

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A83-562
	)	
WEST BEACH ESTATES	)	WEST BEACH ESTATES
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for approximately	)	
642 acres at Honouliuli, Ewa, Oahu,	)	
Tax Map Keys: 9-1-14: Portion of	)	
Parcel 2; 9-1-15: 3, 6, 7, 10,	)	
Portion of Parcel 4; 9-2-03: 3, 7,	)	
Portion of 2	)	
	)	

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FINDINGS OF FACT, CONCLUSION OF LAW  
AND DECISION AND ORDER

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West Beach Estates, (hereinafter "Petitioner"), a Hawaii general partnership, filed this Petition on December 21, 1983, and an amendment to the Petition on May 15, 1984, pursuant to Hawaii Revised Statutes Section 205-4, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundaries of approximately 642 acres of land, Oahu Tax Map Key Nos: 9-1-14: portion of parcel 2; 9-1-15: 3, 6, 7, 10, portion of parcel 4; 9-2-03; 3, 7, portion of parcel 2, situate at Honouliuli, Ewa, Oahu, State of Hawaii, (hereinafter the "Property") from the Agricultural to the Urban District to develop resort, commercial area, and a planned residential community. The Land Use Commission (hereinafter referred to as the "Commission"), having heard and examined the testimony, evidence and argument of counsel presented during the hearings, and the proposed findings of fact and conclusions of law, hereby makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

### PROCEDURAL MATTERS

1. The Commission held hearings on the Petition on May 23-24, 1984, June 12-13, 1984, August 14-15, 1984, September 19-20, 1984, October 17-18, 1984, December 11-12, 1984, January 16-17, 1985, February 6-7, 1985, March 5-6, 1985, April 3, 1985, and April 30-May 1, 1985, at Honolulu, Hawaii, pursuant to notice published in the Honolulu Star Bulletin on April 13, 1984, June 1, 1984, July 19, 1984, August 10, 1984, September 14, 1984, November 10, 1984, December 7, 1984, January 30, 1985, February 6, 1985, March 13, 1985, and March 29, 1985.

2. On April 30, 1984, Angel Pilago, Eric M. Enos, Liwai Kaawa, David K. Cullen, Na Opio Aloha Aina and the Waianae Land Use Concerns Committee (hereinafter "Intervenor") filed a Petition to Intervene. The Commission granted the Petition to Intervene by motion adopted on May 23, 1984.

3. On May 11, 1984, the Commission held a pre-hearing conference at which time the parties exchanged exhibit lists and witness lists. On the same day, Petitioner filed a motion for Site Inspection which Site Inspection the Commission conducted on May 24, 1984.

4. Representative Peter Apo, Charles Dick Beamer, Kermit Brown, Koco Bungo, Elroy Chun, Archie Cox, Frank Commendador, Charles Rasmussen, George Domen, Avis Kiyabu-Saballa, George Kaeo, Representative Michael Crozier, William Crabbe, Robert Hoffman, George Ishida, Senator James Aki, Manuel Matthias, Glenn Oamilda, Scott Robertson, Ann Usugawa, Polly Grace, Samuel Mokuahi, Wallace Lean, Kihei Niheu, and John Kelly testified as public witnesses on May 23, 1984.

5. On May 23, 1984, Intervenor made oral motions to waive the requirements of Rule 2-3, (4) requiring the filing of 15 copies of exhibits and for the Commission to conduct a hearing in the Leeward area in the evening. The Commission denied the motion on May 24, 1984, filing the order of denial on July 2, 1984.

6. On October 17, 1984, Intervenor filed its motion to continue hearings. The Commission denied the motion on October 18, 1984.

7. On April 29, 1985, Intervenor filed a Motion to Admit Additional New Evidence. The Commission denied the motion on April 30, 1985, filing the order of denial on June 4, 1985.

8. Petitioner is a Hawaii general partnership comprised of Horita Corporation, a Hawaii corporation which holds a 40% interest in the partnership, and SKG Properties, a Hawaii general partnership which holds the remaining 60% interest in the partnership. Horita Corporation is the managing partner.

SKG Properties is comprised of three general partners: TSK, Inc., a Hawaii corporation which holds 8% interest in the partnership; Kumagai International Limited, a Hong Kong corporation, which holds 40% interest in the partnership; and T.S.O., Inc., a Hawaii corporation which holds the remaining 12% interest of the West Beach Estates general partnership.

Kumagai Gumi Co., Ltd., a Japan corporation, owns 99.8% of Kumagai International Limited. Kumagai Gumi Co., Ltd. will provide all necessary financing to meeting Kumagai International Limited's obligation in the West Beach Estates partnership to complete the entire West Beach Development.

DESCRIPTION OF PROPERTY

9. The Property comprises approximately 642 acres situate at Honouliuli, District of Ewa, Oahu, Hawaii, identified by the following Tax Key Numbers:

PROPERTY  
TAX MAP KEYS AND AREAS

<u>TAX MAP KEY NOS.</u>	<u>APPROXIMATE AREA IN ACRES</u>
9-1-14: portion 2	93.0
9-1-15: 03	190.1
9-1-15: portion 4	288.0
9-1-15: 06	2.7
9-1-15: 07	17.2
9-1-15: 10	41.1
9-2-03: 03	7.0
9-2-03: 07	.9
9-2-03: portion 2	<u>2.2</u>
TOTAL	<u>642.2</u>

10. The Property is located on Oahu's southwest coast. The northern boundaries of the Property generally follow Farrington Highway and the eastern boundaries of the Property abut sugarcane and undeveloped lands. The southern boundaries of the Property abut the 92-acre Barbers Point Deep Draft Harbor (hereinafter referred to as the "Deep Draft Harbor"), while the western boundaries follow the shoreline from the Deep Draft Harbor to Farrington Highway. Existing residential subdivisions Honokai Hale and Nanakai Gardens lie north of the Property and south of Farrington Highway.

11. The Trustees of the Estate of James Campbell, Deceased, (hereafter the "Campbell Estate") own the Property in fee simple. Petitioner acquired the right to purchase and develop the Property pursuant to a Development Agreement dated April 22, 1983. The Campbell

Estate has authorized the Petitioner to process this Petition for land use boundary amendment.

12. The Campbell Industrial Park complex is located to the south of the Property across the Deep Draft Harbor. Petitioner proposes to create an open space buffer consisting of a golf course, marina and parks between the Deep Draft Harbor and the proposed West Beach structures.

13. The Property is presently undeveloped and vacant except for about ten (10) acres of land, formerly the residence of Alice Kamokila Campbell (the "Kamokila Campbell Estate"). This residence is now used as a site for luaus.

14. The Property is located on a coastal plain, which begins with the easternmost elevation of 100-feet. Lands adjacent to Farrington Highway have a slope of five percent. The makai lands have a slope of one percent to less than one percent near the shoreline. The coastline along the Property is characterized by calcareous reef with limited pockets of sand.

15. The U.S. Department of Agriculture, Soil Conservation Service Soil Survey, classifies the soils of the Property as follows: Coral Outcrop (CR); Ewa silty clay loam, moderately shallow, 0 to 2% slopes (EmA); Jaucas sand, 0 to 15% slopes (JaC); Keaau clay, 0 to 2% slopes (KmA); Keaau clay, saline, 0 to 2% slopes (KmbA); Lualualei extremely stony clay, 3 to 35% slopes (LPE); Lualualei clay, 2 to 6% slopes (LuB); Lualualei stony clay, 0 to 2% slopes (LvA); Lualualei stony clay, 2 to 6% slopes (LuB); Mamala stony silty clay loam, 0 to 12% slopes (MnC). These soils are characterized by slow runoff with slight erosion hazard, except for a narrow band of Mamala stony silty clay loam (MnC) near the southern boundary of the Property and a small area of Lualualei extremely stony

clay (LPE) near the northern boundary of the Property along Farrington Highway.

