

BOUNDARY CHANGE

Petition Received April 15, 1986

Hearing Span 6/14/86 - 12/12/86

Maps \_\_\_\_\_

Pre-hearing Conf. 9/09/86, 12/30/86

Hearing Date 9/23, 24/86

Legal Ad 6/06/86

Action Span 1/14/87 - 5/14/87

Decision & Order 4/20/87

Recorded 4/27/87

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 5, 1987

MEMORANDUM

TO: Land Use Commissioners  
FROM: Staff  
SUBJECT: General information for the Hearing on LUC Docket No. A86-601 -  
RICHARD SMART REVOCABLE PERSONAL TRUST (Hawaii)

PETITION: To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

DATE RECEIVED: April 15, 1986

HEARING SPAN: June 14, 1986 to October 12, 1986

NOTICE OF HEARING SERVED: June 3, 1986

DATE OF LEGAL AD: June 6, 1986

INTERVENTION DEADLINE: June 23, 1986

REQUESTS FILED: None

WITNESS DEADLINE: June 26, 1986

REQUESTS FILED: UNTIMELY:

1. Elizabeth Ann Stone  
Received: June 30, 1986
2. Michael O'Kieff, State Representative  
for West Hawaii & East Maui  
Received: January 13, 1987
3. Gary Carvalho  
Received: January 13, 1987

UNTIMELY (Continued) :

4. Willis C. (Neil) Morriss, President  
Waimea-Kawaihae Community Association  
Received January 13, 1987
  
5. Mrs. Elaine Flores  
Received January 13, 1987

AGENDA MAILED: June 23, 1986

AGENDA FILED WITH  
LT. GOVENOR'S OFFICE: June 24, 1986

DOCKET NO. A86-601

RICHARD SMART REVOCABLE  
PERSONAL TRUST

DEADLINE: June 26, 1986

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REQUEST TO BE A WITNESS

DATE RECEIVED

---

A. Elizabeth Ann Stone  
General Delivery  
Naalehu, HI 96772

6/30/86

DOCKET NO. A86-601

RICHARD SMART REVOCABLE  
PERSONAL TRUST

PREHEARING CONFERENCE: \_\_\_\_\_

DEADLINE: June 23, 1986

REQUEST FOR INTERVENTION

DATE RECEIVED

(Lgl Ad to appear June 6, 1986, Hawaii Tribune  
Herald and Honolulu Advertiser)

LUC ~~ITION~~ CONTENTS & PROCEDURES CHECKLIST

DOCKET NO./PETITIONER: A86-601 - Richard Smart Revocable Personal Trust  
DATED FILED: April 15, 1986

Please check off your areas of concern and initial your station before passing this form to the next station.

Receptionist dk

- Original signature document and 15 copies of all documents
- Complete certificate of service
- Filing fee\* and receipt return letter
- Time stamp
- Assign docket number and opens file *74110686*
- Send to Commissioners and Kona Service Center\* or Molokai Library\*
- Original to planner and copies to executive officer and drafting technician for processing
- Send to hearing officer\*

Drafting Technician AK

Confirms petitioner's accuracy with respect to:

<input checked="" type="checkbox"/> ownership *	<input checked="" type="checkbox"/> location and size
<input checked="" type="checkbox"/> lessees	<input checked="" type="checkbox"/> land use district
<input checked="" type="checkbox"/> proposed reclassification	<input checked="" type="checkbox"/> tax map key
<input type="checkbox"/> notify planner and executive officer if in Conservation	<input checked="" type="checkbox"/> certificate of service
<i>* Gary Wong will submit owner's consent Planner <i>mg</i> Per telecon 4/28</i>	
<input checked="" type="checkbox"/> Rechecks Receptionist and Drafting Technician checklist	<input checked="" type="checkbox"/> map and its accuracy w/text

- Name and address of petitioner
- Statutory authority; letter of authorization\* and verification\*

For Boundary Amendments:

- Development proposal
- Market analysis
- HRS 343-EA or EIS\* and timeframes
- Impacts on resources of area; Economic Impacts\*; Proposals for low/moderate/employee housing
- Financial Statement
- Timing of development (phasing and incremental proposals)
- Conformance to HRS 205, 205A, 226; LUC R&R, County Plans
- Engineering Report (traffic, soils, etc.)
- Public facilities and utilities

Chief Clerk dk

- Checks on Exhibits completeness

FOR SPECIAL PERMITS (OVER 15 ACRES)

- County's recommended approval
- Complete record
- Writes staff report
- Send to Drafting Technician for maps

ON DECLARATORY RULINGS

- Confirm form and contents with R&R Part VIII

ON MOTIONS

- Confirm form and contents with R&R 3-13

ON ORDERS TO CHOW CAUSE

- Confirm form and contents with R&R 7-2(1)

\* Where Applicable

PETITION FILED: April 15, 1986

DOCKET NO./PETITIONER: A86-601

RICHARD SMART REVOCABLE PERSONAL TRUST

STATE

KENT KEITH, Director  
Dept. of Planning and Economic Dev.  
Kamamalu Building  
250 South King Street  
Honolulu, HI 96813

COUNTY

ALBERT LONO LYMAN, Planning Director  
Hawaii County Planning Dept.  
25 Aupuni Street  
Hilo, HI 96720

INTERVENOR - *Deadline: 6/23/86*

**PUBLIC WITNESS - UNTIMELY**

Elizabeth Ann Stone  
General Delivery  
Naalehu, HI 96772  
*rec'd 6/30/86*

**PUBLIC WITNESS - UNTIMELY**

MICHAEL O'kieff, State Representative  
for West Hawaii & East  
Maui

Rec'd: 1/13/87  
*Am. 322*

Attorney for Petitioner

Benjamin Kudo, Esq.  
Gary G.N. Wong, Esq.  
Kobayashi, Watanabe, Sugita,  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813  
PH: 544-8300

Attorney for State

Everett Kaneshige, Esq.  
Deputy Attorney General  
465 S. King Street, Rm. 200  
Honolulu, HI 96813  
PH: 548-8406

Attorney for County

Ronald Ibarra, Esq.  
Office of the Corporation  
Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720  
PH: 961-8251

**PUBLIC WITNESS - Untimely**

Gary Carvalho  
P.O. Box 130  
Kamuela, HI 96743

Rec'd - 1/13/87

**PUBLIC WITNESS - UNTIMELY**

WILLIS C. (NEIL) MORRISS,  
President  
Waimea-Kawaihae Community Assoc.  
P.O. Box 685  
Kamuela, HI 96743

Rec'd 1/13/87

**PUBLIC WITNESS - UNTIMELY**

Mrs. Elaine Flores  
P.O. Box 366  
Kamuela, HI 96743

Rec'd: 1/13/87

DATE

5/30/86

8/08/86

8/08/86

INI

to

to

to

notice of hearing to Honolulu Advertiser, & Hawaii-Tribune  
to be published June 6, 1986 Herald

Sent out Notice of Prehearing to parties

sent out notice of continued hearing (certified) to parties;  
(regular) to pub. witness, corp. Counsel, Dep. Att. Gen.

DATE		INI
8/29/86	Received letter dated 8/29/86 from Richard Smart re: continuation of hearing from 9/23,24/86 to 1/15/87	to
9/04/86	Sent memo to parties re: cancellation of prehearing scheduled for September 9, 1986	to
12/4/86	Notice of prehearing conference sent to parties. Prehearing set for 12/30/86 at 9:00 a.m.	f1
12/11/86	Notice of Continued Hearing sent to parties. (See Cert. of Service). Hearing set for 1/13 & 1/14 1987 in Kona.	dk
12/11/86	Agenda sent to all persons and organizations on the Statewide and Hawaii mailing lists.	f1
12/12/86	Agenda sent to all parties.	f1
2/17/87	Agenda sent to all persons and organizations on the Statewide and Hawaii Mailing List. Certified letter and agenda sent to parties.	f1
2/20/87	Sent letter to parties re: receiving completed transcripts on hearing	to
2/26/87	Agenda sent to all persons and organizations on the Statewide & Hawaii Mailing Lists. Agenda also sent to parties.	f1
4/20/87	Findings of Fact, Conclusions of Law and Decision and Order served to parties.	to
8-19-87	Amended Certificate of Conditions filed by Gary Wong.	dk



DEPUTIES

JOHN P. KEPPELER, II  
DONA L. HANAIKE

AQUACULTURE DEVELOPMENT  
PROGRAM

AQUATIC RESOURCES  
CONSERVATION AND

ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION

LAND MANAGEMENT  
STATE PARKS

WATER AND LAND DEVELOPMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 6TH FLOOR  
HONOLULU, HAWAII 96813

December 16, 1992

Ms. Virginia Goldstein, Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Ms. Goldstein:

**SUBJECT: County of Hawaii, Ordinance 92-65, & State LUC Petition (A86-601) --  
Parker Ranch 2020 Plan: Historic Preservation Concerns  
Waimea, South Kohala, Hawaii**

This is an update of historic preservation matters for this project. Ross Cordy and Marc Smith of our staff, met with Melvin Hewett of Parker Ranch and Guido Giacometti of Island Advisors, Inc., on December 14, 1992, to discuss historic preservation concerns.

