of the first increment (hereinafter "Phase I"). Pursuant to State Land Use Commission Rule 15-15-78 and Order dated May 17, 1988, Petitioner may apply to reclassify the second increment (hereinafter "Phase II") from the Agricultural District to the Urban District upon prima facie proof that there has been substantial completion of any off-site and on-site improvements of the urban development, in accordance with the approved incremental plan of Phase I.

IMPROVEMENTS COMPLETED WITHIN PHASE I

9. After Phase I was reclassified to the Urban District by the Commission by its Order dated May 17, 1988, the following approvals affecting Phase I have been processed through the City and County of Honolulu:

- a. City and County General Plan Amendment on January 17, 1989.
- b. City and County Development Plan Approval, area 723 acres, on January 31, 1989.
- c. City Development Plan Land Use Map Amendments:
 - (1) City Development Plan Land Use Map Amendment approved under City Ordinance No. 89-18 on February 10, 1989, redesignated approximately 723 acres (Phase I) from Agriculture to

Residential, Low-Density Apartment, Commercial, Parks and Recreation, Public Facility and Preservation Uses.

- (2) Reconfiguration of land uses approved under City Ordinance No. 91-04 on February 27, 1991, relocated the elementary school site and park site areas closer to the initial residential development areas.

- d. City Zoning Approval, area 723 acres, on September 20, 1989, under Ordinance No. 89-123 enacted by the Honolulu City Council ("Zoning Ordinance"). As part of the Zoning Ordinance requirements, Petitioner executed a Unilateral Agreement and Declaration for Conditional Zoning dated September 15, 1989.
- e. Development plan for approximately 198 acres (995 units in Phase II) on January 16, 1992 under City Ordinance No. 92-05.

10. The on-site improvements which have been substantially completed or in progress to date within Phase I are as follows:

- a. Kumelewai Court (MF-101) consists of 152 two- and three-bedroom townhouse units, 114 of which will be affordable units marketed for the 120-140% of median income households. The

site improvements are substantially completed; housing construction is underway; the first phase is up for sale.

- b. Kumelewai Garden (MF-100) consists of 160 affordable one- and two-bedroom townhouse units, and will be marketed to those households earning up to 80% of the median household income. The site improvements are completed; housing construction has commenced.
- c. Unit 104 consists of 135 single-family homes. The site improvements have been completed; the first occupancy occurred in 1991 and people are living in most of the units.
- d. Unit 102 consists of 83 single-family homes. The site improvements have been completed; most of the units have been sold and are occupied.
- e. Unit 100 consists of 93 single-family homes. Most of the units have been sold and are occupied.
- f. Unit 103 consists of 100 multi-family units. Site improvements are currently under construction.
- g. Site improvements are nearly completed in the commercial area adjacent to Unit 100.

11. The off-site improvements which have been substantially completed or are in progress to date within Phase I are as follows:

- a. Kipapa Off-site Drain. Construction of the Kipapa Off-site Drainage System was completed in 1990. Repairs to the system required for recent storm damage are near completion.
- b. Water System. Construction of the water system required to service the above residential and commercial units in Phase I was completed in December 1990. The components of the system are as follows:
 - (1) 994 Reservoir #1. The 994 Reservoir #1 is a 2.0 million gallon (MG) reservoir, located at the 994-foot elevation.
 - (2) 865 Booster Pump. A booster pump station was constructed at the 865-foot elevation.
 - (3) 30" Transmission Line. A 30" transmission line extending from the 994 Reservoir #1 to the 865 Booster Pump Station was installed.
- c. Mauka Water Study. Petitioner has completed a study, and is presently in the design phase, for the next major water system which will serve both Phase I and Phase II.

d. H-2 Improvements.