16. The Land Study Bureau Detailed Land Classification for Oahu identifies the overall master productivity rating of lands in the Property as follows: "A"-11% (71 acres), "B"-37% (238 acres), "C"-9% (58 acres), and "E"-43% (275 acres). The agricultural suitability of land with a master productivity rating of "A" is very good, "B" is good, "C" is fair, "D" is poor, and "E" is very poor.

17. The State Department of Agriculture's "Agricultural Lands of Importance to the State of Hawaii" classification system classifies lands in the Property as follows: "Prime"-34% (215 acres), "Other"-21% (140 acres). Forty-five percent (287 acres) of the Property is not classified. The Prime agricultural lands are located mainly in the northern and eastern portions of the Property.

18. The average annual precipitation for the entire Ewa Plain is approximately 20 inches and the average temperature ranges from 72<sup>o</sup>F to 80<sup>o</sup>F. Winds are predominately from a northeasterly direction (tradewinds). Winds from a southeasterly direction (Kona wind) may be expected five percent (5%) to eight percent (8%) of the time.

19. The Flood Insurance Study conducted by the Federal Insurance Administration for the City and County of Honolulu designates the coastal strip along the Property as Zone A4, subject to tsunami hazard. The present 100-year tsunami elevation along the coast of the Property is approximately 7 to 9 feet above mean sea level. The 100-year event means there is a one percent likelihood of a flood equalling or exceeding this elevation in any given year.

DEVELOPMENT PROPOSAL

20. Petitioner proposes to develop a resort, commercial and residential community on the Property that will include a total of 4,000 hotel rooms and/or resort condominium units; 5,200 residential units; a championship golf course, four new lagoons with swimming beaches; a marina, commercial areas, including one shopping center, four new parks, two transit stations, a Hawaiian Cultural Center to be privately owned and operated but open to the public (hereinafter the "Cultural Center"), beach and yacht clubs, and tennis facilities. The proposed West Beach Development (hereinafter the "Development") will include the following land uses:

SUMMARY OF USES, ACREAGE, AND UNITS

<u>Land Use</u>	<u>Acres</u>	<u>Units</u>
Low Density Apartment	108.0	1,500
Medium Density Apartment	78.9	3,700
Hotel/Resort	86.5	4,000
Commercial	17.8	
Beach Club	2.2	
Hawaiian Cultural Center	21.8	
Marina	36.3	
Lagoons	13.1	
Golf Course	170.5	
Park	51.4	
School	6.9	
Transit Stations	2.7	
Circulation	46.1	
TOTAL	<u>642.2</u>	<u>9,200</u>

21. Petitioner estimates the total cost for the on-site and off-site construction work, in 1983 dollars, to be approximately \$71,209,000.00.

22. Petitioner proposes to build or cause to be built the proposed 4,000 resort units including eight hotels and resort condominiums located on the oceanfront sites designated "Resort" on the Petitioner's proposed masterplan. Petitioner will cause a majority of the 4,000 resort units to be built as full-service hotel facilities or as condominium units placed in mandatory full-service hotel rental pool facilities.

23. The resort units will consist of mid-rise buildings with densities ranging from 32 to 66 units per acre. Petitioner proposes to limit building heights up to 150 feet and to require shoreline setbacks usually exceeding 300 feet. Petitioner proposes to undertake an overall urban design study that will impose the precise height, setback, and bulk controls on the building sites to create appropriate view planes.

24. Petitioner proposes to build or cause to be built 5,200 residential units, of which 1,500 residential units will be built in areas designated for Low Density Apartments and 3,700 residential units in areas designated for Medium Density Apartments on Petitioner's master plan.

25. Petitioner proposes to offer residential units for sale at average sale prices ranging from \$75,000 for studio units to \$175,000 or more for 4-bedroom units.

26. Petitioner proposes to offer off-site affordable housing opportunities for low and moderate income families by building and offering for sale a number of residential units affordable to families of such income groups equivalent to ten percent of the Development's planned residential units (520 units), assuming full build out. Petitioner intends to determine guidelines for qualification, and to determine options for the location of the units on-site or off-site, and timing of their construction, all to be approved by the City and County of Honolulu (hereinafter the "County").

27. Petitioner proposes to include two commercial sites of 2.0 and 15.8 acres to provide amusements, attractions, restaurants and shops for tourists, as well as a convenience shopping area for residents.

28. Petitioner proposes to preserve and maintain the existing natural lagoons and continue the existing luau operation on the Kamokila Campbell Estate as part of the Cultural Center. In addition, Petitioner proposes to develop four new ocean lagoons along the shoreline, ranging in size from 1.4 acres to 5.3 acres, to provide about 13.1 acres of sheltered, safe, swimming areas.

29. Petitioner will undertake an extensive analysis of the water and soil conditions at the four new proposed lagoon sites and the existing Kamokila Campbell Estate lagoons in order to determine the size, depth and configuration of the proposed lagoons.

30. Petitioner proposes to design the lagoons, like the marina, to take advantage of the location of the existing calcareous reef shoreline. Petitioner proposes to make cuts in the present shoreline in order to permit fresh sea water to flush these new lagoons to be created behind the calcareous barrier. The lagoons will have maximum depths of eight feet below mean sea level.

31. Petitioner proposes to use sand behind the calcareous shoreline to line the bottoms of the new lagoons and to create the sandy beaches.

32. Petitioner proposes to dedicate easements for shoreline access and recreational purposes, to construct a continuous pedestrian walkway along the shoreline, to dedicate a minimum of four mauka-makai public pedestrian access easements to these newly created beaches and lagoons, and to construct approximately 150 public parking spaces on the Property for public beach parking.

33. Petitioner proposes to develop a 36 acre recreational and commercial marina with a public boat launch ramp, and to develop pump out facilities, a fueling and drydock facility, other public conveniences and parking adjacent to the Deep Draft Harbor. Commercial use of the marina facilities will include sightseeing, charter fishing, dinner cruises and other excursions.

34. The marina basin will be approximately 2,900 feet long (including a 900 foot entrance channel) and 900 feet wide at the widest point, for a total area of 36 acres. The basin will be about 15 feet deep at Mean Low or Low Water ("MLLW") and have a minimum channel width of approximately 200 feet.

35. Petitioner proposes to create a "buffer zone" around the Deep Draft Harbor by precluding any permanent residential uses within the "buffer zone" and aboard vessels within the planned marina area.

36. Petitioner is considering three alternative marina entrances: an entrance inside the existing Deep Draft Harbor; separate traffic lanes in an enlarged, combined entrance channel for both the Deep Draft Harbor and marina; and separate entrances for the Deep Draft Harbor and the marina.

37. Petitioner proposes to develop an 18-hole golf course, a driving range and clubhouse. Petitioner will design the golf course to run throughout the residential areas to create and preserve open space and view-planes. The golf course will be open to the general public with priority given to the residents of West Beach and tourists visiting the Development.

38. In addition to the shoreline easements described in paragraph 32, Petitioner will improve and dedicate to the public two large beach park sites, one at the primary entrance to West Beach and the other adjacent to

the marina. Petitioner will also improve and dedicate a passive park site adjacent to and oriented towards the Deep Draft Harbor, and a neighborhood park site within the residential area adjacent to the proposed elementary school site.