No historic sites are present on the Industrial Park parcel, so development there will have "no effect" on significant historic sites. Thus, we believe that the conditions of the LUC and the County's ordinance apply only to the Waimea Town Center and the Rural-Residential Area. Development can proceed in the Industrial Park area as far as we are concerned.

The Rural-Residential area lacks a complete archaeological inventory survey. We know sites are present, but not how many. Nor do we know the nature of the sites -- although we expect agricultural terraces typical of ascending slopes to be present. The mitigation plan for this area -- called for by the LUC conditions and your ordinance -- needs to be done in two major parts, in our opinion: 1) an archaeological inventory survey (as step one of data recovery) and 2) development and execution of typical archaeological data recovery plan and, as needed, a preservation plan to treat the significant historic sites that are found. In our view, the archaeological inventory survey could begin as soon as possible, with the understanding that it is the first step of the mitigation. The survey report should then be submitted to your department and our division for adequacy review, evaluation of significance findings and review of general mitigation proposals. We would like to see these findings presented to the community, to allow them an opportunity to provide comments to our division prior to our finalizing our review of the survey. It is our understanding from reading the County ordinance, that mitigation planning for the Residential-Agricultural Area can proceed separately, which seems quite acceptable from our view.

The Waimea Town Center does have all its historic sites identified. It primarily contains prehistoric fields (gradually descending terraces fed by irrigation canals -- unique only to this area of Waimea), a few small

DECEMBER 16, 1992  
137 PH 92  
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HISTORIC PRESERVATION DIVISION

Ms. Virginia Goldstein

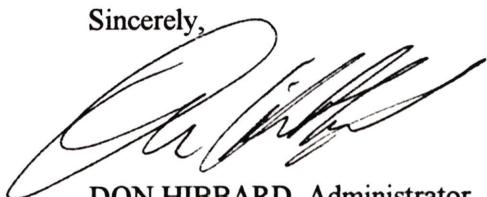
Page 2

prehistoric residences on low knolls, and a number of historic period, walled kuleana houselots (dating at least to the 1840s -- and the last remaining area with such walled houselots in Waimea). Some of these sites will need to undergo archaeological data recovery. Such work will need to be tied to research questions on the origin and growth of the Waimea Field System and on the historic period kuleanas. The field system work will require specialty analyses in agricultural soils in field identification and laboratory analyses. Because this is the only and last area of the gradually descending terraces, quality study before its destruction is vital. Because this is the only area in Waimea with such terraces and with such walled kuleana houselots, we have asked Parker Ranch to consider preserving representative samples of these two types of sites within their development. We left a copy of a map with initially proposed preservation areas with D. Arai of your staff. The Parker Ranch folks were quite receptive to the merit of such preservation, and currently they are having their planners look at how site areas might be preserved. More meetings, including a likely on-site visit with their planners and our staff, will follow to try to work out acceptable preserves. Once this matter of preservation areas is worked out, then the specific site areas needing data recovery will be known. At that time, we will draft a general scope of work for Parker Ranch, with which their consulting archaeologist can devise a data recovery plan. Also, we have offered to assist in the development of the preservation plan, assuming the sites with which we are concerned are set aside. We also believe that community involvement in such preservation planning will be important.

We should note that, this year, we will also be working on setting aside a sizable parcel of State land below the Lalamilo Agricultural Park into a historic preserve. This area would be a slice out toward Puu Pa and include the swale type of agricultural area of old Waimea, along with house sites and other structures. It is our hope to combine link this preserve and the hopefully preserved sites in the Waimea Town Center area into a picture of settlement and land use in prehistoric and early historic Waimea, just prior to the formation of the Parker Ranch.

If you have any questions, please feel free to contact Ross Cordy of our staff on this matter at 587-0012.

Sincerely,



DON HIBBARD, Administrator  
State Historic Preservation Division

RC:sty

c: M. Hewett, Trustee, Parker Ranch  
G. Giacometti, Island Advisors, Inc.  
State Land Use Commission

June 21, 1988

MEMORANDUM TO FILES:

FROM: Ray *y*

SUBJECT: Status of LUC Docket No. A86-601/Richard Smart Revocable Personal Trust

Per telecon to Gilliard Smart on June 13, 1988, Petitioner has not applied for county rezoning. However, the required noise study was completed. Suggest we contact Roger Harris for update on land use permits.

# RICHARD SMART TRUST

745 FORT STREET, SUITE 309, HONOLULU, HAWAII 96813, TELEPHONE (808) 521-1828

P. O. Box 458; Kamuela, Hawaii 96743  
Telephone: 885-7311

## TRUSTEES

Richard Smart  
Warren J. Gunderson  
Richard S. Hendrick  
Gilliard P. Smart

88 00 00 11 11 11  
LAW OFFICES OF HAWAII  
LAW OFFICES OF HAWAII  
LAW OFFICES OF HAWAII

May 10, 1988

Ms. Esther Ueda  
Executive Officer  
Land Use Commission  
State of Hawaii  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Dear Ms. Ueda:

We are in receipt of your May 6, 1988 letter regarding your seeking information on the status of the Richard Smart Trust progress on our 2020 project, LUC No. A86-601.

Everything concerning the project is proceeding smoothly, although at times also slowly. The developer has been chosen, Ranch Development Corporation and they are working closely with us in our efforts to arrive at a water commitment policy that is agreeable to both the project and the County.

You may contact the undersigned at 885-7311, if you have any further question on the project.

Sincerely,



Gilliard P. Smart

GPS:ky



STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT  
LAND USE COMMISSION

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

LAWRENCE F. CHUN  
Vice Chairman

COMMISSION MEMBERS:

Sharon R. Himeno  
Teofilo Phil Tacbian  
Everett Cuskaden  
Robert Tamaye  
Frederick P. Whittemore  
Toru Suzuki  
Richard B.F. Choy

ESTHER UEDA  
Executive Officer

May 6, 1988

Richard Smart Revocable Personal Trust  
Hawaii Bldg., Suite 309  
745 Fort Street  
Honolulu, Hawaii 96743

Gentlemen:

Subject: LUC Docket No. A86-601 - RICHARD SMART REVOCABLE  
PERSONAL TRUST

We are in the process of updating our files on the subject docket and request that you provide us a brief report regarding the status of the project and the status of your compliance with any conditions imposed on the reclassification of the property. If you are experiencing any difficulties in proceeding with the development of the property, please apprise us as to the nature of such difficulties.

We would also like the name and telephone number of a representative whom we can contact for further information or clarification. In the event that you are no longer associated with the development of the property, please provide us with the name and address of the appropriate party to whom we should address our inquiry.

We would appreciate hearing from you by May 25, 1988.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA  
Executive Officer

EU:to



STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B.F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Sharon R. Himenos  
Toru Suzuki  
Robert S. Tamaye  
Renton L.K. Nip

ESTHER UEDA  
Executive Officer

August 25, 1987

Mr. Gary G. N. Wong  
Kobayashi, Watanabe, Sugita,  
Kawashima & Goda  
Hawaii Tower, 8th Floor  
745 Fort Street  
Honolulu, Hawaii 96813-3889

Dear Mr. Wong:

Subject: Filing of Conditions for LUC Docket No. A86-601/  
Richard Smart Revocable Personal Trust

This is to acknowledge receipt of the amended Certificate of Conditions for the subject docket transmitted with your letter dated August 19, 1987.

As requested enclosed is the extra file-marked copy for your records.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to

Enclosure

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA

ATTORNEYS AT LAW  
HAWAII TOWER, 8th FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3889

Kevin S.C.Chang\*  
Alan M.Goda\*  
J. Douglas Ing\*  
James Kawashima\*  
Bert T.Kobayashi,Jr.\*  
John T.Komeiji\*  
Wray H.Kondo\*  
Benjamin A.Kudo\*

Dale W.Lee\*  
Ronald Y.K.Leong\*  
Kenneth Y.Sugita\*  
Robert T.Takamatsu\*  
Lynn Y.Wakatsuki\*  
Jeffrey N.Watanabe\*  
Gary G.N.Wong\*

TELEPHONE (808) 544-8300

OF COUNSEL:  
George R.Ariyoshi  
Bert T.Kobayashi, Sr.  
Russell K.Kono

Facsimile: (808) 544-8399  
Telex: 6502396585 MCI  
MCI Mail: 2396585  
ABA / Net: ABA2281

\*A Law Corporation

August 19, 1987

Jan M.L.Y.Amii  
Ferdinand G.Aranza  
David G.Ego  
Kale Feldman  
Wendell H.Fuji  
Lyle Y.Harada  
Lyle S.Hosoda  
Cheryl K.Kakazu

Pamela J.Larson  
Michael A.Lorusso  
Bruce Y.Matsui  
David L.Monroy  
Kyle T.Sakamoto  
Lex R.Smith  
Cynthia Winegar  
Randall Y.Yamamoto

Aug 19 2 37 PM '87  
LAND USE COMMISSION  
HAWAII

HAND DELIVERED

Ms. Esther Ueda  
Land Use Commission  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

Re: Richard Smart Revocable Personal Trust  
Docket No. A86-601

Dear Ms. Ueda:

Enclosed please find an original and 16 copies of the Certificate of Conditions for the above-referenced matter. Please have the documents filed with your office and the extra file-marked copy returned to our office for our records.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

*Paulette K. Lee*

Paulette K. Lee, Secretary to  
GARY G. N. WONG

Enclosures

RECORDATION REQUESTED BY;

We hereby certify that this is a true copy of the original  
filed at Land Court Document No. 1 and/or  
recorded in Liber 2106 on Page 026,  
on August 11, 1981 (Oahu)

THE GUARANTY OF HAWAII INCORPORATED

By

**ORIGINAL**

AFTER RECORDATION RETURN TO:

RETURN BY; MAIL ( ) PICKUP ( )

LAND USE COMMISSION  
STATE OF HAWAII

AUG 19 2 37 PM '87

AMENDED CERTIFICATE

WHEREAS, on July 24, 1987, the Richard Smart Revocable Personal Trust recorded a Certificate in Liber 20937 at Page 300 in the Bureau of Conveyances of the State of Hawaii;

WHEREAS, said Certificate contained several clerical errors;

WHEREAS, in lieu of said Certificate, the Richard Smart Revocable Personal Trust desires to record this Amended Certificate;

NOW, THEREFORE, the RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062 (hereinafter referred to as "Petitioner"), whose business and mailing address is Suite 309, Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96743, as petitioner in Docket No. A86-601 before the Land Use Commission, State of Hawaii, does hereby correctly certify pursuant to the State Land Use District regulations Part VII, Subsection 7-1, as follows:

That by Decision and Order dated and entered on April 20, 1987, said Commission reclassified from the Agricultural district to the Urban district and accordingly amended the Land Use district boundary of the land described in said Docket No. A86-601, consisting of approximately 404.34 acres of land situate at Waimea, District of South Kohala, County and Island of Hawaii, TMK Nos.: 6-7-02: 9, por. 17, 38; 6-7-01: por. 25; 6-8-01: por. 1, por. 8; 6-2-01: por. 9, said land being more particularly described and delineated in the State Land Use Commission District Map H-25, attached hereto as Exhibit A and incorporated herein by reference; and

That said reclassification from the Agricultural to the Urban district of the land as described in said Decision and Order shall be subject to the conditions of the said Commission as set forth at pages 33 through 36 of said Decision and Order to which reference is hereby made as follows:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the total number of residential units, or lots and units, to be developed on the Property, to residents of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or the County of Hawaii from time to time, or by contributing to the

development of such housing without the Property. The low and moderate preferential residential units, if offered for sale, shall be offered at prices that would enable such purchasers to qualify for and obtain State-assisted financing or Federally-insured or assisted financing intended to encourage home ownership by low and moderate income families.

2. Petitioner shall provide water pipeline easements on the Property as may be necessary for the State's Waimea Irrigation System and agricultural park developments as required by State and County agencies.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources and the County of Hawaii Department of Water Supply, develop necessary water source and transmission infrastructure to provide an adequate supply of potable water to the Property, prior to development of the Property.

4. Petitioner shall fund and construct sewage infrastructure improvements necessary for development of the Property as may be required by State Department of Health and County agencies.

5. Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii, provided that said highway improvements are rationally related to the mitigation of impacts caused by the development of the Property.

6. Petitioner shall prepare and execute an archaeological preservation and data recovery plan for

review and approval by the Department of Land and Natural Resources and the County of Hawaii Planning Department.

7. Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport relative to the Petitioner's proposed Parker Ranch 2020 Plan to be submitted to the State Department of Transportation and County Planning Department for their review and comment.

8. 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.

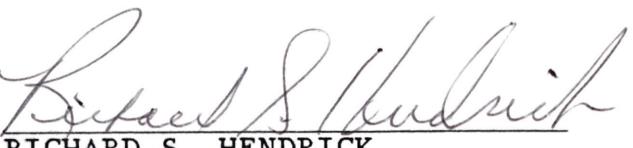
IN WITNESS WHEREOF, the undersigned hereunto caused this instrument to be duly executed and acknowledged on  
Aug. 7, 1987.

RICHARD SMART REVOCABLE  
PERSONAL TRUST, an  
unregistered trust

By   
RICHARD SMART

By   
GILLIARD P. SMART  
Its Trustee

By   
WARREN J. GUNDERSON  
Its Trustee

By   
RICHARD S. HENDRICK  
Its Trustee

STATE OF Hawaii )  
CITY OF <sup>City of</sup> Honolulu ) SS:

On this 5th day of August, 1987,  
before me personally appeared RICHARD SMART, Trustee of the  
RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered  
trust, to me known to be the person described in and who  
executed the foregoing instrument, and acknowledged that he  
executed said instrument as his free act and deed.

L.S.

*Judith E. Cooper*  
Notary Public, State of Hawaii  
My commission expires: 4/28/90

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:

On this 14th day of August, 1987,  
before me personally appeared GILLIARD P. SMART, Trustee of  
the RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered  
trust, to me known to be the person described in and who  
executed the foregoing instrument, and acknowledged that he  
executed said instrument as his free act and deed.

L.S.

*Judith E. Cooper*  
Notary Public, State of Hawaii  
My commission expires: 4/28/90

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:

On this 7th day of August, 1987,  
before me personally appeared WARREN J. GUNDERSON, Trustee  
of the RICHARD SMART REVOCABLE PERSONAL TRUST, an  
unregistered trust, to me known to be the person described  
in and who executed the foregoing instrument, and  
acknowledged that he executed said instrument as his free  
act and deed.

L.S.

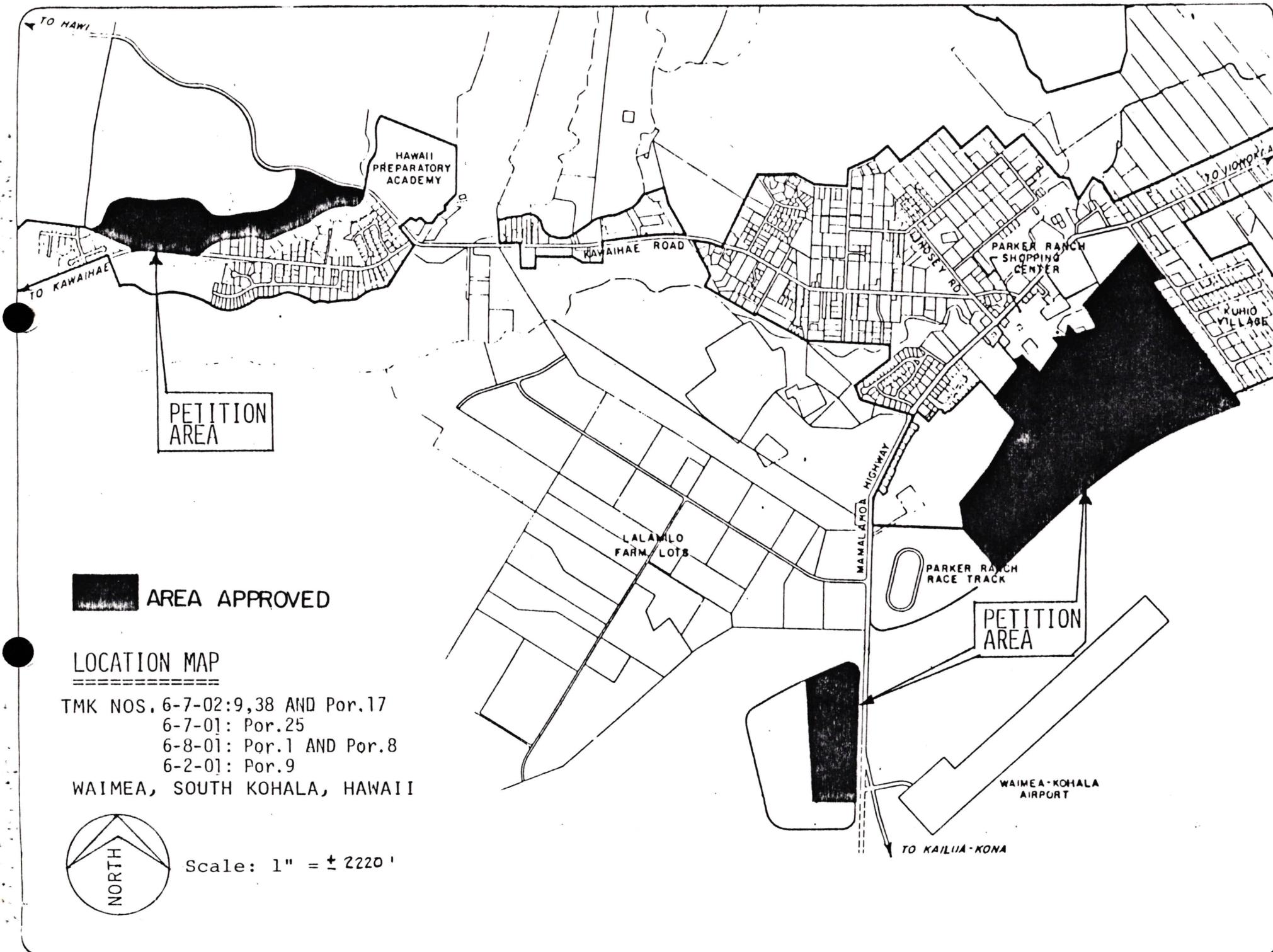
*Judith E. Cooper*  
Notary Public, State of Hawaii  
My commission expires: 4/28/90

STATE OF HAWAII )  
CITY OF HONOLULU ) SS:  
COUNTY OF HONOLULU )

On this 4th day of August, 1987,  
before me personally appeared RICHARD S. HENDRICK, Trustee  
of the RICHARD SMART REVOCABLE PERSONAL TRUST, an  
unregistered trust, to me known to be the person described  
in and who executed the foregoing instrument, and  
acknowledged that he executed said instrument as his free  
act and deed.