- (1) H-2 HOV Lanes. The State Department of Transportation ("DOT") will construct High Occupancy Vehicle (HOV) lanes on the H-2 from the Waiawa Interchange to the Waipio Interchange. Petitioner has contributed \$758,015 toward the construction costs of the first phase of the HOV lanes. Approximately \$1.2 million of additional funds will be contributed for the second phase.
- (2) H-2 Traffic Signals. Petitioner contributed \$51,385 to the State DOT as its share of the cost for signalization of the intersection of Meheula Parkway and the northbound ramps. The traffic signalization was completed in 1990.
- (3) H-2 Northbound Ramps. New loop off-ramps for northbound traffic are in the design stage; plans are being prepared in cooperation with the State DOT. Construction is projected to begin in March 1992. Thus far, Petitioner has spent \$235,170 on the northbound ramp plans.

- e. Major Roadways. The major roadways serving the residential and commercial units aforesaid have been organized and designed for construction in seven (7) phases. Construction of the first phase, including installation of underground utilities, will be completed by the end of October 1991. The second phase is currently under construction and due to be completed in March 1992. A construction start date of October 1991 is planned for the third phase and will be completed in May 1992. A construction start date of April 1992 is planned for the fourth phase. As of December 1991, Petitioner has expended approximately \$23,000,000 on the major roadway improvements. Petitioner estimates that an additional \$14,000,000 will be required for the roadway improvements by the end of 1992.
- f. Park-and-Ride Design. The City and County of Honolulu has determined that its Department of Transportation Services shall construct and operate a Park-and-Ride facility within the Mililani Mauka Expansion. Petitioner agreed to fund the planning and engineering costs related to the design of the 5.749-acre site

donated by Petitioner to the City for a park-and-ride facility and also for child care use. The design phase is in progress in coordination with the City Transportation and Building Departments. Petitioner's costs for this project, thus far, is \$218,000.

- g. Entry Landscaping. Construction began in September 1991 for landscaping along the entry roadways into Phase I from the H-2 Freeway; estimated completion is in August 1992. Petitioner expended approximately \$67,701 through September 1991, and estimates expenditures totalling \$850,000 to date.
- h. Ravine Park. Conceptual design of the Ravine Park, in the area between residential Unit 104 and Future Multi-family Unit 102 (Future NF-102) has been completed. Construction is expected to begin in December 1991. Petitioner's costs, thus far, for the conceptual design phase of the project has been \$11,170.

12. Total off-site costs expended and to be expended by Petitioner are as follows:

1991	-	\$ 39,500,000
1992	-	21,800,000
1993-95	-	<u>40,200,000</u>
Total	-	<u>\$101,500,000</u>

13. Reclassification of Phase II from the Agricultural to the Urban District is essential to Petitioner to allow Petitioner the lead time to apply for and secure the necessary approvals for Development Plan and Zoning changes at the City and County of Honolulu and to conduct infrastructure development of Phase II by the time all of the lots in Phase I have been developed and sold.

14. Based on the aforesaid findings, and the findings in the Commission's Order filed May 17, 1988, the proposed reclassification of Phase II conforms with the following objectives, policies and priorities of the Hawaii State Plan:

- HRS §226-19(a)(1) "Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals."
- HRS §226-19(b)(1) "Effectively accommodate the housing needs of Hawaii's people."
- HRS §226-19(b)(3) "Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing."

15. The Commission imposed the following conditions on the reclassification of Phase I:

- "1. Petitioner shall provide housing opportunities for low, low-moderate, and moderate income Hawaii residents by offering for sale at least thirty percent (30%) of the units at prices which families with an income range of 80 to 120 percent of Oahu's median income can afford and twenty percent (20%) of the units which families with an income range of 120 to

140 percent of Oahu's median income can afford. This condition may be fulfilled through projects under such terms as may be mutually agreeable between the Petitioner, City and County of Honolulu and the Housing Finance and Development Corporation of the State of Hawaii, or other appropriate governmental agency.

