## BEFORE THE LAND USE COMMISSION

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## OF THE STATE OF HAWAII

In the Matter of the Petition of	DOCKET NO. A87-613
THE TRUSTEES UNDER THE WILL AND ) OF THE ESTATE OF JAMES CAMPBELL, ) DECEASED )	THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED
To Amend the Agricultural Land	
Use District Boundary into the	
Urban Land Use District for )	
Incremental Redistricting of the )	
Subsequent Increments for Approxi- )	en e
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# CONCLUSIONS OF LAW, AND DECISION AND ORDER

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34, 47 (por.), 48 (por.), 53	
(por.), 54; 9-2-19: 1 (por.)	
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## <u>CONCLUSIONS OF LAW, AND DECISION AND ORDER</u>

The Trustees Under the Will and of the Estate of James Campbell, Deceased, acting in their fiduciary and not in their individual corporate capacities (hereinafter "Petitioner"), filed a Motion to Approve Subsequent Increments for Kapolei City on December 8, 1992 ("Motion to Approve Subsequent Increments"), and a First Amendment to Motion to Approve Subsequent Increments on February 19, 1993, pursuant to Chapter 205, Hawaii Revised Statutes (hereinafter "HRS"), and Section 15-15-78, Hawaii Administrative Rules (hereinafter "Commission Rules"), for incremental districting of approximately 527.339 acres of land in the Agricultural District to the Urban District, at Honouliuli, Ewa, Island of Oahu, State of Hawaii, Tax Map Key No.: 9-1-15: 4 (por.); Tax Map Key No.: 9-1-16: 1 (por.), 6 (por.), 9 (por.), 13, 16 (por.), 18, 24 (por.), 30, 34, 47 (por.), 48 (por.), 53 (por.), 54; and Tax Map Key No.: 9-2-19: 1 (por.) (hereinafter "Subsequent Increments"), and comprising the Subsequent Increments of lands described in the Land Use Commission's (hereinafter "Commission") Decision and Order filed in this docket and dated September 23, 1988, and as further amended by Orders dated March 29, 1989 and May 30, 1989.

The Commission, having heard and examined the testimony, evidence, and arguments of the parties, does hereby make the following findings of fact, conclusions of law, and decision and order:

#### FINDINGS OF FACT

#### PROCEDURAL MATTERS

1. On December 4, 1992, Petitioner filed a Motion for Third Amendment to Findings of Fact, Conclusions of Law, and Decision and Order (hereinafter "Motion for Third Amendment"). The Motion for Third Amendment sought to delete approximately 150.681 acres from the approximately 678.02 acres of the Subsequent Increments within the petition area to reflect that four parcels are either not slated for development or are not owned by Petitioner and, therefore, should remain in the Agricultural District.

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2. On December 8, 1992, Petitioner filed a Motion to Approve Subsequent Increments and requested the incremental districting and reclassification of approximately 527.339 acres of land of the Subsequent Increments to the Urban District. Said Motion reflected the proposed deletion of the approximately 150.681 acres from the Subsequent Increments.

3. On February 19, 1993, Petitioner filed a First Amendment to Motion for Third Amendment and a First Amendment to Motion to Approve Subsequent Increments. Both amended motions reflected changes in the Tax Map Keys comprising both Increment I and the Subsequent Increments due to the consolidation and resubdivision of certain areas within the Petition Area since the approval of Increment I.

4. On March 23, 1993, a Prehearing Conference was held and witness lists and lists of exhibits were exchanged among the parties.

5. On April 1, 1993, the Commission held its hearing to consider Petitioner's Motion for Third Amendment and Motion to Approve Subsequent Increments. At the hearing, the parties stipulated to delete the approximately 42.655-acre portion of Lot 7266, identified as TMK No.: 9-1-16: 1 (por.), and the approximately 16.496-acre strip of land consisting of Lots 347, 1906, and 350-D, identified as TMK No.: 9-1-16: 5 and 12, from Petitioner's Motion for Third Amendment, and to include the combined approximately 59.151 acres of the four lots into the Subsequent Increments.

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6. On April 1, 1993, and by Order issued on June 4, 1993, the Commission approved Petitioner's Motion for Third Amendment which amended the acreage comprising the Subsequent Increments from approximately 678.02 acres to approximately 586.490 acres.