39. Petitioner will dedicate a school site in an area acceptable to the State Board of Education.

40. Petitioner will dedicate two transit station sites along the location of an existing railroad right-of-way, centrally located for access from the major residential areas.

#### TIMETABLE FOR DEVELOPMENT

41. Petitioner intends to complete the following within five years of the date of the Commission's approval of this Petition:

a. Construction of necessary off-site infrastructure, including water and sewerage improvements and the Farrington Highway interchange.

b. Mass grading of the entire Property to prepare all resort, commercial and residential sites for construction of buildings.

c. Construction of all roadway and utility infrastructure within the Property so that roads, sewerage facilities, water lines, utilities and the drainage system are available to all resort, commercial and residential building sites.

d. Construction of all major recreational amenities, including the lagoons, marina, parks, beach and yacht club and golf course.

e. Construction or completion of approximately fifty percent of the residential units.

f. Construction or completion of all of the commercial buildings.

g. Completion of four to five hotels and/or resort condominium apartment buildings with the balance under construction.

42. Petitioner proposes to complete construction of the entire Development by the end of the fifth year except for the construction and sale of approximately half of the residential units. Petitioner proposes to stage development in order to complete construction of the balance of the 5,200 residential units within five to seven years from the date of the Commission's approval.

#### PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

43. Petitioner's balance sheet as of August 31, 1984, lists total assets of \$6,590,601.17, stockholder's equity of \$2,535,848.23 and liabilities of \$4,054,752.94.

44. Kumagai Gumi Co., Ltd.'s 1983 Annual Report lists total assets of \$3,272,107,000, stockholder's equity of \$616,239,000 and liabilities of \$2,655,868,000.

#### STATE AND COUNTY PLANS AND PROGRAMS

45. The Property is situate within the State Land Use Agricultural District.

46. The City and County of Honolulu General Plan designates the Ewa West Beach-Makakilo area as the secondary urban center.

47. One of the objectives in the General Plan is to "maintain the viability of Oahu's visitor industry" (Objective B). The General Plan further states that its objectives and policies are to "permit the development of secondary resort areas in West Beach, Kahuku, Makaha and Laie" (Objective B, Policy 6).

48. The General Plan limits further development in the Waikiki area by discouraging "further growth in the permitted number of hotel and resort condominium units in Waikiki" (Objective B, Policy 5) and "major increases in permitted development densities in Waikiki" (Objective B, Policy 4).

49. The County Development Plan for the Ewa area (Ordinance No. 83-26, as amended)(hereinafter the "Ewa Development Plan") designates the entire Property as the "West Beach Special Area." The Ewa Development Plan characterizes the Property as:

"West-Beach Special Area"

"The West Beach Special Area shall be an integral part of the central core of the West Beach-Makakilo Secondary Urban Center. The area, containing approximately 640 acres of land, lies on the shoreline between Kahe Point Beach Park and the site of the Barbers Point Deep Draft Harbor. It shall be a water-oriented residential and resort community containing a mixture of Low Density Apartment, Medium Density Apartment, Resort, Commercial (comprised of a major shopping complex and a smaller neighborhood shopping area), Public Facility, Park, and Preservation uses, as indicated on the land use map. A marina in the area adjoining the deep draft harbor shall also be established" (emphasis added).

50. Petitioner's development proposal conforms to the Ewa Development Plan in area, location and proposed uses.

51. The County's Comprehensive Zoning Code ("CZC") designates the Property in the AG-1 Agricultural Zoning District, except for a tiny area classified in the I-2 Industrial Zoning District adjacent to the Deep Draft Harbor.

52. Portions of the Property are within the County Special Management Area. Petitioner will need to obtain the appropriate permits prior to developing any portions of the Property in the Special Management Area.

## NEED FOR THE PROPOSED DEVELOPMENT

53. Resort Need. Petitioner's consultant Pannel Kerr Forster (hereinafter "PKF") projects a need for approximately 5,400 additional transient full service hotel rooms by 1990 based on 75% occupancy for the island of Oahu; 10,700 rooms by 1995; and 13,500 rooms by year 2000. At 80% occupancy PKF also projects transient room needs to be approximately 2,900 units by 1990; 7,900 units by 1995; and 10,500 units by 2000.

54. The County in its Waikiki Special Design District and its Primary Urban Center Development Plan, limits the number of hotel rooms and other visitor accommodations to 30,000 units. The City's resort policy gives preference to development of new hotels in the Kapiolani, Downtown, and Airport areas, and outside the Primary Urban Center at Makaha, Laie and Kuilima which areas could collectively accommodate a maximum of 2,000 additional hotel units.

55. Housing Need. Chaney, Brooks & Company (hereinafter "CBC"), in its Housing Study dated November 15, 1983, projects an average demand for additional housing of 4,000 units per year on Oahu, or a cumulative demand between now and the year 2000 of 68,000 new housing units.

Other proposed developments in the Ewa Development Plan Area may provide an estimated 26,650 units by the year 2000, resulting in a shortage of approximately 41,350 units.

56. The County's General Plan allocates between nine and ten percent of Oahu's projected residential population (to the year 2000) to the Ewa District. Based upon the State Department of Planning and Economic Development's Series II-f population projections for Oahu of 917,000 persons by the year 2000, this would mean a range of 82,600 to 91,700 additional persons for Ewa in year 2000.

57. The County's Department of General Planning ("DGP"), in its "Land Supply Review: Population Implications of the Development Plans" (July, 1983), points that the Development will accommodate an additional 10,000 persons of the additional 82,357 persons to be accommodated in the Ewa District.

#### ECONOMIC IMPACTS

58. Petitioner estimates that after completion, the Development will create approximately 5,100 direct jobs and 1,000 indirect jobs. In addition, the Development will create a substantial number of jobs during the construction phases of the Development.

59. In addition to employment opportunities, the proposed Development will generate direct revenues for the State. Petitioner estimates that the entire Development (when completed and operating at a stabilized level) should generate a total of approximately \$24.3 million (in 1983 dollars) in tax revenues (exclusive of general excise taxes) of which \$850,000 will be in unemployment taxes, \$8 million in gross income taxes, \$4.7 million in State personal income and \$10.7 million in real property taxes.

#### SOCIAL IMPACTS

60. The Development will create additional urban development and increase population in the Ewa area.

61. The Commission rejects the Intervenor's contention that urbanization of West Beach will have significant adverse impact on the existing lifestyles of the Waianae residents. The evidence adduced does not substantiate that the proposed Development would in of itself, create significant adverse impacts on the Hawaiian lifestyle of the Waianae residents.

## IMPACTS UPON RESOURCES OF THE AREA

### AGRICULTURAL RESOURCES

62. Petitioner is not presently using the Property for intensive agricultural use.

63. Due to rising costs and lower yields, and the Property's distance from the millsite, Oahu Sugar Company, Ltd., terminated sugarcane production on the Property in 1983 with no other crops planted since then. Oahu Sugar Company, Ltd., determined that sugarcane production within the Property was not profitable and that production needs could be more economically satisfied on other lands where the yields are higher and/or the production costs are lower.

64. Oahu Sugar Company, Ltd., concluded that the Property's soil quality is poor due to large quantities of field stones, coral outcroppings, and irrigated by slightly saline water.

### AQUATIC RESOURCES

65. The area immediately off-shore from the Property has been described as an unperturbed coastal region. The coastal waters have excellent water clarity, low turbidity and excellent diving conditions. The State Department of Health classifies these coastal waters as Class AA. The coral reef system supports a diversity of fish and other marine life which are important parts of the diet of subsistence gatherers and fishermen who utilize this area in the tradition of ancient Hawaiian subsistence fishing.