L.S.

*Judith E. Cooper*  
Notary Public, State of Hawaii  
My commission expires: 4/28/90

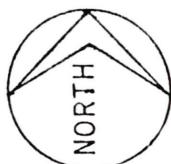


AREA APPROVED

## LOCATION MAP

TMK NOS. 6-7-02:9,38 AND Por.17  
6-7-01: Por.25  
6-8-01: Por.1 AND Por.8  
6-2-01: Por.9

WAIMEA, SOUTH KOHALA, HAWAII



Scale: 1" =  $\pm 2220'$

EXHIBIT A



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor  
TEOFILO PHIL TACBIAN  
Chairman  
FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden

Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

June 4, 1987

Mr. Gary G. N. Wong  
Kobayashi, Watanabe,  
Sugita, Kawashima & Goda  
Hawaii Tower, 8th Floor  
745 Fort Street  
Honolulu, Hawaii 96813-3889

Dear Mr. Wong:

Subject: Filing of Conditions for LUC Docket No. A86-601/  
Richard Smart Revocable Personal Trust

Thank you for providing us a status of your efforts to file the conditions for the subject docket. Copies of your June 2, 1987 letter will be transmitted to the Commission for their information and review.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA

ATTORNEYS AT LAW  
HAWAII TOWER, 8th FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3889

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Alan M.Goda\*  
J. Douglas Ing\*  
James Kawashima\*  
Bert T. Kobayashi, Jr.\*  
John T. Komeiji\*  
Wray H. Kondo\*  
Benjamin A.Kudo\*

Dale W. Lee\*  
Ronald Y. K. Leong\*  
Kenneth Y. Sugita\*  
Robert T. Takamatsu\*  
Lynn Y. Wakatsuki\*  
Jeffrey N. Watanabe\*  
Gary G. N. Wong\*

TELEPHONE (808) 544-8300

OF COUNSEL:  
George R. Ariyoshi  
Bert T. Kobayashi, Sr.  
Russell K. Kono

Faxsimile: (808) 544-8399  
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ABA / Net: ABA2281

\*A Law Corporation

June 2, 1987

Jan M. L.Y. Amir  
Ferdinand G. Aranza  
David G. Ego  
Kale Feldman  
Wendell H. Fuji  
Lyle Y. Harada  
Lyle S. Hosoda  
Cheryl K. Kakazu

Pamela J. Larson  
Michael A. Lorusso  
Bruce Y. Matsui  
David L. Monroy  
Kyle T. Sakumoto  
Lex R. Smith  
Cynthia Winegar  
Randall Y. Yamamoto

Ms. Esther Ueda  
Executive Director  
Land Use Commission  
335 Merchant Street, Room 104  
Honolulu, Hawaii 96813

LAND USE COMMISSION  
STATE OF HAWAII

Re: Petition for Reclassification of Richard Smart  
Trust Lands; Docket No. A86-601

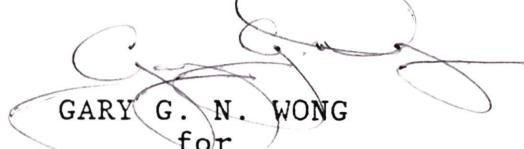
Dear Ms. Ueda:

Pursuant to our conversation, this is to inform the Land Use Commission that the Richard Smart Revocable Personal Trust is in the process of reviewing for execution, the Certificate which was previously transmitted to your office for review on May 12, 1987.

Two of the trustees, Mr. Richard Smart and Mr. Richard Hendrick, are currently out of the state and will be returning to Hawaii during the first week of July. The Trust has informed our offices that they would like Mr. Hendricks and Mr. Smart to personally review and approve the Certificate before submittal for recordation at the Bureau of Conveyances and/or the Land Court of the State of Hawaii.

Please feel free to call me if you should have any questions regarding the above.

Very truly yours,

  
GARY G. N. WONG  
for  
KOBAYASHI, WATANABE,  
SUGITA, KAWASHIMA & GODA

GGNW:pk1

cc: Mr. Gil Smart  
Mr. Roger Harris



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

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Honolulu, Hawaii 96813 Telephone: 548-4611

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Toru Suzuki  
Robert S. Tamayenne  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

May 14, 1987

Mr. Gary G. N. Wong  
Kobayashi, Watanabe,  
Sugita, Kawashima & Goda  
Hawaii Building, 8th Floor  
745 Fort Street  
Honolulu, Hawaii 96813-3889

Dear Mr. Wong:

Subject: Filing of Conditions for LUC Docket No. A86-601/  
Richard Smart Revocable Personal Trust

The proposed Certificate for the subject docket, submitted  
with your letter dated May 12, 1987, is approved and may be  
filed with the Bureau of Conveyances.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to

KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

ATTORNEYS AT LAW  
HAWAII BUILDING 8th FLOOR  
745 FORT STREET  
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OF COUNSEL:  
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MCI Mail: 2396585  
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May 12, 1987

Jan M.L.Y. Amii  
Ferdinand G. Aranza  
David G. Ego  
Byron C. Feldman  
Wendell H. Fuji  
Lyle Y. Harada  
Lyle S. Hosoda  
Cheryl K. Kakazu  
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Bruce Y. Matsu  
David L. Monroy  
Kyle T. Sakamoto  
Lex R. Smith  
Lynn Y. Wakatsuki  
Cynthia Winegar  
Randall Y. Yamamoto

Ms. Esther Ueda  
Executive Director  
Land Use Commission  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

Re: Richard Smart Revocable Personal Trust  
Docket No. A86-601

Dear Ms. Ueda:

Pursuant to your letter of April 20, 1987, enclosed please find for the Commission's approval, a Certificate listing the conditions imposed on the above boundary amendment petition. After review and approval by the Commission, please return the document to our office for signature by the Trustees and recordation with the Bureau of Conveyances by June 21, 1987.

Please call our offices if you should have any questions.

Very truly yours,

  
GARY G. N. WONG  
for  
KOBAYASHI, WATANABE,  
SUGITA, KAWASHIMA & GODA

GGNW:pkl  
Enclosure

LAND USE COMMISSION  
STATE OF HAWAII  
**MA 13 9 57 AM '87**

RECORDATION REQUESTED BY;

AFTER RECORDATION RETURN TO:

RETURN BY; MAIL ( ) PICKUP ( )

LAND USE COMMISSION  
STATE OF HAWAII

May 13 957 AH '87

CERTIFICATE

RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062 (hereinafter referred to as "Petitioner"), whose business and mailing address is Suite 309, Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96743, as petitioner in Docket No. A86-601 before the Land Use Commission, State of Hawaii, does hereby certify pursuant to the State Land Use District regulations Part VII, Subsection 7-1, as follows:

That by Decision and Order dated and entered on April 20, 1987, said Commission reclassified from the Agricultural district to the Urban district and accordingly amended the Land Use district boundary of the land described in said Docket No. A86-601, consisting of approximately 404.34 acres of land situate at Waimea, District of South Kohala, County and Island of Hawaii, TMK Nos.: 6-7-02: 9, por. 17, 38; 6-7-01: por. 25; 6-8-01: por. 1, por. 8; 6-2-01: por. 9, said land being more particularly

described and delineated in the State Land Use Commission District Map H-25, attached hereto as Exhibit A and incorporated herein by reference; and

That said reclassification from the Agricultural to the Urban district of the land as described in said Decision and Order shall be subject to the conditions of the said Commission as set forth at pages 33 through 36 of said Decision and Order to which reference is hereby made as follows:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority or the City and County of Honolulu, within or without the Property, a number of residential units not less than ten percent (10%) of the total number of residential units, or lots and units, to be developed on the Property, to residents of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or the County of Honolulu from time to time, or by contributing to the development of such housing without the Property. The low and moderate preferential residential units, if offered for sale, shall be offered at prices that would not enable such purchasers to qualify for and obtain State-assisted financing, i.e., Act 105 or Hula Mae, or federally insured or assisted financing, i.e., FHA, Section 245 Program, intended to encourage home ownership by low and moderate income families.

2. Petitioner shall provide water pipeline easements on the Property as may be necessary for the

State's Waimea Irrigation System and agricultural park developments as required by State and County agencies.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources and the County of Hawaii Department of Water Supply, develop necessary water source and transmission infrastructure to provide an adequate supply of potable water to the Property, prior to development of the Property.