#### DESCRIPTION OF THE PROPERTY

7. The Subsequent Increments consist of approximately 586.490 acres of land in the Agricultural District at Honouliuli, Ewa, Island of Oahu, State of Hawaii, and is identified as TMK No.: 9-1-15: 4 (por.), TMK No.: 9-1-16: 1 (por.), 5, 6 (por.), 9 (por.), 12, 13, 16 (por.), 18, 24 (por.), 30, 34, 47 (por.), 48 (por.), 53 (por.), 54; and TMK No.: 9-2-19: 1 (por.).

8. The boundaries of the Subsequent Increments are generally bordered by Naval Air Station Barbers Point (hereinafter "NASBP") to the south, NASBP Access road to the east, Waimanalo Road and Puu Kapolei to the north, and Kalaeloa Boulevard and Puu Palailai to the west.

9. The Subsequent Increments are owned in fee by Petitioner. Portions are currently leased to the Oahu Sugar Company, Ltd. for sugarcane production until 1995. Said lease allows for partial withdrawal of lands for urbanization.

10. By its Decision and Order dated September 23, 1988, as amended by Orders dated March 29, 1989 and May 30, 1989, in this docket, the Commission reclassified from the Agricultural District to the Urban District on an incremental

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basis approximately 135 acres of land comprising Increment I. Pursuant to Commission Rule 15-15-78 and the Commission's Decision and Order, Petitioner may apply to reclassify the Subsequent Increments from the Agricultural District to the Urban District upon <u>prima facie</u> 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 Increment I.

#### IMPROVEMENTS COMPLETED WITHIN INCREMENT I

11. Subsequent to the reclassification of Increment I to the Urban District by the Commission, Petitioner obtained the following approvals affecting Increment I:

- a. On April 11, 1990, Ordinance 90-30 was signed into law, which rezoned an approximately 92.7-acre portion of Increment I from AG-1 Restricted Agricultural District to B-2 Community Business District.
- b. On February 13, 1991, the Honolulu City Council adopted Resolution 91-34 approving the City of Kapolei Urban Design Plan and Development Standards and Guidelines.
- c. In May 1991, the Design Advisory Board reviewed and approved the first building designs for the City of Kapolei consisting of the James Campbell Office Building, Parking Garage, and the Kapolei

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Office Building. Design guidelines for the Kapolei Business Park were also developed.

- d. In August 1991, the Signage Guidelines for the City of Kapolei were completed.
- e. On September 20, 1991, under Ordinance 91-65, the remaining approximately 42.3 acres of Increment I were rezoned from AG-1 Agricultural District to B-2 Community Business District.

12. The on-site and off-site improvements which have been substantially completed or in progress to date within Increment I are as follows:

- a. In August 1990, construction commenced on the first phase of infrastructure, which included improvements to portions of Farrington Highway and construction of Kamokila Boulevard and portions of Kapolei Parkway. The total cost for this first phase of roadways is estimated at approximately \$21 million.
- b. In January 1991, the Desalting Plant in Kapolei
  Business Park was opened. Petitioner contributed
  \$2.0 million toward the estimated project cost of
  \$5.7 million. Petitioner also donated 3.5 acres
  for the project site.
- c. In July 1992, construction plans were approved for three new roads: Manawai Street, Haumea

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Street, and Wakea Street. Construction for these roads has begun and are scheduled for completion in 1993.

- d. Drainage improvements for Increment I have been completed.
- A 36-inch water main is currently being constructed by Petitioner which will serve the entire project area.
- f. The Kapolei Shopping Center Phase I is substantially completed and fully leased. It is open for business and contains approximately 135,000 sq. ft. of leasable area. The development costs for the shopping center are estimated at approximately \$20 million.
- g. Construction has commenced on the Campbell Square development, consisting of the James Campbell Building, Parking Garage, and the Kapolei Office Building. The development costs for Campbell Square are estimated at approximately \$40 million. The development is scheduled for completion in 1993-94.

13. Based on the aforesaid findings, and the findings in the Commission's Decision and Order, the proposed reclassification of the Subsequent Increments conforms with the following goals, objectives, policies, and priorities of the Hawaii State Plan:

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- HRS §226-4(1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- HRS §226-4(2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- HRS §226-4(3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life.
- HRS §226-5(b)(1) Manage population growth statewide in a manner that provides increased opportunities for Hawaii's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.
- HRS §226-5(b)(3) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.
- HRS §226-5(b)(7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area.
- HRS §226-6(a)(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.
- HRS §226-12(b)(5) Encourage the design of developments and activities that

complement the natural beauty of the islands.