- "2. Petitioner shall coordinate with the Honolulu Board of Water Supply and the Department of Land and Natural Resources to obtain the required water for the project. In the event that water is not available from existing sources due to insufficient supply and/or the source is not contaminant free, the Petitioner shall fund and develop the necessary water source, storage, transmission facilities and filtration system.
- "3. Should any archaeological resources such as artifacts, shell, bone, or coral alignments, pavings or walls be encountered during the project's development, Petitioner shall immediately stop work and contact the State Historic Preservation Office.
- "4. Petitioner shall provide public access over the Property to public trail rights-of-way for Waikakalaua and Kipapa Valleys and the ridge mauka of the Property.
- "5. Petitioner shall fund and construct the necessary improvements to the Mililani Interchange, including the transitions to H-2, to accommodate traffic generated by the proposed project on a schedule acceptable and in coordination with the State Department of Transportation.
- "6. Petitioner shall appoint and fund a transportation manager whose function is the formation, use and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems. Petitioner shall construct and provide the operation of a park and ride facility or other activities to encourage transit use or ridesharing.

- "7. Petitioner shall inform prospective occupants of possible noise impacts from Wheeler Air Force Base and other military activities in the area, and will provide covenants in the deeds to prospective occupants to indemnify and defend the State of Hawaii and City and County of Honolulu in the event any suit is brought arising out of and resulting from inconvenience, disturbance and/or injury due to noise and/or other military activities in the area.
- "8. Petitioner shall participate in an air quality monitoring program with the State Department of Health.
- "9. Petitioner will ensure that there will be no loss of pineapple production as a result of the proposed development.
- "10. Areas designated by Petitioner for the university shall not be used for other purposes without prior Land Use Commission review and approval of the proposed alternative use or uses, unless the University of Hawaii notifies Petitioner not to locate at Mililani at the designated site.
- "11. Petitioner shall submit an annual report to the Land Use Commission and the Department of Business and Economic Development in connection with the status of the project and Petitioner's progress in complying with the conditions imposed."

16. Petitioner amended Condition No. 6 by Commission Order dated November 30, 1990 to read as follows:

- "6. Petitioner shall appoint and fund a transportation manager whose function is the formation, use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems. Petitioner shall construct and provide the operation of a park and ride facility or other activities to encourage transit use or ridesharing.

"In the alternative, Petitioner may participate in a regional program for transportation management with other developers and/or landowners. This program shall address the formulation, use and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems."

17. Petitioner has addressed Condition No. 1, to date, by the development of Kumelewai Court (MF-101) consisting of 152 two- and three-bedroom townhouse units, 114 of which will be affordable units marketed for the 120-140% of median income households. Also, construction of the Kumelewai Gardens (MF-100) development has been started. This development consists of 160 affordable one- and two-bedroom units for households whose incomes are 80% of median income or below.

18. Petitioner has addressed Condition No. 2, to date, by constructing water storage and transmission facilities according to Board of Water Supply Standards that will be adequate for approximately 2,000 dwelling units and has programmed future construction of source, storage and transmission facilities.

19. Petitioner has addressed Condition No. 3 in that other than such archaeological resources which were identified in surveys made part of the record, no archaeological resources have been encountered by Petitioner to date.

20. Petitioner has addressed Condition No. 4, to date, by incorporating in the planning and design of the project the provision for public access over the Property to public trail

rights-of-way in Waikakalau and Kipapa Valleys and the ridge mauka of the Property.

21. Petitioner has addressed Condition No. 5, to date, by contributing \$51,385 toward the construction of traffic signalization at the interchange ramp terminal. Design plans for a new loop off-ramp are being prepared in coordination with the State DOT, and the construction of the loop ramp will be scheduled before 1993.

22. Petitioner has addressed Condition No. 6 by becoming a member of, and participating in the funding of, the Leeward Oahu Transportation Management Association (LOTMA), whose purpose is the formation, encouragement of use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems.

As to the Park-and-Ride facility, the City determined that the Department of Transportation Services (hereinafter "DTS") shall construct and operate the facility. The Unilateral Agreement which was part of the Zoning Ordinance states that Petitioner shall "fund the planning and engineering costs related to the design of a park-and-ride facility to be located on a five (5) acre site approved by DTS." A 5.749-acre site within the Property has been dedicated to the City for park-and-ride and child care use. The design of the park-and-ride facility by Petitioner's consultant is being coordinated with the City transportation and Building Departments.