4. Petitioner shall fund and construct sewage infrastructure improvements necessary for development of the Property as may be required by State Department of Health and County agencies.

5. Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii, provided that said highway improvements are rationally related to the mitigation of impacts caused by the development of the Property.

6. Petitioner shall prepare and execute an archaeological preservation and data recovery plan for review and approval by the Department of Land and Natural Resources and the County of Hawaii Planning Department.

7. Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport relative to the Petitioner's proposed Parker Ranch 2020 Plan to be submitted to the State Department of Transportation and County Planning Department for their review and comment.

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

IN WITNESS WHEREOF, the undersigned hereunto caused this instrument to be duly executed and acknowledged on \_\_\_\_\_, 1987.

RICHARD SMART REVOCABLE  
PERSONAL TRUST, an  
unregistered trust

By \_\_\_\_\_  
GILLIARD P. SMART  
Its Trustee

By \_\_\_\_\_  
RALPH S. DOBBINS  
Its Trustee

By \_\_\_\_\_  
WARREN J. GUNDERSON  
Its Trustee

By \_\_\_\_\_  
RICHARD S. HENDRICK  
Its Trustee

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
before me personally appeared GILLIARD P. SMART, Trustee of  
the RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered  
trust, to me known to be the person described in and who  
executed the foregoing instrument, and acknowledged that he  
executed said instrument as his free act and deed.

Notary Public, State of Hawaii  
My commission expires:

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
before me personally appeared RALPH S. DOBBINS, Trustee of  
the RICHARD SMART REVOCABLE PERSONAL TRUST, an unregistered  
trust, to me known to be the person described in and who  
executed the foregoing instrument, and acknowledged that he  
executed said instrument as his free act and deed.

Notary Public, State of Hawaii  
My commission expires:

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
before me personally appeared WARREN J. GUNDERSON, Trustee  
of the RICHARD SMART REVOCABLE PERSONAL TRUST, an  
unregistered trust, to me known to be the person described  
in and who executed the foregoing instrument, and  
acknowledged that he executed said instrument as his free  
act and deed.

Notary Public, State of Hawaii  
My commission expires:

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS:  
                                  )

On this        day of       , 1987,  
before me personally appeared RICHARD J. HENDRICK, Trustee  
of the RICHARD SMART REVOCABLE PERSONAL TRUST, an  
unregistered trust, to me known to be the person described  
in and who executed the foregoing instrument, and  
acknowledged that he executed said instrument as his free  
act and deed.

Notary Public, State of Hawaii  
My commission expires:



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor  
TEOFILO PHIL TACBIAN  
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FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden

Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

April 22, 1987

NOTIFICATION OF BOUNDARY AMENDMENT  
DECISIONS BY STATE LAND USE COMMISSION

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decisions and Order for the following boundary amendment petitions have been filed by the Land Use Commission:

Petition Docket No.	Boundary Amendment Requested	LUC Action on March 17, 1987	DATE OF DECISION AND ORDER
SP87-362 DEPARTMENT OF PUBLIC WORKS, CITY AND COUNTY OF HONOLULU	For a Special Use Permit to Establish a Sanitary Landfill on Approximately 60.5 Acres of Land Situate Within the Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu	Approved special permit for 60.5 acres at Waimanalo Gulch, Honouliuli, Ewa, Oahu, TMK: 9-2-03: portion of parcel 13 (see map attached)	April 20, 1987
A86-601 RICHARD SMART REVOCABLE PERSONAL TRUST	To reclassify approximately 404.34 acres from Agricultural to Urban at Waimea, South Kohala, Island and County of Hawaii	Approved approximately 404.34 acres at Waimea, South Kohala, Island and County of Hawaii, TMK: 6-7-02: 9, portion of 17, 38; 6-7-01: portion of 25; 6-8-01: portion of 1, portion of 8; and 6-2-01: portion of 9 (see map attached)	April 20, 1987

Should you have any questions on the above, please do not hesitate to contact this office.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to  
Att.

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Dept. of Planning & Economic Development - Planning Division
2. Dept. of Planning & Economic Development - Land Use Division
3. Dept. of Transportation - Office of the Director
4. Board of Land & Natural Resources - Office of the Chairman
5. Dept. of Education - Facilities & Auxiliary Services Branch
6. Office of Environmental Quality Control
7. USDA Soil Conservation Service - Attention: Harry Sato
8. Board of Agriculture - Office of the Chairman
9. C&C, Dept. of Finance - Mapping Section
10. Deputy Attorney General - Everett Kaneshige

City & County of Honolulu (Oahu petitions only)

1. Dept. of General Planning - Chief Planning Officer
2. Dept. of General Planning - Division Head, Policy Analysis Division
3. Dept. of Land Utilization - Director
4. Planning Commission - Executive Secretary
5. Board of Water Supply - Manager and Chief Engineer
6. Dept. of Public Works - Director
7. C&C, Dept. of Finance - Property Assessment Section
8. C&C, Dept. of Finance - Property Technical Office

Hawaii County (Hawaii petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Office

Maui County (Maui petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Division

Kauai County (Kauai petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Division

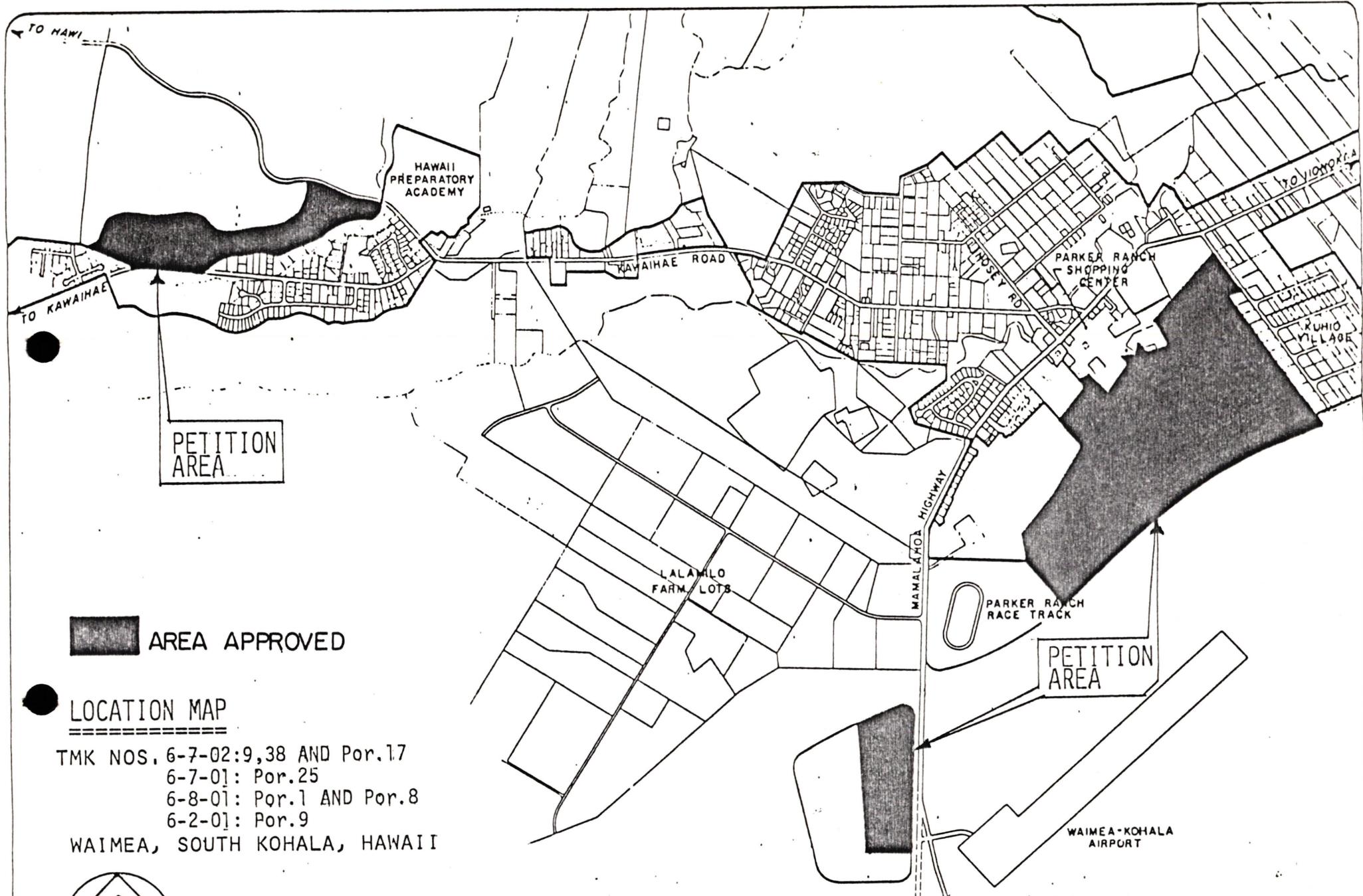


EXHIBIT A

STATE OF HAWAII  
LAND USE COMMISSION  
Old Federal Building  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

April 20, 1987

Benjamin A. Kudo, Esq.  
Gary G. N. Wong, Esq.  
Kobayashi, Watanabe, Sugita  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Gentlemen:

Subject: Docket No. A86-601

Petitioner RICHARD SMART REVOCABLE PERSONAL TRUST

Pursuant to Section 205-4 (g), HRS, and Part VII, Subsection 7-1, of the Land Use Commission's Rules of Practice and Procedure, this is to advise you that you are required to submit to the Land Use Commission, for its approval, the document listing the conditions imposed on the above boundary amendment petition, prior to filing with the Bureau of Conveyances or the Assistant Registrar of the Land Court. These conditions shall be recorded with the Bureau of Conveyances or the Land Court within 30 days after receipt of the Commission's decision and order. You are also required to forward a certified copy of the recordation under the signature of the Registrar of Conveyances or by the Assistant Registrar of the Land Court, as the case may be, to the Land Use Commission.