- HRS §226-19(a)(2) The orderly development of residential areas sensitive to community needs and other land uses.
- HRS §226-103(a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii's people and achieve a stable and diversified economy.
- 14. The Commission imposed the following conditions

on the reclassification of Increment I:

- Kapolei Town Center shall be a commercial, industrial, government and business center. There shall be no residential construction in the entire petition area consisting of 813.02 acres without Land Use Commission approval.
- 2. Petitioner shall fund and construct the necessary transportation improvements to mitigate impacts from the subject project on an equitable basis with adjoining landowners and developers and/or other Federal, State or County agencies as determined by the State Department of Transportation. These improvements shall be implemented on a schedule acceptable to and approved by the State Department of Transportation.
- 3. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.
- 4. Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burial, rock or coral alignments, paving or walls be encountered during the project's development.
- 5. Petitioner shall provide water source and transmission to service the subject project.

- 6. Petitioner shall provide drainage improvements for the subject project and shall coordinate off-site improvements with the State Housing Finance and Development Corporation and the Barbers Point Naval Air Station.
- 7. Petitioner shall construct or produce binding agreements to construct in the 135 acre Increment I a minimum of 1.0 million square feet of facilities for office space, commercial space, business park/light industrial and other uses.
- 8. Petitioner shall construct the Kapolei Shopping Center situated on 30 acres within the existing Urban District.
- 9. As Petitioner has advanced as justification for a secondary urban core at the Kapolei Town Center, the provision of affordable housing at Kapolei Village, the potential relocation of governmental offices to the town center and the potential expanded uses of the Barbers Point Deep Draft Harbor, the reclassification shall be subject to the following pre-conditions listed in these sub-paragraphs 9.a., b. and c.:
  - a. The execution of an agreement with the State Housing Finance and Development Corporation for the sale of 830 acres at \$19,400 per acre for the development of Kapolei Village in accordance with the State Housing Finance and Development Corporation's master plan and for provision of 175,000 gallons per day of water for the first phase of development.
  - b. The execution of an agreement or document evidencing the Petitioner's commitment to provide forty acres to the State of Hawaii at no cost for governmental offices or other uses in the Kapolei Town Center with all off-site costs to be borne by the Petitioner.
  - c. The execution of an agreement or document evidencing the Petitioner's commitment to provide 87 acres at no cost to the State and the sale to the State of 56.5 acres at 50 percent of fair market value not to exceed \$1.50 per square foot, plus escalation based on comparables in the adjoining industrial

area, to increase the productive capacity of Barbers Point Deep Draft Harbor.

The agreement referenced in sub-paragraphs 9.a., b. and c. is the oral agreement entered into between the State of Hawaii and Petitioner involving mutual rights and obligations.

The only pre-conditions to reclassification (as opposed to conditions upon approval of reclassification) are those listed in these sub-paragraphs 9.a., b. and c.

- 10. As Petitioner has testified that the portion of the agreement set forth in sub-paragraph 9.c. hereinabove is subject to approval by the Probate Court of the State of Hawaii, Petitioner shall obtain approval of the Probate Court of such portion of the agreement as is described in 9.c. above.
- 11. 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 project and Petitioner's progress in complying with the conditions imposed.
- 12. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property.
- 13. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interest in the Property covered by the approved petition prior to the development of the Property.
- 14. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.
- 15. As of this date, Petitioner has addressed

Condition No. 1 by obtaining the rezoning for Increment I by

Ordinances dated April 11, 1990 and September 20, 1991. A Design Advisory Board to review building designs and offer professional advice to Petitioner was also established. The City of Kapolei Urban Design Plan and Development Standards and Guidelines were subsequently approved by the Honolulu City Council by Resolution 91-34. Following their adoption, building designs for the Campbell Square Development were approved. Signage guidelines were also completed. Additionally, no residential development has occurred within Increment I.