66. Petitioner has designed the proposed marina and channel configurations in order to mitigate and minimize the potential damage to the offshore environment.

67. The lagoons and marina will be dredged "in the dry" prior to the opening of the lagoons and marina to the sea to minimize siltation problems.

68. Petitioner will control runoff by incorporating a drainage system for the entire area. It is anticipated that most of the flow will be directed into a settling basin. From the settling basin, the runoff will enter the marina and be discharged from the marina channel entrance. Calculations of maximum volume flow during storms indicate that the volume of the marina is sufficient to receive all surface flow without overflow. The total sediment discharge in the runoff is expected to be less than those of the natural streams on the Property since the flow will be over non-eroding surfaces or well-grassed areas.

69. Petitioner proposes to divert the runoff to the southern area of the Development in order to lessen the runoff into the north end which has one of the richest biotopes found along the adjacent coastline.

#### FAUNA

70. Dr. Andrew J. Berger conducted a bird and mammal survey of the Property on October 26 to November 18, 1973; April and May of 1979; October 3, 1979; and on May 16, 1984. Dr. Berger observed no endangered or endemic birds or animals that would be significantly or adversely affected by the proposed Development.

#### FLORA

71. Winona P. Char conducted a field survey of the Property from April through May of 1977 and on March 9, 1984. On the March 9, 1984 survey, Ms. Char found the Property to be uncultivated, consisting mainly of fallow sugar

cane fields and smaller areas of kiawe forest or thickets. Vegetation on the Property is predominantly introduced species such as Prosopis (kiawe), Leucaena (haole koa) and Chloris (swollen fingergrass).

72. Ms. Char observed Euphorbia skottsbergii var. kalaeloana (" 'Akoko"), which is officially listed on the Federal Register of Endangered and Threatened Plants on the Property during Petitioner's botanical consultant's 1977 survey. In 1984, Ms. Char found no 'Akoko within the Property. Petitioner has agreed to transplant any 'Akoko plants found during construction to appropriate sites. Ms. Char has observed that 'Akoko plants have been relocated successfully from the Property to the Campbell Industrial Park site and the Waimea Arboretum.

#### NOISE

73. Construction activity, including blasting to dredge the marina and lagoons will generate noise above ambient levels.

74. Federal agencies have determined that exterior vehicular traffic noise levels for residential housing areas should not exceed  $65 L_{dn}$  (day-night noise level). Petitioner should take noise attenuation measures such as air conditioning, forced ventilation or noise barrier construction as well as building setbacks 100 feet from centerline of roadways and with speed limits at 25 mph to reduce vehicular traffic noise for residential housing built in areas where ambient noise exceeds  $65 L_{dn}$ .

75. Excessive traffic noise will not affect the majority of the tourist and resident population on the Property because Petitioner proposes to build most of these units away from the major source of vehicular traffic noise from Farrington Highway. Additionally, Petitioner proposes to build the golf course to run parallel to Farrington Highway between the two entrance roads to the Property to serve as a "buffer".

76. Federal agencies have determined that exterior aircraft noise levels for residential housing areas should not exceed 65  $L_{dn}$ . Darby-Ebisu & Associates, Inc., the Petitioner's noise consultant, has recommended and Petitioner has agreed to design the Development to meet an even stricter standard of 60  $L_{dn}$  for aircraft noise.

77. Darby-Ebisu & Associates, Inc., has testified that 93 percent of the Development would probably experience an aircraft noise level of 55  $L_{dn}$  or below with the remaining 7 percent of the Development experiencing a 55-60  $L_{dn}$  aircraft noise level. The highest aircraft noise levels (57 to 59  $L_{dn}$ ) will probably occur over the non-residential areas of the Development.

78. Petitioner anticipates that combined aircraft and vehicular traffic noise levels within the Property will not exceed acceptable standards.

#### AIR QUALITY

79. Petitioner's air quality expert, Mr. Barry Root, considered four scenarios in order to determine the carbon monoxide levels in the Property up until the year 2002:

- a. No building
- b. Building, with surface arterial over route other than Farrington Highway
- c. Building, with additional traffic lane on Farrington Highway
- d. Building, with no change to Farrington Highway

80. The projected results indicate that alternatives b and c would result in increased carbon monoxide levels.

81. Petitioner has designed mitigative measures to reduce traffic-related pollutant levels below limits set by Federal and State agencies as follows:

(1) Petitioner's highway design will minimize "stop and go" traffic, a major contributor to air pollution, and (2) Petitioner will plant dense and thick foliage to screen particulates during the approximately ten-year construction period and minimize the flow of particulates from outside sources into the Development.

#### WATER RESOURCES

82. The Department of Land and Natural Resources has restricted total water extraction from the Pearl Harbor Groundwater Control Area to 225 million gallons per day (MGD). Petitioner plans to extract its water from the Pearl Harbor Groundwater Control Area, and Petitioner's water requirement, when combined with the water allocation for other users of water in this area, must remain within the 225 MGD limit.

83. Oahu Sugar Company, Ltd., the largest water user in the Pearl Harbor Basin, recently reduced its water allotment by 22.5 MGD as a result of the reduction of sugar production.

84. Prior to the reduction of Oahu Sugar Company, Ltd.'s allotment, the Board of Water Supply has planned several alternatives to further decrease the amount of water being drawn against the 225 MGD limit for the Pearl Harbor Groundwater Control Area.

85. Petitioner does not expect construction of the proposed Development to significantly affect the groundwater resources beneath the Property inasmuch as the Development does not require construction of any injection wells or cesspools.

#### RECREATIONAL RESOURCES

86. Presently, public access to the shoreline boundary of the Property can be accomplished only by boat since access from the northern and southern ends of the shoreline is blocked by rock cliffs and the Deep Draft Harbor respectively. Petitioner will provide open access to the shoreline fronting the proposed parks and resort/residential areas. Both visitors and residents will have access, via designated easements, to the newly created shoreline and the lagoons in addition to use of the parks, golf course and marina.

87. Petitioner will also open to public use parks and open areas, including the 18-hole golf course and sandy beaches, and recreational support facilities not presently on the Property such as comfort stations, showers and 150 parking spaces. Petitioner will provide boating and other marina-related recreational facilities and beach rights-of-way in coordination with the County Department of Parks and Recreation requirements.

#### HISTORIC/ARCHAEOLOGICAL RESOURCES

88. The abandoned railroad track right-of-way owned by the State of Hawaii runs through the northern half of the Property and has been designated on the National Register of Historic Places, and is not part of the proposal for reclassification. Petitioner will cooperate with individuals and organizations proposing to restore the railway system.

89. A portion of the Property is within the Barbers Point Archaeological District, and eligible for designation on the National Register of Historic Places. However, this area has never been nominated for designation. The National Register require the landowner's consent prior to nomination.

90. In 1979, and again in 1984, Chiniago, Inc. completed an archaeological survey of the Property to record the presence and age of

archaeological sites, assess their significance, and make recommendations. The archaeological surveys located, among others, a fishing shrine, an L-shaped wall, various stone enclosures, three midden sites, a lime kiln structure, and various sinkholes along the southeastern shoreline.

91. The fishing shrine, identified as Site 1433, is an important site which the State Historic Preservation Office has recommended for preservation.

92. Petitioner will perform the mitigative and other actions recommended by Petitioner's archaeological consultant and will work with the State Historic Preservation Office and the U.S. Advisory Council on Historic Preservation.

93. The fossils of a bird (described as a flightless goose) have been found in limestone sinkholes in the Barbers Point area. Some of the paleontological remains represent Hawaiian species which are extinct. These remains, which can be of significant importance for future research, reveal a great deal about early Hawaiian habitation and practices in the area.