Should you have any questions on the above matter, please call the Commission's office.

Sincerely,



ESTHER UEDA  
Executive Officer

cc: Thomas H. Yamamoto P.E.  
Senior Vice President  
Mauna Lani Resort, Inc.

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A86-601  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST ) RICHARD SMART REVOCABLE  
 ) PERSONAL TRUST  
To Amend the Agricultural Land Use )  
District boundary into the Urban )  
Land Use District for Approximately )  
404.34 Acres, at Waimea, South )  
Kohala, Island and County of Hawaii, )  
Tax Map Key Nos.: 6-7-02: 9, )  
portion of 17, 38; 6-7-01: portion )  
of 25; 6-8-01: portion of 1 and 8; )  
6-2-01: portion of 9 )  
)

This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.

APR 20 1987 by John Leder  
Date Executive Officer

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

LAND USE COMMISSION  
STATE OF HAWAII

APR 20 207 PM '87

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A86-601  
 )  
RICHARD SMART REVOCABLE PERSONAL ) RICHARD SMART REVOCABLE  
TRUST ) PERSONAL TRUST  
 )  
To Amend the Agricultural Land Use )  
District boundary into the Urban )  
Land Use District for Approximately )  
404.34 Acres, at Waimea, South )  
Kohala, Island and County of Hawaii,)  
Tax Map Key Nos.: 6-7-02: 9, )  
portion of 17, 38; 6-7-01: portion )  
of 25; 6-8-01: portion of 1 and 8; )  
6-2-01: portion of 9 )  
 )

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

Richard Smart Revocable Personal Trust, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062 (hereinafter referred to as "Petitioner"), filed this Petition on April 15, 1986, pursuant to Chapter 205 Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, to amend the Land Use District Boundary for approximately 404.34 acres of land situate at Waimea, District of South Kohala, County and Island of Hawaii, Hawaii Tax Map Key Nos. 6-7-02: 9, portion

of 17, 38; 6-7-01: portion of 25; 6-8-01: portion of 1, portion of 8; 6-2-01: portion of 9 (hereinafter referred to as the "Property"), from the Agricultural District to the Urban District for a residential, commercial, and industrial development. The Land Use Commission (hereinafter referred to as "Commission") having heard and examined the testimony, evidence, argument of counsel and the stipulated proposed findings of fact, conclusions of law and decision and order submitted by the parties, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The Commission held the hearing on this Petition on July 8, 1986, pursuant to notice published on June 6, 1986 in the Hawaii Tribune Herald and the Honolulu Advertiser.

2. On August 29, 1986, Petitioner filed a motion to continue the hearing until January 15, 1987. The Commission granted this motion with the condition that Petitioner shall notify the Commission by January 25, 1987, of the trustees' decision to either proceed with the hearing or withdraw the Petition.

3. The Commission continued the hearing on January 13 and 14, 1987, pursuant to notice sent by certified mail to all parties on December 11, 1986.

4. The Commission allowed Representative Mike O'Kieffe, Willis C. (Neil) Morriss, Elaine Flores and Gary Carvalho to testify as public witnesses.

5. The Commission did not receive any petitions to intervene in this proceeding.

DESCRIPTION OF THE PROPERTY

6. The Property lies on a broad plain, the Waimea Plateau, which stretches between the Kohala Mountains and the slopes of Mauna Kea. The average elevation of the Property is 2,670 feet above sea level with slopes, in most cases, of less than 10 percent.

7. Petitioner states that it is not aware of any dangers from unstable soil conditions, floods, tsunami, volcano and other adverse environmental conditions.

8. The Property is centrally located with many employment centers and residential communities accessible from the Property. To the west of the Property are the South Kohala resort developments including Waikoloa, Mauna Lani and Mauna Kea. To the east is the community of Honoka'a, and the North Kohala population center is located to the north. To the south, Mamalahoa Highway provides access to Waikoloa Village, Saddle Road and Kailua-Kona.

9. The Property, which is located in and around the town of Waimea, is served by four major roadways: Mamalahoa Highway, Kawaihae Road, Hawaii Belt Road, and Kohala Mountain Road.

10. Although the Property is mainly used to graze cattle, a portion of the Industrial Park area is leased to an automobile repair operation.

11. The Property, with the exception of Tax Map Key No.: 6-7-02: parcel 9, is owned in fee simple by the Petitioner and is divided into three separate planning areas, more specifically identified as follows:

	<u>Tax Map Key Location</u>	<u>Acreage</u>
1.	<u>Waimea Town Center Area</u>	
	6-7-02: 9	.97
	6-7-02: por. 17	193.25
	6-7-02: 38	.34
	6-7-01: por. 25	<u>99.78</u>
	subtotal	294.34
2.	<u>Industrial Park Area</u>	
	6-8-01: por. 1	35.50
	6-8-01: por. 8	<u>14.50</u>
	subtotal	50.00
3.	<u>Rural/Residential Area</u>	
	6-2-01: por. 9	<u>60.00</u>
	GRAND TOTAL	404.34

12. Frank B. Vierra, who has a life tenancy interest in TMK No.: 6-7-02: 9, consented to the proposed boundary amendment by letter dated December 3, 1986.

13. A water pipeline easement crosses Tax Map Key No.: 6-7-02: parcel 17.

Waimea Town Center Area

14. The Waimea Town Center Area, encompassing approximately 294.34 acres of the Property is located southeast

of the existing Parker Ranch Shopping Center. It is bounded by the Kuhio Village residential area on the east, Parker Ranch pasture on the south, the Parker Ranch Race Track and the Lalamilo reservoir on the southwest, vacant urban land and residential lots on the west, and commercial development on the north.

15. The Waimea Town Center Area is located at elevations between 2,660 to 2,740 feet above sea level. Slopes average 2 to 3 percent. The median annual rainfall is approximately 35 inches.

#### Industrial Park Area

16. The Industrial Park Area encompasses approximately 50.0 acres. It is located southwest of the Parker Ranch Race Track and immediately south of the Lalamilo Farm Lots. It is bounded by Mamalahoa Highway on the east and Parker Ranch grazing lands on the other sides. It is located directly west of the Waimea-Kohala airport, and approximately 1.5 miles southwest of the Waimea Town Center.

17. The northern portion of the Industrial Park Area has average slopes of 2 to 3 percent, and 6 percent slopes in its southern portion. Elevations range between 2,600 to 2,640 feet above sea level. Median annual rainfall is approximately 25 inches.

#### Rural/Residential Area

18. The Rural/Residential Area, encompassing nearly 60 acres, is located between the Kawaihae Road and Kohala Mountain

Road approximately three miles from the Waimea Town Center. It is surrounded by pasture land to the north, and residential subdivisions to the south. Ouali Gulch is located to the west of the area.

19. The western portion of the Rural/Residential Area ranges in elevation from 2,240 to 2,320 feet above sea level. Slopes are an average of 5 percent. The median annual rainfall is approximately 31.5 inches. The eastern half of the area rises slightly higher--to elevations of 2,320 to 2,480 feet above sea level. Slopes in this area are steeper, averaging about 20 percent.

#### PETITIONER'S DEVELOPMENT PLAN FOR PETITION AREA

20. The Property will be developed for urban uses in accordance with the Parker Ranch 2020 Plan (Petitioner's Exhibit 8), a master plan designed to maintain the area's ranching heritage while meeting the existing and future needs of the Waimea community for the next 35 years. The Parker Ranch 2020 Plan is intended as a planning guide for the improvement and expansion of the Waimea area. The plan addresses land uses, use relationships, densities, and provides a long-term framework for development in Waimea.

21. The primary objectives of the Parker Ranch 2020 Plan (hereinafter the "Parker Ranch Project") can be summarized as follows:

- a. To meet community needs for housing, public facilities, retail, commercial, industrial space, parks, school facilities, and secondary roads;

- b. To facilitate the development of dependable water sources in the community;
- c. To revitalize the town center, while perpetuating an architectural style that reaffirms the town's ranching heritage; and
- d. To create greenways, trails, and additional park areas to preserve the town's rural-ranch charm and country lifestyle.

22. The Property is included in the first 10-year development phase of the Parker Ranch 2020 Plan.

23. During the remaining 25 years of the Parker Ranch Project, ranch, commercial, and equestrian uses will be expanded, town commercial spaces occupied, town cultural facilities completed, the industrial area expanded, and existing facilities upgraded.