16. Petitioner has addressed Condition No. 2, to date, by commencing construction on the first phase of infrastructure, which includes improvements to portions of Farrington Highway and construction of Kamokila Boulevard and portions of Kapolei Parkway. Three construction plans for three new roads were also approved by the State Department of Transportation. Petitioner also funded, along with other area developers, the Ewa Region Highway Transportation Master Plan which was completed and submitted to the State Department of Transportation, the Oahu Metropolitan Organization, and the City Department of Transportation Services.

17. Petitioner has addressed Condition No. 3 by purchasing an air monitoring system which was subsequently dedicated to the State Department of Health. By Order dated July 11, 1990, the Commission conditionally approved Petitioner's satisfaction of this condition.

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18. As of this date, Petitioner has addressed Condition No. 4 upon Petitioner's representation that no significant archaeological resources have been uncovered since obtaining approval from the Commission for Increment I. Petitioner shall continue to comply with this condition.

19. As of this date, Petitioner has addressed Condition No. 5 by contributing \$2 million and donating 3.5 acres of land for the desalting plant in Kapolei Park, a joint venture among Petitioner, the Department of Land and Natural Resources, and the Honolulu Board of Water Supply.

20. Petitioner has addressed Condition No. 6 by completing the drainage improvements for Increment I.

21. As of this date, Petitioner has addressed Condition No. 7 by the construction of the Campbell Square Development. Petitioner continues to meet with City and State government officials to plan for the establishment of City and State government offices in Kapolei. In accordance with requests by the City and State, Petitioner retained Group 70, Inc. to coordinate the master plans of the parties.

22. Petitioner has addressed Condition No. 8 by completing Phase I of the Kapolei Shopping Center, which is fully leased and open for business.

23. Petitioner has addressed Condition No. 9 through the Commission's Order dated June 6, 1989, in this docket, that approved the Executed Agreements Satisfying Petitioner's Pre-Conditions to Reclassification.

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24. Petitioner has addressed Condition No. 10 by obtaining Probate Court approval of the agreement as described in Condition 9 as Pre-Condition 9.c.

25. As of this date, Petitioner has addressed Condition No. 11 by submitting the requisite annual reports since the approval of Increment I.

26. Petitioner has addressed Condition No. 12 by demonstrating that the petition area is being developed in substantial conformity to and compliance with Petitioner's representation to the Commission.

27. In regards to Condition No. 13, Petitioner has sold approximately 18.560 acres to Finance Holdings, Ltd., and as of this date Petitioner does not plan or intend to sell, lease, assign or otherwise alter its ownership interest in the remaining land within the petition area.

28. In regards to Condition No. 14, the Commission issued Order dated June 6, 1989, in this docket, that approved the Executed Agreements Satisfying Petitioner's Pre-Conditions to Reclassification, and by further Order dated July 11, 1990, conditionally approved the Executed Agreement Satisfying Petitioner's Department of Health Condition to Reclassification.

29. Any finding of fact, above-referenced, that is considered a conclusion of law, shall be deemed a conclusion of law.

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#### CONCLUSIONS OF LAW

Pursuant to Chapter 205, HRS, and the Commission Rules including Section 15-15-78 thereof, the Commission finds upon a preponderance of evidence that the incremental redistricting of the Subsequent Increments, and approximately shown on Exhibit "A" attached hereto and incorporated herein by reference, consisting of approximately 586.490 acres of land situate at Honouliuli, Ewa, Island of Oahu, State of Hawaii, identified as Tax Map Key No.: 9-1-15: 4 (por.); Tax Map Key No.: 9-1-16: 1 (por.), 5, 6 (por.), 9 (por.), 12, 13, 16 (por.), 18, 24 (por.), 30, 34, 47 (por.), 48 (por.), 53 (por.), 54; and Tax Map Key No.: 9-2-19: 1 (por.), from the Agricultural District to the Urban District, and subject to the additional conditions imposed by the Order stated below, conforms to the standards established in the Commission Rules including Section 15-15-78 relating to incremental districting, is reasonable, non-violative of Section 205-2, HRS, and is consistent with the Hawaii State Plan as set forth in Chapter 226, HRS.