23. Petitioner has addressed Condition No. 7, to date, by informing prospective occupants of possible noise impacts from Wheeler Air Force Base and other military activities in the area, and by providing covenants in the deeds to prospective occupants to indemnify and defend the State of Hawaii and City and County of Honolulu in the event any suit is brought arising out of and resulting from inconvenience, disturbance and/or injury due to noise and/or other military activities in the area.

24. Petitioner has addressed Condition No. 8, to date, by contacting the State Department of Health for guidelines on air quality monitoring program and by soliciting air quality monitoring services which shall include the development of an acceptable program approved by the Department, field monitoring, and submittal of data to the Department.

25. Petitioner has addressed Condition No. 9, to date, in that pineapple is still in production on portion of Phase I and Phase II. Petitioner has also represented that production has been increased in the Whitmore-Wahiawa area to compensate for any future loss of pineapple production as a result of the proposed development.

26. Petitioner has addressed Condition No. 10, to date, by setting aside a site proposed for use by the University of Hawaii. The University of Hawaii has not yet made a decision for acceptance and use of the site.

27. Petitioner has addressed Condition No. 10, to date, by submitting the requisite annual reports since the approval of Phase I.

28. The State Department of Health is responsible for administering Act 324, Session Laws of Hawaii 1991 which requires the Department of Health to coordinate with the public and private sector, where feasible, to provide waste diversion facilities within developments for recycling and composting activities, such as recycling bins within multifamily developments and community drop-off facilities.

29. In coordination with the State Department of Transportation, Petitioner has been participating in the funding and construction of regional traffic improvements as contemplated by the Commission's Order of May 17, 1988, to be necessary to accommodate the traffic to be generated by the development of Phase I and Phase II of the Property.

30. Petitioner has no plans to develop Waialua Sugar lands at the present time.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or the other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion

of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, HRS, as amended, and the Commission Rules including §15-15-78 thereof, the Commission finds upon a preponderance of evidence that the incremental redistricting of the lands within Phase II of the Property, and approximately shown on Exhibit "A" attached hereto and incorporated herein by reference, consisting of approximately 473.747 acres of land situate at Waipio, District of Ewa, Island of Oahu, State of Hawaii, identified as Oahu Tax Map Key No. 9-5-02: portion of 1 from the Agricultural District to the Urban District, subject to the conditions in the Order, conforms to the standards established in the Commission Rules including §15-15-78 relating to incremental districting, is reasonable, nonviolative of Section 205-2, HRS, as amended, and is consistent with the Hawaii State Plan as set forth in Chapter 226, HRS, as amended.

ORDER

IT IS HEREBY ORDERED that the lands within Phase II of the Property, consisting of approximately 473.747 acres situate at Waipio, District of Ewa, Island of Oahu, State of Hawaii, more particularly identified by Oahu Tax Map Key No. 9-5-02: portion of 1, and approximately shown in Exhibit "A" attached hereto and incorporated herein, for incremental redistricting

from the Agricultural District to the Urban District, shall be and is hereby approved, and the District Boundaries are amended accordingly, subject to the following conditions:

1. Petitioner shall provide housing opportunities for low, low-moderate, and moderate income Hawaii residents by offering for sale at least thirty percent (30%) of the units at prices which families with an income range of 80 to 120 percent of Oahu's median income can afford and twenty percent (20%) of the units which families with an income range of 120 to 140 percent of Oahu's median income can afford. This condition may be fulfilled through projects under such terms as may be mutually agreeable between the Petitioner, City and County of Honolulu and the Housing Finance and Development Corporation of the State of Hawaii, or other appropriate governmental agency.

2. Petitioner shall coordinate with the Honolulu Board of Water Supply and the Department of Land and Natural Resources to obtain the required water for the project. In the event that water is not available from existing sources due to insufficient supply and/or the source is not contaminant free, the Petitioner shall fund and develop the necessary water source, storage, transmission facilities and filtration system.

3. Should any archaeological resources such as artifacts, shell, bone, or coral alignments, pavings or walls be encountered during the project's development, Petitioner shall immediately stop work and contact the State Historic Preservation Office.

4. Petitioner shall provide public access over the Property to public trail rights-of-way for Waikakalaua and Kipapa Valleys and the ridge mauka of the Property.