24. The following table compares the total Parker Ranch Project acreage with the Property acreage according to the three development areas:

<u>Development Areas</u>	<u>Petition Area (ac.)</u>	<u>Parker Ranch 2020 Plan (ac.)</u>
Waimea Town Center Area	294.34	493.42
Industrial Park Area	50.00	130.00
Rural/Residential	<u>60.00</u>	<u>193.76</u>
<b>TOTAL</b>	<b>404.34</b>	<b>817.18</b>

Waimea Town Center Area

25. Petitioner proposes to incorporate the existing Waimea Town in developing the Waimea Town Center Area.

Petitioner proposes to include the community theatre, town hall, old courthouse, post office, gymnasium, Parker School, stable and race tracks, medical and civic centers, and additional residential housing in developing this area.

26. The design concept for the Waimea Town Center Area minimizes the impact of motor vehicles. Walking, bicycling and horseback riding will be encouraged. A pedestrian-oriented town center will establish a low-key rural ambience for the proposed expansion which will be in harmony with the surrounding existing development.

27. Petitioner proposes to develop the Waimea Town Center Area according to the Parker Ranch Project as follows:

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>	<u>Price Range (1985 Dollars)</u>
Residential Single-Family (7,500 to 30,000 sq. ft. lots)	114 acres 245 units	65 acres 255 units	179 acres 500 units	\$90,000-140,000 (\$110,000 ave.)
Multi-Family	70 units	80 units	150 units	\$70,000-100,000 (\$80,000 ave.)
Commercial, Cultural and Community Facilities	43 acres	41 acres	84 acres	
Schools and Parks	35 acres	--	35 acres	
<u>Industrial Park Area</u>				

28. Petitioner proposes to develop approximately 26 lots ranging in size from about 20,000 sq. ft. to 5 acres for support services, light industrial, and high technology facilities. These facilities are intended to support and

service the construction industry, airport-related operations and general commercial activities in the Waimea community.

29. Petitioner proposes to develop the Industrial Park Area, according to the Parker Ranch Project as follows:

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>
Business Park/ Industrial (20,000 sq. ft. to 5-acre lots)	25 acres	25 acres	50 acres

Rural/Residential Area

30. Petitioner proposes to develop a total of about 194 acres, including the 60 acres in the Rural/Residential Area, on the western fringe of Waimea Town, approximately 2.4 miles from the town center between the Lalamilo and Kamuela View Estates Subdivisions. Approximately 60 acres are planned for residential use and 134 acres for residential/agricultural use in this area.

31. The residential lots will be approximately 15,000 and 20,000 sq. ft. lots while the agricultural lots will be in the 2 to 5 acre range.

32. Petitioner proposes to develop the entire 194 acres during the first 10-year development phase of the Parker Ranch Project. Of this amount, however, Petitioner is seeking reclassification of only about 60 acres because the remaining acreage in the rural/ residential location is designated for use as an agricultural subdivision, which is a permitted use under the existing State Agricultural District classification.

33. Petitioner proposes to develop the Rural/Residential Area according to the Parker Ranch Project as follows:

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>	<u>Price Range (1985 Dollars)</u>
Single-family Residential (15,000 to 20,000 sq. ft. lots)	40 units	40 units	80 units 60 acres	\$150,000 - 250,000 (\$200,000 ave.)
Agricultural Lots (2-acre to 5-acre lots)	20 lots	15 lots	35 units 134 acres	

PETITIONER'S FINANCIAL CAPABILITY TO  
UNDERTAKE THE PROPOSED DEVELOPMENT

34. Petitioner estimates total project construction and infrastructure costs to be about \$60,000,000.

35. Petitioner submitted the Richard Smart Revocable Personal Trust Audited Financial Reports dated December 31, 1983, and December 31, 1984. According to Petitioner's Exhibit 1, these financial statements present fairly the assets, liabilities, and capital of Parker Ranch. However, they are not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

36. The statements of Assets, Liabilities, and Capital for Parker Ranch (a proprietorship operated by the Richard Smart Trust) lists \$7,271,256 in assets for 1983 and \$7,900,573 for 1984. Total liabilities were \$3,719,274 for 1983 and \$3,789,597 for 1984.

37. The primary investments for the Trust are with Hawaii Meat Company of which it owns 83% of the company's commonstock. Hawaii Meat Company, Ltd. had net assets of \$3,200,000 in both 1983 and 1984. The Petitioner's principal assets are various properties including land, buildings and improvements, machinery and equipment, and purchased breeding stock.

38. Petitioner also submitted the Richard Smart Revocable Personal Trust Unaudited Accountant's Compilation Report dated December 24, 1986.

39. According to Petitioner's Exhibit 11, the Petitioner on December 31, 1985 had assets in the amount of \$13,901,460; liabilities in the amount of \$2,555,215; and equity in the amount of \$11,346,245.

40. Petitioner stated that it is capable of adequately financing the first 10 years of the Parker Ranch Project as proposed in the Petition.

#### NEED FOR THE PROPOSED DEVELOPMENT

##### Waimea Town Center Area - Residential

41. According to Petitioner's market consultant, Natelson, Levander and Whitney (hereinafter "NLW"), the housing demand for the South Kohala judicial district is expected to be approximately 4,600 units by the year 2000. This is based on a projected population increase to 11,078 persons by 1990 and 18,135 persons by the year 2000.

42. According to NLW, the housing growth in the local market area of South Kohala is proceeding at a rate of 90 to 100 units per year. Over 90 percent of this inventory consists of single family detached dwellings, with the balance consisting of apartments and condominiums. Based upon the 1970 to 1980 absorption rate in the local area with allowances for 5.0 percent vacancy rate and a replacement of obsolete structures, NLW concludes that the incremental demand for new housing in South Kohala will be approximately 2,100 units by 1990, 1,500 units by 1995, and 1,000 units by the year 2000.

43. NLW also forecasted a residential demand for the next ten years of about 14,000 to 15,000 units on the Big Island, about 3500 units in the South Kohala District, and approximately 600 to 900 units for Parker Ranch lands.

44. Hotel room and condominium additions in South Kohala between 1985 and 2000 are anticipated to bring the total visitor facilities to over 7,200 units. NLW concludes that this is expected to generate a population base of 23,770 persons, a portion of which will seek housing in Waimea.

45. A survey of 15 existing and proposed developments was conducted as part of the Petitioner's market analysis to assess likely competition for housing development in and adjacent to the South Kohala Market ARea. Petitioner's survey found that 12 of 15 projects surveyed were targeted in price ranges over \$200,000 while only 3 of the 15 projects were targeted for moderate to low income households.

46. Petitioner states that approximately 85% of the residential units in the Parker Ranch Project will be targeted in the affordable price range of \$60,000 to \$120,000 (in 1985 dollars), which roughly coincides with current Hawaii Housing Authority and County of Hawaii "low moderate" and "gap group" definitions.

47. NLW concludes that a significant market potential for residential development exists within the Property. Petitioner anticipates that development on Parker Ranch land should be able to capture 20 to 30 percent of the housing market for local residents during 1985 to the year 2000.

48. Based on the ten-year development phase of the Parker Ranch Project, the Petitioner forecasts a residential absorption rate for the Parker Ranch Project of approximately 250 to 370 acres.

Waimea Town Center - Commercial

49. There is an existing inventory of 130,000 square feet of retail space within the Waimea community and 50,000 to 55,000 square feet of office space. They are located within the Parker Ranch Shopping Center and along the community's main roadway.

50. NLW estimates that a town center and community shopping area could require 200,000 to 250,000 square feet of gross leasable area. To accommodate the expanding need for commercial support services for the North Kohala, South Kohala,

and Hamakua Districts, NLW estimates that 40 acres are needed for this use.

Industrial Park Area

51. There are currently seven industrial parks on the Island of Hawaii. Only one, Kaei Hana II in Kawaihae, is located within the South Kohala District. This industrial park is managed by the Department of Hawaiian Home Lands. Only 22.3 acres of the total 82.0 acres have been developed for industrial and warehousing uses.

52. In Waimea, existing industrial uses include a vacuum cooling plant, a slaughterhouse, and automotive repair facilities. Petitioner anticipates these activities will locate in the Industrial Park Area.

53. The County of Hawaii's (County) Land Use Pattern Allocation Guide (LUPAG) Map designates industrial uses for the proposed Industrial Park Area and the existing airport.

54. While demand for industrial facilities is limited at the present time, NLW states that a total of 40 to 60 acres should be set aside for long-term development as a mixed use business park and high technology complex.

Rural/Residential Area

55. NLW estimates that a range of 345 to 521 acres within the general Waimea area could be utilized for residential purposes over a 15-year period. NLW estimates that 10% should be allocated to single-family "estate lots". Under

the Parker Ranch Project, this would involve 82 to 124 units and would be developed at a density of .4 to 1.0 units per acre.

#### SOCIO-ECONOMIC BENEFITS AND IMPACT

##### Housing and Preservation of Ranching Heritage

56. The Parker Ranch Project is designed to meet Waimea's existing and future needs for housing, commercial space, industrial space, public parks, schools and other public facilities. An expanded and upgraded town center is also planned. Moreover, another objective of the Parker Ranch Project is the preservation of Waimea's ranching atmosphere and heritage. All development occurring pursuant to the Parker Ranch Project is to perpetuate an architectural style that is congruous with and reaffirms Waimea's ranching heritage.