#### ORDER

IT IS HEREBY ORDERED that the land within the Subsequent Increments, consisting of approximately 586.490 acres situate at Honouliuli, Ewa, Island of Oahu, State of Hawaii, more particularly identified by TMK No.: 9-1-15: 4 (por.); TMK No.: 9-1-16: 1 (por.), 5, 6 (por.), 9 (por.), 12, 13, 16 (por.), 18, 24 (por.), 30, 34, 47 (por.), 48 (por.), 53

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(por.), 54; and TMK No.: 9-2-19: 1 (por.), 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. Kapolei Town Center shall be a commercial, industrial, government and business center. There shall be no residential construction in the entire petition area consisting of 813.02 acres without Land Use Commission approval.

2. Petitioner shall fund and construct the necessary transportation improvements to mitigate impacts from the subject project on an equitable basis with adjoining landowners and developers and/or other Federal, State or County agencies as determined by the State Department of Transportation. These improvements shall be implemented on a schedule acceptable to and approved by the State Department of Transportation.

3. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

4. Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burial, rock or coral alignments, paving or walls be encountered during the project's development.

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5. Petitioner shall provide water source and transmission to service the subject project.

6. Petitioner shall provide drainage improvements for the subject project and shall coordinate off-site improvements with the State Housing Finance and Development Corporation and the Barbers Point Naval Air Station.

7. Petitioner shall construct or produce binding agreements to construct in the 135 acre Increment I a minimum of 1.0 million square feet of facilities for office space, commercial space, business park/light industrial and other uses.

8. Petitioner shall construct the Kapolei Shopping Center situated on 30 acres within the existing Urban District.

9. As Petitioner has advanced as justification for a secondary urban core at the Kapolei Town Center, the provision of affordable housing at Kapolei Village, the potential relocation of governmental offices to the town center and the potential expanded uses of the Barbers Point Deep Draft Harbor, the reclassification shall be subject to the following pre-conditions listed in these sub-paragraphs 9.a., b. and c.:

a. The execution of an agreement with the State Housing Finance and Development Corporation for the sale of 830 acres at \$19,400 per acre for the development of Kapolei Village in accordance with the State Housing Finance and Development Corporation's master plan and for provision of 175,000 gallons per day of water for the first phase of development.

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b. The execution of an agreement or document evidencing the Petitioner's commitment to provide forty acres to the State of Hawaii at no cost for governmental offices or other uses in the Kapolei Town Center with all off-site costs to be borne by the Petitioner.

c. The execution of an agreement or document evidencing the Petitioner's commitment to provide 87 acres at no cost to the State and the sale to the State of 56.5 acres at 50 percent of fair market value not to exceed \$1.50 per square foot, plus escalation based on comparables in the adjoining industrial area, to increase the productive capacity of Barbers Point Deep Draft Harbor.

The agreement referenced in sub-paragraphs 9.a., b. and c. is the oral agreement entered into between the State of Hawaii and Petitioner involving mutual rights and obligations.

The only pre-conditions to reclassification (as opposed to conditions upon approval of reclassification) are those listed in these sub-paragraphs 9.a., b. and c.

10. As Petitioner has testified that the portion of the agreement set forth in sub-paragraph 9.c. hereinabove is subject to approval by the Probate Court of the State of Hawaii, Petitioner shall obtain approval of the Probate Court of such portion of the agreement as is described in 9.c. above.

11. Petitioner shall implement effective soil erosion and dust control measures during construction to the satisfaction of the State Department of Health.

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12. Petitioner shall cooperate with the State Department of Health and the City and County of Honolulu, Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes.

13. Petitioner shall fund and construct adequate civil defense measures as determined by the State and City and County of Honolulu civil defense agencies.

14. Petitioner shall contribute to the development, funding and/or construction of school facilities on an equitable pro-rata basis as a result of the development of the Property, as determined by and to the satisfaction of the Department of Education (DOE). Agreement by DOE on the level of funding and participation shall be obtained prior to Petitioner applying for county zoning.

15. 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 project and Petitioner's progress in complying with the conditions imposed.

16. Petitioner shall develop the Subsequent Increments in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the petition area. Failure to so develop the petition area may result in reversion of the land to its former classification, or change to a more appropriate classification.

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17. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interest in the petition area covered by the approved petition prior to the development of the land within the petition area.

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

19. 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 petition area is subject to conditions imposed by the Land Use Commission in the reclassification of the petition area, and (b) shall file a copy of such recorded statement with the Commission.

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

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Done at Honolulu, Hawaii, this <u>17th</u> day of June 1993, per motion on April 1, 1993 and June 16, 1993.

