

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
KUILIMA DEVELOPMENT COMPANY)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
236 acres at Kahuku, Koolauloa,)
Oahu, Hawaii, Tax Map Key Nos.:)
5-6-03: 37, 43, portion of 40,)
portion of 41, portion of 42,)
and portion of 44, 5-7-01:)
portion of 33)
_____)

DOCKET NO. A85-595
KUILIMA DEVELOPMENT
COMPANY

RECEIVED
MAY 15 2 53 PM '85
LAND USE COMMISSION

ORDER TO AMEND
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. A85-595
)	
KUILIMA DEVELOPMENT COMPANY)	KUILIMA DEVELOPMENT
)	COMPANY
To Amend the Agricultural Land Use)	
District Boundary into the Urban)	
Land Use District for Approximately)	
236 acres at Kahuku, Koolauloa,)	
Oahu, Hawaii, Tax Map Key Nos.:)	
5-6-03: 37, 43, portion of 40,)	
portion of 41, portion of 42,)	
and portion of 44, 5-7-01:)	
portion of 33)	
_____)	

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

Kuilima Resort Company, a Hawaii partnership and successor to Kuilima Development Company (hereinafter referred to as "Petitioner") filed a Motion to Amend Findings of Fact, Conclusions of Law and Decision and Order on January 10, 1989, pursuant to Section 15-15-70, Hawaii Administrative Rules, to amend condition number eight of the Findings of Fact, Conclusions of Law and Decision and Order dated March 27, 1986 which reclassifies approximately 236 acres from the Agricultural District to the Urban District in Docket Number A85-595/Kuilima Development Company. The Land Use Commission (hereinafter referred to as "Commission"), having considered Petitioner's motion and affidavit, testimony and evidence presented at its February 7, 1989 meeting, and there being no

objections from the City and County of Honolulu, Department of General Planning or the Office of State Planning, makes the following findings of fact:

FINDINGS OF FACT

1. On March 27, 1986 the Commission issued its Findings of Fact, Conclusions of Law and Decision and Order granting said Docket Number A85-595/Kuilima Development Company (referred to as "Decision and Order").

2. Condition number eight of the Decision and Order required Kuilima Development Company to develop and operate a private sewage treatment plant. At that time the City and County of Honolulu had originally been unsure as to whether it would accept Petitioner's proposed wastewater treatment plant for dedication as a public facility.

3. Subsequently, Kuilima Development Company revised its plans for the treatment plant to provide for a public facility that the City and County of Honolulu would deem acceptable.

4. On June 8, 1987, the Commission approved a Special Use Permit (Docket No. SP87-363) to establish a wastewater treatment facility in which several references were made to the construction of a public wastewater treatment facility. Said facility would be dedicated to the City and County of Honolulu, and condition number two of the Special Use Permit order made reference to a "dedicated" wastewater facility.

5. Petitioner requests that condition number eight of said Decision and Order be amended to require the development of a public sewage treatment plant to be consistent with the Special Use Permit order and Petitioner's current plans.

6. Petitioner's requested amended condition eight would read as follows:

"Petitioner shall develop and operate a public sewage treatment plant and related infrastructure to accommodate the sewage demand of the Kuilima Resort Expansion".

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, the Commission finds upon the preponderance of the evidence and testimony presented that the proposed amendment to condition eight of the Decision and Order is reasonable and is non-violative of Chapter 205-2, Hawaii Revised Statutes, as amended.

ORDER

IT IS HEREBY ORDERED that condition number eight of the Findings of Fact, Conclusions of Law and Decision and Order dated March 27, 1986 filed in Docket Number A85-595/Kuilima Development Company, is hereby amended to read as follows:

"8. Petitioner shall develop a sewage treatment plant and related infrastructure to County standards to accommodate the sewage demand of the Kuilima Resort Expansion".

DOCKET NO. A85-595 - KUILIMA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 15th day of March 1989,
per motions on February 7, 1989 and March 9, 1989.

LAND USE COMMISSION
STATE OF HAWAII

By *Renton L. K. Nip*
RENTON L. K. NIP
Chairman and Commissioner

By *Allen K. Hoe*
ALLEN K. HOE
Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Commissioner

By *T. P. Tacbian*
TEOFILO PHIL TACBIAN
Commissioner

Filed and effective on
March 15, 1989

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

Certified by:
Esther Lueder
Executive Officer

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Allen Y. Rajioka*
ALLEN Y. RAJIOKA
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A85-595
)
KUILIMA DEVELOPMENT COMPANY) KUILIMA DEVELOPMENT
) COMPANY
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
236 acres at Kahuku, Koolauloa,)
Oahu, Hawaii, Tax Map Key Nos.:)
5-6-03: 37, 43, portion of 40,)
portion of 41, portion of 42,)
and portion of 44, 5-7-01:)
portion of 33)
_____)

CERTIFICATE OF SERVICE


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

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

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

CERT. JAN NAOE SULLIVAN, ESQ., Attorney for Petitioner
TAKEYAMA & SULLIVAN
1188 Bishop Street, Suite 3404
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 15th day of March 1989.



ESTHER UEDA
Executive Officer