94. Petitioner proposes to survey the Property in order to locate all limestone sinkholes. Petitioner will retain qualified personnel to systematically test pit 50 percent of all sinkholes larger than a meter in diameter and fully excavate all sinkholes found to contain fossil bones. Petitioner proposes to place the fossil remains on permanent loan to the Bishop Museum, Smithsonian Institute or other appropriate institution for further examination and study.

#### SCENIC RESOURCES

95. Petitioner proposes to modify the undeveloped shoreline for the Development to include the lagoons, the marina and the proposed resort hotels. Petitioner will take into consideration the shoreline's scenic quality in

planning and placing the hotels, landscaping and locating the lagoon in order that the Development be harmonious with the Property's natural beauty.

#### ADEQUACY OF PUBLIC FACILITIES AND SERVICES

##### WASTEWATER DISPOSAL

96. Petitioner proposes to dispose the estimated 2.5 MGD average daily sewage flow to be generated by the Development through the Honouliuli Wastewater Treatment Plant (hereinafter "HWTP").

97. Petitioner proposes to construct collector sewerage lines within the Development's roadways. The collector lines will then convey sewage through two pump stations within the Property, which would boost the sewage through force mains primarily along the railroad right-of-way up to an interceptor sewerage line located at a higher elevation off-site. Petitioner proposes to convey sewage by gravity from the interceptor sewerage line to the HWTP through a trunk sewerage system built by the Petitioner.

98. Petitioner will pay for all the on-site improvements, the collector lines, the off-site sewage pump station, the force main and the trunk sewerage gravity main segment to the HWTP.

99. Petitioner will design and build the proposed improvements to County standards in order to dedicate the improvements to the County for operation and maintenance which the County has agreed to accept.

##### WATER SERVICES AND FACILITIES

100. Petitioner proposes to develop a dual water system with brackish water for irrigation and potable water for household uses. When the Development is completed, the Development will require approximately four and

one-half MGD based upon the Water System Standards of the Board of Water Supply dated March 19, 1977. Two and one-half MGD of the four and one-half MGD water requirement must be potable, while two MGD are for irrigation and could be brackish.

101. Petitioner proposes to satisfy potable water requirements of up to two and one-half MGD for the Development by drilling ten new wells by the year 2000 in the Kunia well field, and cooperating with other developers of the Ewa area pursuant to the Ewa Water Master Plan in designing, constructing, or improving existing and proposed well pumps, transmission mains, appurtenances, and water storage reservoirs to transport the potable water from the Kunia wells to the various projects.

102. Petitioner will pay its proportionate share of the costs to construct the improvements required by the Ewa Water Master Plan. Petitioner has also committed to pay for all other improvements necessary to bring potable water to the Property.

103. Petitioner and other developers will design and build the water system proposed in the Ewa Water Master Plan to County and the Board of Water Supply (hereafter "BWS") standards and dedicate the water supply to the BWS upon completion. Thereafter, the BWS will maintain the system. All users will pay a service fee to BWS for potable water consumed from this system.

104. Petitioner will attempt to meet the Development's two MGD brackish water requirement by drilling up to five new wells and possibly tapping into the existing Gilbert-Pump 10 well. Four wells mauka of Farrington Highway will service the Development's irrigation needs exclusive of the golf course. Petitioner proposes to irrigate the golf course either by using water from a new on-site well within the golf course or the existing Gilbert-Pump 10 well. The off-site wells will be located above the 200-foot elevation mauka of Farrington Highway.

105. Petitioner will construct and design the brackish water system, including the new wells, water lines, and storage tanks, and will dedicate it to the BWS upon completion. Thereafter, the BWS will maintain the system. All users will pay a service fee to BWS for brackish water consumed from this system.

106. The non-potable water system for irrigation of the golf course will be privately maintained by the Petitioner.

#### DRAINAGE

107. Petitioner plans to mass grade the entire Property to control the flow of surface waters during storms, and use the golf course and green belt areas as drainageways, with the flatter portions of the course designed to retain runoff from intense storms. Petitioner will channel the majority of the run-off into the marina, with the balance flowing into the ocean through the existing drain outlet at the north end of the Property. The completed drainage system should lessen the present soil erosion that is probably taking place because of the sparse groundcover.

Petitioner requires designation for the entire Property in the Urban District in order to obtain permits necessary to complete this grading.

108. During construction of the Development, erosion control measures will be incorporated in the grading plan to reduce dust and soil erosion in accordance with the County's Chapter 23, Grading, Soil Erosion and Sediment Control (1978).

Petitioner proposes to raise shoreline areas to drain surface water run-off away from the shoreline and lagoons and back towards the Development's loop road where the water can be conveyed by ditch and pipe systems to the discharge outlets at the marina.

## SOLID WASTE DISPOSAL

109. The County's Division of Refuse and private refuse collection companies will collect solid waste from the Development and transport it to a public landfill site or the landfill at the Palailai Quarry. The County plans to implement new landfill facilities in Leeward Oahu which can serve the Development.

## HIGHWAY AND ROADWAY FACILITIES

110. Petitioner's traffic consultant, Community Planning, Inc., prepared a Traffic Impact Analysis for the Development, in cooperation with the State Department of Transportation (hereinafter the "DOT") and the County's Department of Transportation Services (hereinafter the "DTS").

Petitioner projects that the Development will require a total of three Honolulu-bound lanes on Farrington Highway to handle peak-hour traffic. Petitioner will either (1) add a third Honolulu-bound lane on the existing Farrington Highway or (2) build a "surface arterial" from the Property to the Palailai Interchange and H-1.

111. The DOT plans to widen H-1 Interstate Highway from four to six lanes between the Palailai and Kunia Interchanges by 1990, to accommodate increased traffic generated by anticipated growth in the Ewa district.

112. Petitioner will dedicate land for and build a structural interchange and an at-grade crossing to Farrington Highway at the Waianae and Honolulu ends of the Development for access and egress. Both interchanges will be of the free-flow-type, without traffic lights, to maximize traffic flow.

113. Petitioner will facilitate traffic circulation within the Development by constructing an internal loop system. A series of cul-de-sac roads will branch off the loop road to the resort, residential, commercial and

recreational facilities. The cul-de-sac roads which connect to shoreline-oriented areas of the Development will also provide public access and parking to the continuous shoreline walkway system.

114. Petitioner will develop a system of pedestrian and bicycle ways for non-vehicular circulation in the Development.

115. Petitioner will provide two mass transit station sites within the Development. These stations could function as terminals in a future rapid transit corridor into Honolulu.

#### SCHOOLS

116. The Department of Education (hereinafter the "DOE") anticipates that Ilima Intermediate and Campbell High School can accommodate the projected increased enrollment of 110 to 310 intermediate school students which the Development may generate. Barbers Point and Makakilo Elementary Schools can accommodate the estimated 150 to 350 elementary students to be generated by the proposed Development.

117. Petitioner has agreed to provide a school site with adjacent park space to the DOE. The school site would be developed by the DOE when the Development's population has enough students to justify a new school facility.

#### POLICE AND FIRE PROTECTION

118. The fire stations at Nanakuli and Makakilo can provide fire protection services to the Development. In addition, the proposed fire station at the Campbell Industrial Park will provide additional fire protection.

119. The Honolulu Police Department will provide police protection services to the Development.

#### HEALTH CARE FACILITIES

120. Health and medical care facilities in Waianae, Ewa Beach and Waipahu, and the Wahiawa General Hospital are adequate to serve the needs of the future residents of the Development. Emergency medical services can be provided by the ambulance service located at the Waipahu Fire Station. In the future, ambulance service would also be provided from the proposed Campbell Industrial Park Fire Station.