5. Petitioner shall fund and construct the necessary improvements to the Mililani Interchange, including the transitions to H-2, to accommodate traffic generated by the proposed project on a schedule acceptable and in coordination with the State Department of Transportation.

6. Petitioner shall appoint and fund a transportation manager whose function is the formation, use and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems. Petitioner shall construct and provide the operation of a park and ride facility or other activities to encourage transit use or ridesharing.

In the alternative, Petitioner may participate in a regional program for transportation management with other developers and/or landowners. This program shall address the formulation, use and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems.

7. Petitioner shall inform prospective occupants of possible noise impacts from Wheeler Air Force Base and other military activities in the area, and will provide covenants in the deeds to prospective occupants to indemnify and defend the State of Hawaii and City and County of Honolulu in the event

any suit is brought arising out of and resulting from inconvenience, disturbance and/or injury due to noise and/or other military activities in the area.

8. Petitioner shall participate in an air quality monitoring program with the State Department of Health.

9. Petitioner will ensure that Waialua Sugar Company's capability to carry out its existing sugar production programs will not be adversely affected as a result of this development.

10. Areas designated by Petitioner for the university shall not be used for other purposes without prior Land Use Commission review and approval of the proposed alternative use or uses, unless the University of Hawaii notifies Petitioner not to locate at Mililani at the designated site.

11. Petitioner shall mitigate the visual impacts of existing and proposed facilities, including water wells, reservoirs, and electrical substations.

12. Petitioner shall fund and install the necessary number of emergency siren units (including infrastructure) within the development area to the satisfaction of the State Office of Civil Defense.

13. Petitioner shall participate in the funding and construction of regional traffic improvements, on a pro rata basis, as determined by the State Department of Transportation.

14. Petitioner shall coordinate with the State Department of Health and the City and County of Honolulu,

Department of Public Works to provide areas for waste diversion facilities for the development within the development as provided for by Act 324, Session Laws of Hawaii 1991 or on lands controlled or owned by Petitioner or its affiliated companies.

15. 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.

16. 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.

17. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the City and County of Honolulu, Department of General Planning, in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed.

18. These conditions may be fully or partially released by the Land Use Commission as to all or any portion of Phase II upon timely motion and provision of adequate assurance of satisfaction of these conditions by Petitioner.

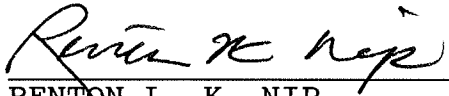
19. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

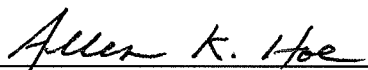
20. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

DOCKET NO. A87-609 - MILILANI TOWN, INC.


Done at Honolulu, Hawaii, this 21st day of April 1992,
per motion on April 15, 1992.