> LAND USE COMMISSION STATE OF HAWAII

By ÁLLEŃ and commissioner Chairman By KAREN S. AHN Vice Chairman and Commissioner ettson By JOANN N. MATTSON Vice Chairman and Commissioner K By ALKEN K. HOE Commissioner By (absent) EUSEBIO LAPENIA, JR. Commissioner DE M By / RENTON L. K. NIP Commissioner Jude 10-By TRUDY K. SENDA Commissioner By ELTON WADA Commissioner (absent) By

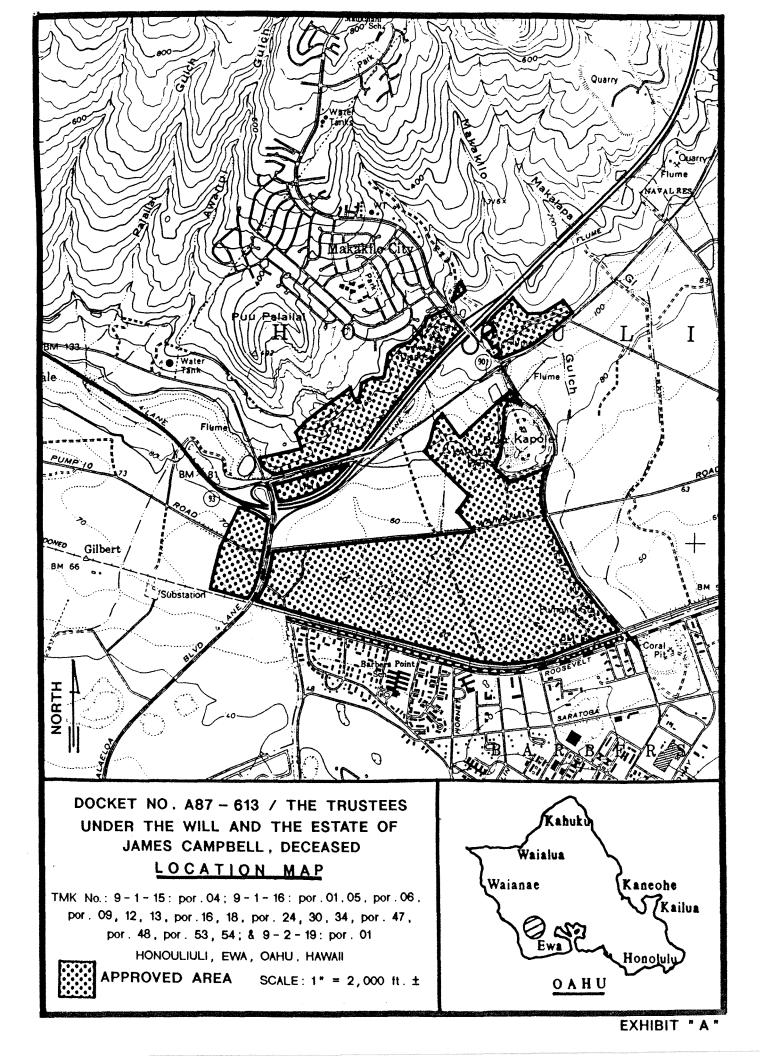
DELMOND J. H. WON

Commissioner

Filed and effective on \_\_\_\_\_June 17\_\_\_\_, 1993

Certified by:

20th la Executive Officer



#### BEFORE THE LAND USE COMMISSION

### OF THE STATE OF HAWAII

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(por.), 54; 9-2-19: 1 (por.)	)
	)

#### CERTIFICATE OF SERVICE

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:

> HAROLD S. MASUMOTO, Director Office of State Planning P. O. Box 3540 Honolulu, Hawaii 96811-3540

ROBIN FOSTER, Chief Planning Officer Planning Department CERT. City and County of Honolulu

- 650 South King Street Honolulu, Hawaii 96813
- IVAN LUI-KWAN, ESQ., Attorney for Petitioner CERT. Carlsmith Ball Wichman Murray Case Mukai & Ichiki 2200 Pacific Tower 1001 Bishop Street Honolulu, Hawaii 96813
- DATED: Honolulu, Hawaii, this <u>17th</u> day of June 1993.

ESTHER UEDA Executive Officer