#### ELECTRICITY AND TELEPHONE SERVICES

121. Hawaiian Telephone Company and Hawaiian Electric Company have reviewed preliminary plans for the Development and indicated the availability of their respective service. Petitioner will furnish all necessary support structures within the Development, including underground ducts and buried cable trenches.

#### INCREMENTAL DISTRICTING

122. Petitioner proposes to achieve substantial completion of full urban development of the entire area of the Property within five years of the date of the Commission's approval of the redistricting.

Petitioner must mass grade the entire property in order for Petitioner to carry out its proposed drainage plan to minimize adverse impact of surface water runoff to the coastal areas.

123. Petitioner has demonstrated that within five years of the above date, Petitioner shall reasonably complete substantial development of the Property in accordance with State Land Use Regulation 6-2 if Petitioner shall complete within five years mass grading of the entire area of the Property, construction of all on-site and off-site infrastructure improvements, building

all on-site and off-site infrastructure improvements, building pads for all hotel sites, various phases of construction of all hotel and resort-condominium buildings, including completion of a number of building superstructures, completion of all commercial buildings, and various phases of construction of at least fifty percent (50%) of the residential units.

CONFORMANCE WITH COASTAL ZONE MANAGEMENT POLICIES AND OBJECTIVES

124. The Petition is in conformance with the following policies of the Coastal Zone Management Program as follows:

Petitioner will satisfy Policy 2a by providing additional coastal recreational resources in the form of four swimming lagoons, two public shoreline parks and a marina. Linking all of these features will be a shoreline public access easement. Public restrooms and shower facilities will also be provided.

Petitioner will satisfy Policies 2c, 2d, 2e, 2g and 2h by constructing two public shoreline parks and four swimming lagoons for public recreational use. Public parking stalls will also be provided. Public access easements will lead from these public parking areas to the public shoreline areas and swimming lagoons. The public access easement and the two shoreline parks will be dedicated to the County for recreational use.

Petitioner will satisfy Policy 2, 3 and 4 by developing four new lagoons to create additional habitat area within each lagoon.

Petitioner's proposed drainage improvements are designed to control terrestrial runoff and minimize disruption or degradation of coastal water ecosystems. All runoff from the parcels adjacent to the new lagoons will be directed away from the lagoons into the proposed drainage system.

Petitioner's proposed drainage system is designed to limit drainage discharge to two primary areas; the existing drainage outlet near the northern end of the Property and the marina. Petitioner's consultant, Dr. Paul Bienfang, anticipates that effluent flowing from the marina will be of slightly lower salinity than receiving waters, and that the impact on the affected environment will be relatively insignificant. Petitioner predicts that offshore waves will provide sufficient mixing action.

#### CONFORMANCE WITH THE HAWAII STATE PLAN

125. Petitioner's Development is consistent with the Objectives, Policies and Priority Directions of the Hawaii State Plan in the following respect:

Petitioner proposes to satisfy Sections 6(a)(1), 6(a)(11) and 9(b)(6) by providing employment of approximately 5,100 direct jobs and 1,000 indirect jobs when fully operational. In addition, Petitioner proposes to generate a large number of temporary jobs during the construction phases. If completed, the Development will also provide an estimated \$24,354,000 to the State from state unemployment tax, gross income tax, state personal income tax and real property tax.

Petitioner proposes to satisfy Sections 8(b)(5) by providing parks, marina, and lagoons on the southern end of the Property in compliance with the recommendations of the Barbers Point Harbor Safety Buffer Zone Committee. Design of the Development has also taken into consideration the Air Installation Compatible Use Zone (AICUZ) of the Barbers Point Naval Air Station. The Development lies outside the Accident Potential Zones, and only portions of the marina and park areas lie within the 60  $L_{dn}$  noise contours. The Petitioner is coordinating joint use of the Deep Draft Harbor entrance with both the DOT and the U.S. Corps of Engineers.

Petitioner proposes to satisfy Sections 11(b)(9), 105(a) and 23(b)(4) by developing four new ocean lagoons with sandy beach areas which will be available for public use. Petitioner proposes to dedicate a continuous walkway along the shoreline fronting the resort portion as well as public access to the newly created beaches and shoreline. Petitioner proposes to set resort structures back 300 feet from the shoreline, and to slope the grade upward from the beach to promote coastal views.

Petitioner proposes to satisfy Section 11(6) by undertaking efforts to protect and conserve the 'Akoko which is listed on the Federal Register of Endangered and Threatened Plants, if found within the Property.

Petitioner proposes to satisfy Sections 12(b)(1) and 103(b)(5) by implementing recommendations and mitigative actions recommended by its archaeologist, subject to the review of the State Historic Preservation Office. Petitioner has also agreed to preserve a fishing shrine; to test pit 50 percent (50%) of all sinkholes and to salvage information from all of the sinkholes which yield archaeologically significant information.

Petitioner has addressed Sections 16(b)(1) and 104(b)(2) by proposing a Water Plan for dual water service to serve the Development and Campbell Industrial Park areas in cooperation with Campbell Estate and developers for the Ewa area, which has been approved by the BWS.

Petitioner proposes to satisfy Section 19(1) by providing 5,200 new residential units. Based upon the tentative price ranges for the residential units and Petitioner's commitment to provide increased housing opportunities for families with low and moderate incomes, the Development will assist in providing reasonably priced housing for the people of Hawaii.

Petitioner proposes to address Section 19(b)(2) by providing affordable housing opportunities for low and moderate income families equivalent to ten percent (520 units) of the proposed residential units.

Petitioner proposes to address Section 23(b)(1) by including in the Development a Hawaiian Cultural Center, privately owned and operated and open to the public, where the arts and crafts of the Hawaiian culture will be practiced and perpetuated.

Petitioner proposes to satisfy Section 104(c)(7) by developing lagoons and shoreline walkways within the Development area which will be available for public use, and dedicate park sites to the County.

Petitioner also proposes to make and bear the costs of offsite infrastructure improvements which include improvements at the Farrington Highway intersection, sewerage and water systems.

#### CONFORMANCE WITH THE STATE TOURISM FUNCTIONAL PLAN

126. The Petition is consistent with the Objectives, Policies and Implementing Actions of the State Tourism Functional Plan in the following manner:

Petitioner proposes to satisfy Section B(3)(e) by discharging sewage from the Development into the HWTP. The HWTP will be able to accommodate such additional sewage.

Petitioner proposes to satisfy Section B(4)(b) by setting back structures at the Development approximately 300 feet from the shoreline. The precise setback to be determined by an overall urban design study. A continuous walkway along the shoreline fronting the resort, as well as public access to the newly created beaches and shoreline will be provided.

Petitioner proposes to satisfy Section B(4)(c) by providing for

affordable housing opportunities for low and moderate income families equivalent to ten percent (520 units) of the proposed residential units.

Petitioner proposes to satisfy Sections B(4)(d) and B(4)(e) in that the Development will be within the visitor destination area designated by the General Plan and the Ewa Plan.

Petitioner proposes to satisfy Section C(1) by providing employment of approximately 6,100 direct and indirect jobs when fully operational. In addition, the Development will provide a large number of temporary construction jobs.

Petitioner proposes to satisfy Section D(3)(b) by including in the Development a Cultural Center on the Kamokila Campbell Estate. It will be open to the public, and the arts and crafts of the Hawaiian culture will be practiced and perpetuated. Petitioner has also conducted archaeological reconnaissance surveys of the Property and proposes to implement recommendations and mitigative actions recommended by its archaeologist, subject to the review of the State Historic Preservation Office.

#### STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

127. The Development is reasonably necessary to accommodate the projected need for additional resort and residential units.

128. The Development will represent an urban environment characterized by "city-like" concentrations of people, structures, streets and urban level of services.

129. The Development conforms to the General Plan, which designates the Property as part of the West Beach-Makakilo secondary urban center, and the Ewa Development Plan, which is identical to the Petitioner's Master Plan.

130. The Development is contiguous to existing Urban District and would not result in a "spot" urban district.

131. Petitioner will provide approximately 6,100 direct and indirect jobs.

132. Petitioner will also provide approximately 5,200 residential units.

Based upon the tentative price range for the residential units and Petitioner's commitment to provide for increased housing opportunities for families with low and moderate incomes, the Development will assist in providing a balanced housing supply for all economic and social groups.

133. Adequate public services and facilities are now available, or will be made available at Petitioner's expense, to the Property.

134. The Property does not have any geographic or topographic constraints which would impede or endanger the Development.

135. The Property is presently not in intensive agricultural use, nor does the Property have a high capacity for intensive agricultural use.

136. The Development will not have any significant adverse effect upon the agricultural, natural, recreational, scenic, historic, environmental, or other resources of the area.

137. Petitioner has substantiated its financial capability to carry out the Development.

#### RULING ON PROPOSED FINDINGS OF FACT AND PROCEDURAL MATTERS

Any of the proposed findings of fact submitted by the Petitioner or the other parties not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

### CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of the Property, which is the subject of the Petition, Docket No. A83-562 by West Beach Estates, consisting of approximately 642 acres of land from the Agricultural District to the Urban District at Honouliuli, Ewa, Oahu, Hawaii, Tax Map Keys 9-1-14: portion of 2; 9-1-15:3, 6, 7, 10, and portion of 4; 9-2-3:3, 7 and portion of 2, for the West Beach Development, subject to the conditions stated in the Order below, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2, Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes, as amended.

### ORDER

IT IS HEREBY ORDERED that the Property, which is the subject of the Petition Docket No. A83-562 by West Beach Estates, consisting of approximately 642 acres situate at Honouliuli, Ewa, Oahu, Hawaii, and more particularly identified by Tax Map Keys 9-1-14: portion 2, 9-1-15:3, 6, 7, 10, and portion of 4, 9-2-3: 3, 7, and portion of 2, and more particularly identified on Exhibit A attached hereto and incorporated herein, shall be and the same is hereby reclassified from the Agricultural District to the Urban District and the State Land Use District Boundaries are amended accordingly.

IT IS FURTHER HEREBY ORDERED that the reclassification of the Property shall be subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents prior to assigning or transferring its fee simple interest to be acquired in the Property by offering for sale, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the City and County of Honolulu, a number of residential units equal to ten percent (10%) of the residential units, plus ten percent (10%) of the resort residential condominium units not operated as full-service hotel facilities to be developed on the Property, or in the alternative on other land to be acquired by the Petitioner, to residents of the State of Hawaii of low or moderate family income as determined by standards promulgated by the Hawaii Housing Authority and/or the City and County of Honolulu from time to time. The preferential residential units shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain State-assisted financing (e.g. Act 105 or Hula Mae) or Federally-insured or assisted financing (e.g. FHA Section 245 Program) intended to encourage home ownership for low and moderate income families.

2. Petitioner shall, in coordination with the fee owner, Estate of James Campbell, lessees of the Estate of James Campbell, other developers in the Ewa region and appropriate State and County agencies, develop and implement an overall Ewa water master plan to assure that potable and non-potable water will be available to the Property in a timely and coordinated manner. This overall Ewa water master plan shall include provisions for accommodating residential and agricultural water needs of Waianae coast farmers and the residents in order that the City and County of Honolulu Board of Water Supply Class III designation shall be removed for the Waianae area.

3. Petitioner shall at its expense construct all offsite infrastructure improvements as may be required by the appropriate State and County agencies.

4. Petitioner shall dedicate to the City and County public easements for shoreline access to the beach and lagoon areas to be developed on the Property from all internal roadways, and easements for recreational purposes for the use of such beach and lagoon areas and shall improve and dedicate areas for public parking stalls. The City and County of Honolulu Department of Land Utilization shall determine the location of the easements and number of parking stalls.

5. Petitioner shall preserve the Fishing Shrine (Site 1433) located in the park area on the northern portion of the Property.

6. Petitioner shall test pit fifty percent (50%) of all sinkholes found on the Property larger than a meter in diameter and shall fully excavate all sinkholes in which fossil bird bones are found during such tests. Petitioner shall loan the fossil remains to an appropriate historical, educational, or archaeological institution for investigation and/or preservation.

7. Petitioner shall submit its completed archaeological findings to the State Historic Preservation Office for review and comment before commencing with the proposed development of the Property. Petitioner shall comply with the State Historic Preservation Office recommendations in implementing Petitioner's archaeological plan.

8. Petitioner shall construct or cause to be constructed at least 4,000 hotel rooms and resort hotel condominium apartment units on the Property. Petitioner shall operate or cause to be operated at least fifty percent (50%) in number of such hotel rooms and condominium apartment units as full service hotel facilities.

9. Petitioner shall apply or cause to be applied sound attenuation on all residential units that are subject to aircraft noise contours greater than 60  $L_{dn}$ . Petitioner shall include in all conveyances of apartments, townhouses, or single family lots, in areas subject to aircraft noise contours greater than 60  $L_{dn}$ , appropriate noise covenants approved by the State Department of Transportation.

10. With respect to the cross hatched areas on Petitioner's Exhibit 29, identified as areas where construction of buildings may not be started within five years from the date of this approval, and more particularly identified on the map attached hereto as Exhibit A, and incorporated herein, Petitioner shall develop said lands only to the extent of mass grading and construction and installation of infrastructure improvements. Upon substantial completion of construction on the remainder of the Property, areas outside the cross hatched areas on Exhibit A, Petitioner shall file a motion with the Commission to request the Commission's release of a restriction on building on cross hatched areas reflected on Exhibit A. Upon satisfactorily demonstrating to the Commission that Petitioner can substantially complete development of remaining area, the Commission shall allow construction on the cross hatched areas and release the building restriction.

11. The Petitioner shall submit annual progress reports to the Land Use Commission, the Department of Planning and Economic Development and the Department of General Planning as to its progress in the development of the Property.

12. Petitioner shall petition the Commission to reclassify the lands actually developed for the marina waterways to the Conservation District within two years of completion of construction of the marina.

The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion and the provision of adequate assurance of satisfaction of these conditions by Petitioner.

DOCKET NO. A83-562 - WEST BEACH ESTATES

Done at Honolulu, Hawaii, this 12th day of September  
1985, per motions on July 23, 1985.