LAND USE COMMISSION
STATE OF HAWAII

By 
RENTON L. K. NIP
Chairman and Commissioner

By 
ALLEN K. HOE
Vice Chairman and Commissioner

By (excused)
ALLEN Y. KAJIOKA
Vice Chairman and Commissioner

By 
KAREN S. AHN
Commissioner


By 
EUSEBIO LAPENIA, JR.
Commissioner

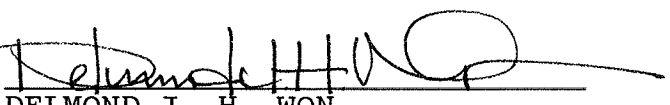
By 
JOANN N. MATTSON
Commissioner

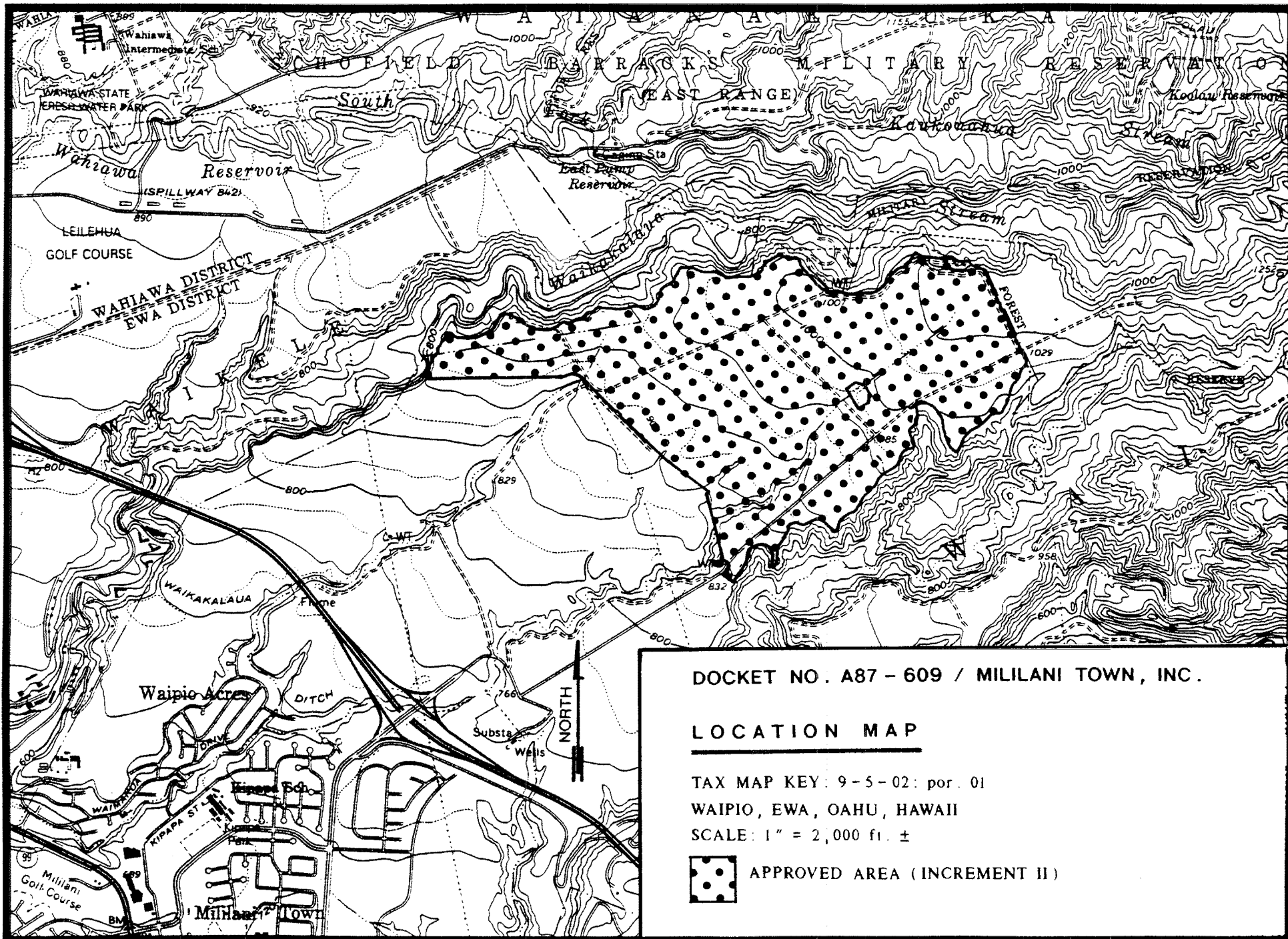
Filed and effective on
April 21, 1992

Certified by:


Executive Officer

By 
ELTON WADA
Commissioner

By 
DELMOND J. H. WON
Commissioner




In the Matter of the Petition of)	DOCKET NO. A87-609
)	
MILILANI TOWN, INC.)	MILILANI TOWN, INC.
)	
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban Land Use District for)	
Incremental Redistricting of)	
Phase II for Approximately)	
473.747 acres at Waipio, Ewa,)	
Oahu, Tax Map Key No.: 9-5-02:)	
portion of 1)	
)	

I hereby certify that a copy of the 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. BENJAMIN B. LEE, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

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

DATED: Honolulu, Hawaii, this 21st day of April 1992.


ESTHER UEDA
Executive Officer