LAND USE COMMISSION  
STATE OF HAWAII

By *T. Tacbian*  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By *Frederick P. Whittemore*  
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

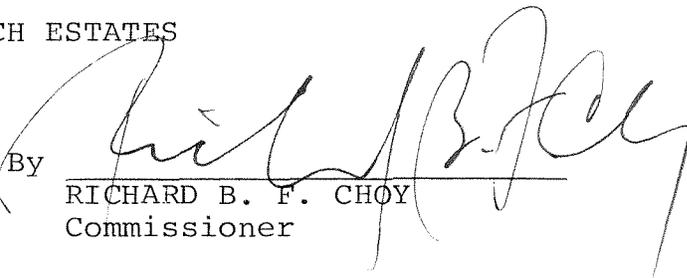
By *Lawrence F. Chun*  
LAWRENCE F. CHUN  
Commissioner

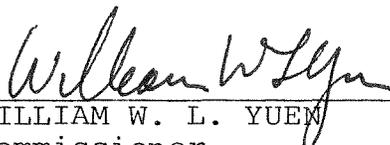
By *Robert S. Tamaye*  
ROBERT S. TAMAYE  
Commissioner

By *Toru Suzuki*  
TORU SUZUKI  
Commissioner

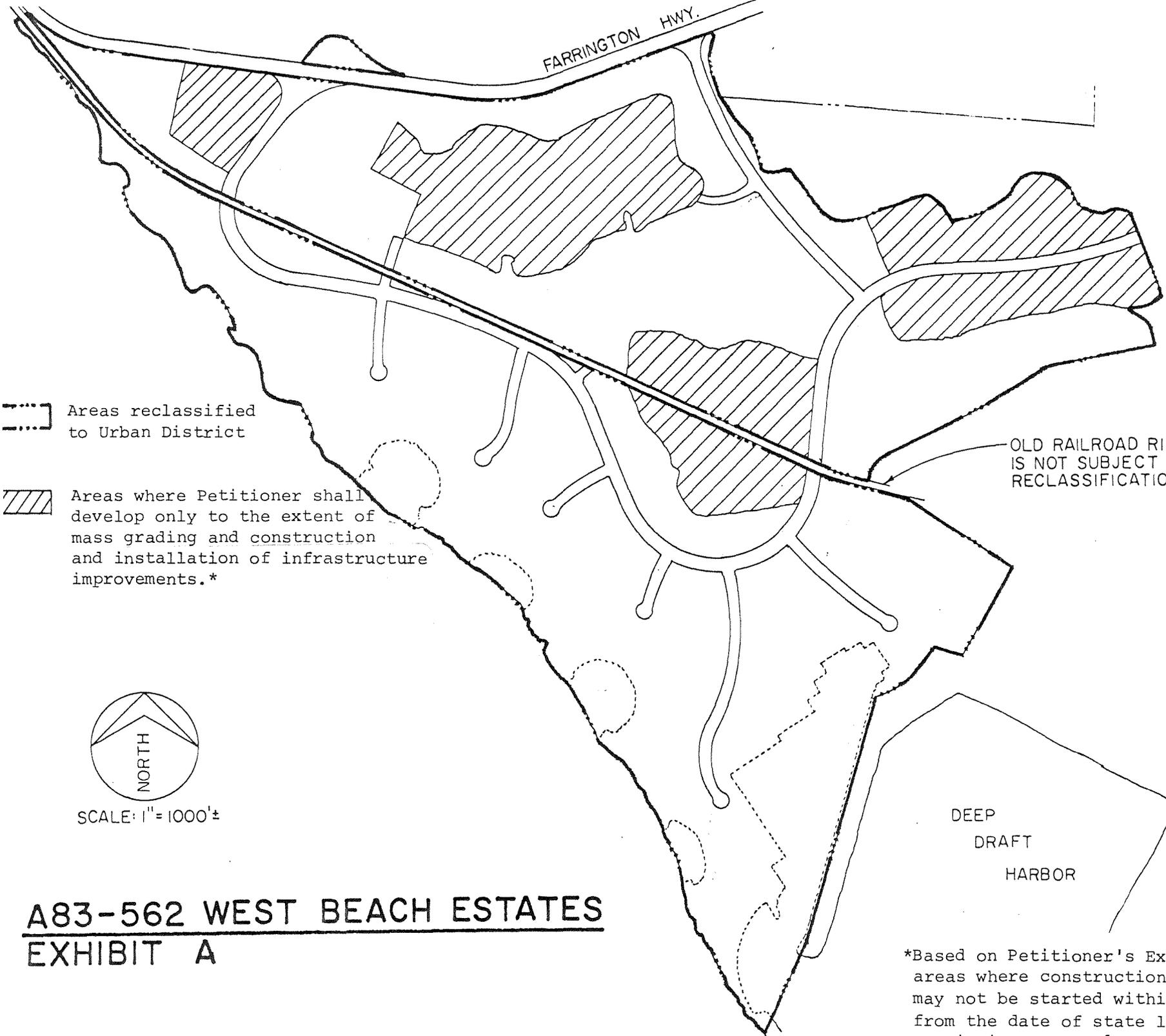
By *Everett L. Cuskaden*  
EVERETT L. CUSKADEN  
Commissioner

DOCKET NO. A83-562 - WEST BEACH ESTATES

By   
RICHARD B. F. CHOY  
Commissioner

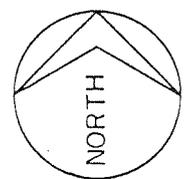
By   
WILLIAM W. L. YUEN  
Commissioner

By   
WINONA E. RUBIN  
Commissioner



--- Areas reclassified to Urban District

▨ Areas where Petitioner shall develop only to the extent of mass grading and construction and installation of infrastructure improvements.\*



SCALE: 1" = 1000' ±

**A83-562 WEST BEACH ESTATES**  
**EXHIBIT A**

OLD RAILROAD RIGHT-OF-WAY IS NOT SUBJECT OF RECLASSIFICATION

DEEP  
 DRAFT  
 HARBOR

\*Based on Petitioner's Exhibit 29 of areas where construction of buildings may not be started within five years from the date of state land use commission approval

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A83-562
	)	
WEST BEACH ESTATES	)	WEST BEACH ESTATES
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for approximately	)	
642 acres at Honouliuli, Ewa, Oahu	)	
Tax Map Keys: 9-1-14: Portion of	)	
Parcel 2; 9-1-15: 3, 6, 7, 10,	)	
Portion of Parcel 4; 9-2-03; 3, 7,	)	
Portion of 2	)	
	)	

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission 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:

KENT M. KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

DONALD A. Clegg, Chief Planning Officer  
Department of General Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

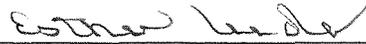
ESTATE OF JAMES CAMPBELL  
Suite 500  
828 Fort Street Mall  
Honolulu, Hawaii 96813

HERBERT K. HORITA  
2024 North King Street  
Honolulu, Hawaii 96819

WALLACE S. FUJIYAMA, ESQ.  
MILES B. FURUTANI, ESQ.  
Fujiyama, Duffy & Fujiyama  
Suite 2650, Pacific Tower  
Bishop Square  
Honolulu, Hawaii 96813

ANGEL PILAGO, ERIC M. ENOS,  
LIWAI KAAWA, DAVID K. CULLEN  
NA OPIO ALOHA AINA  
WAIANAE LAND USE CONCERNS COMMITTEE  
c/o Alan T. Murakami, Attorney  
Native Hawaiian Legal Corporation  
1164 Bishop Street, Suite 1102  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 12th day of September 1985.



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ESTHER UEDA  
Executive Officer

DOCKET NO. A83-562 - WEST BEACH ESTATES

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on September 12, 1985.

EVERETT KANESHIGE, Deputy Attorney General  
Department of the Attorney General  
State Capitol, 4th Floor  
Honolulu, Hawaii 96813

RICHARD D. WURDEMAN, Corporation Counsel  
Department of the Corporation Counsel  
City and County of Honolulu  
3rd Floor, City Hall  
Honolulu, Hawaii 96813

JOHN P. WHALEN, Director  
Department of Land Utilization  
650 South King Street  
Honolulu, Hawaii 96813

MARYALICE EVANS, Chairman  
Planning Commission  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813