##### Economic Impact

57. Petitioner projects an increase in population of 2,200 persons associated with the first 10-year phase of the Parker Ranch Project. Based on a participation ratio of 0.45 employable person per unit of population, this new population would result in 990 potential participants in the labor force.

58. The development of commercial facilities and the industrial park under the Parker Ranch Project will generate employment opportunities both short-term and long-term. The construction work force will benefit during the development and opportunities for residents of South Kohala will increase as commercial and industrial businesses initiate their operations.

Fiscal Impact

59. Petitioner estimates that total County public expenditures associated with the first 10-year phase of the Parker Ranch Project amounts to an estimated \$375,000 in constant 1985 dollars.

60. Petitioner estimates the Parker Ranch Project to generate approximately \$1.1 million by the end of the first 10-year phase, which will be sufficient to offset the estimated \$375,600 in County expenditures required by the project.

61. Petitioner anticipates that revenues generated by the proposed project, when combined with state income taxes, will be sufficient to offset state expenditures necessitated by the Parker Ranch Project.

STATE AND COUNTY PLANS AND PROGRAMS

62. The Property is located within the Agricultural Land Use District as reflected on Land Use District boundary map H-25, Kamuela, Hawaii.

63. According to the County's LUPAG Maps, the Waimea Town Center Area is designated Low Density Urban and Medium Density Urban, the Industrial Park Area is designated for Industrial Use and the Rural/Residential Area is designated Low Density Urban.

64. The current County zoning of the Waimea Town Center and Rural/Residential Areas is "A-40a"--minimum 40 acre agricultural lots. The Industrial Area is zoned "unplanned".

65. The Property does not fall within a Special Management Area.

IMPACT UPON RESOURCES OF THE AREA

Water Resources

66. Three water systems generally serve the Waimea area. The County operates a domestic system, the State Department of Land and Natural Resources (DLNR) operates an agricultural irrigation system, and Parker Ranch has private waterlines for its agricultural activities.

67. The State indicates that an existing Waimea Irrigation System water pipeline crosses the Waimea Town Center Area and that other waterlines are proposed in this area.

68. Underground sources of drinking water on the Property are classified as a "non-exempt aquifer" by the State Department of Health (DOH). DOH's Administrative Rules, Title 11, Chapter 23, Underground Injection Control (UIC), set development requirements for wastewater disposal and injection wells to prevent contamination of drinking water sources.

69. Petitioner estimates the total water requirements for development of the Parker Ranch Project to be 1.3 million gallons per day (mgd) by the year 2020. This includes 0.6 mgd during the first five years and an additional 0.4 mgd for the second five years of development. Petitioner estimates water requirements by type of use for ten years are as follows:

Single Family Residential/Rural	.23 mgd
Multi-Family	.06 mgd
Commercial	.25 mgd
Schools/Parks	.14 mgd
Industrial	.20 mgd
Agriculture	.13 mgd
<b>TOTAL</b>	<b>1.01 mgd</b>

70. On December 19, 1986, the Board of Land and Natural Resources approved with conditions a Conservation District Use Permit for drilling an exploratory well approximately 4 miles northeast of Waimea. DLNR's Division of Water and Land Development (hereinafter "DOWALD") was the applicant for the permit. According to DOWALD's Environmental Assessment for the project, the purpose of the project is to locate and establish a groundwater source to supplement existing sources for the state's Waimea irrigation system. Depending on test results, they will also consider the possibility of using the new source to augment the supply of domestic water in the region.

71. Petitioner proposes to meet the Parker Ranch Project's water needs with water supplied from new sources in the Kohala Mountain area. According to the Petitioner, DOWALD is expected to initiate drilling exploratory boreholes at shallow and deep drilling sites in the Kohala Mountains within a year.

72. Petitioner believes that the shallow drilling sites in the upper Hamakua Ditch area will be the least expensive source of water because of little or no pumping costs and that there is a very high probability of hitting water at this site.

73. Besides DOWALD's shallow and deep wells exploratory drilling, Petitioner states that other alternative exist for

providing sufficient water to serve the Parker Ranch Project. This includes increasing storage capacity by constructing additional 50 million gallon reservoirs above Waimea and the development of well sites at the 1200 foot elevation.

74. The State Department of Planning and Economic Development (hereinafter "DPED") believes that a commitment by all parties to fund water exploration and development efforts is necessary to provide sufficient water for existing and expanded agricultural and urban uses in Waimea.

75. Petitioner believes that development of new water resources in the Waimea area may be used to reduce the amount of domestic water used for agricultural purposes and may augment the supply of domestic water in the Waimea area.

76. Based on the water demand anticipated to be generated by the Parker Ranch Project and the future water resource development in the Waimea area, Petitioner believes that there will be sufficient and adequate potable water to serve the Parker Ranch Project.

#### Agricultural Resources

##### Waimea Town Center

77. The U.S.D.A. Soil conservation Service, Soil Survey of the Island of Hawaii, classifies the soil of the Waimea Town Center Area as Waimea very fine sandy loam (WMC) and Kikoni very fine sandy loam (KXC and KFA). Approximately 60 percent of the Waimea Town Center Area consists of soils

from the Waimea Series. This soil type is found south and southwest of the Parker Ranch Shopping Center. Soils from the Kikoni Series are to the southeast of the shopping center.

78. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies approximately 50 percent of the Waimea Town Center Area as "Prime". The remainder is classified as "Other Important Agricultural Land".

79. The Land Study Bureau Overall Productivity Ratings are B106 and C247. The "B" rating indicates good agricultural potential, while the "C" rating is only fair.

#### Industrial Park Area

80. The U.S.D.A. Soil Conservation Service, Soil Survey of the Island of Hawaii, classifies the soils within the subject property as Waimea very fine sandy loam (WMC) and Puu Pa extremely stony, very fine sandy loam (PVD). Most of the area to be developed as an industrial park under the Parker Ranch Project is covered by the Puu Pa soils while the northern portion, approximately 40 percent of the area, consists of Waimea very fine sandy loam soils.

81. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies approximately 20 percent of the area to be developed as an industrial park under the Parker Ranch 2020 Plan as "Other Important Agricultural Land." The remainder is not classified. The Land Study Bureau Overall Productivity Ratings are C247 for the northern 20 percent of

the area and E222 for the remainder. The "C" rating indicates fair agricultural productivity and the "E" rating indicates very poor potential.

#### Rural/Residential Area

82. The U.S.D.A. Soil Conservation Service, Soil Survey of the Island of Hawaii, classifies the soil within the rural/residential location as Waimea very fine sandy loam (WMC) and Waimea extremely stony very fine sandy loam (WSD). Approximately 60 percent of the rural/residential location consists of the Waimea very fine sandy loam.

83. The ALISH system classifies approximately 60 percent of the rural/residential location as "Other Important Agricultural Land". The remainder is not classified. The Land Study Bureau Overall Productivity Rating is C247. The "C" rating indicates only fair agricultural potential.

84. Petitioner believes that the development of the Parker Ranch Project will not have significant impacts to agriculture because of the relatively small size of the Property (404.34 acres) in comparison with the Parker Ranch lands (approximately 220,000 acres) and the total acreage of land zoned agriculture by the County (1,069,544 acres).

#### Archaeological/Historical Resources

85. An archaeological reconnaissance and literature search was conducted for the Property by the Petitioner's consultant, William J. Bonk.

86. Petitioner's consultant has subsequently consulted with the State Historic Preservation Officer and has amended his recommendations and proposed mitigation plant to address DLNR's concerns. These amended recommendations and mitigation plans have been approved by the State Historic Preservation Officer.

87. Petitioner believes that the Parker Ranch Project will not have any adverse impacts on significant archaeological resources on the Property if the recommendations and mitigation plans proposed by its consultant are followed.

#### Flora and Fauna

88. Petitioner's flora and fauna consultants, Erin M. Hall and Philip Bruner, conducted an avian, feral mammal and botanical survey of the Property.

89. None of the native flora or fauna species found within the Property are considered rare or endangered.

90. A plant of the Koai'a species was observed in Ouiili Gulch near the Rural/Residential area, but just beyond the boundary of the Property. The Koai'a species is under review by the U.S. Fish and Wildlife Service for proposal as an endangered species. To minimize disturbance of the Koai'a, the Petitioner has stated that they will protect the gulch area from activities in adjacent development lands which might threaten the Koai'a population.

91. Petitioner believes that no adverse environmental impacts relative to flora or fauna are anticipated on the

Property because the surveyed areas have been greatly modified by grazing and planting activities.

Air Quality

92. Petitioner believes that the primary causes of air quality impacts would be traffic, volcano, and construction activity and that the Parker Ranch Project would not cause significant adverse impacts to air quality. Petitioner will comply with any air pollution regulations to minimize noise impacts.

Airport Noise

93. In their June 10, 1986 memorandum to DPED, the State Department of Transportation (DOT) stated that single event aircraft operations from the Waimea-Kohala Airport may pose some annoyances and disturbances. Petitioner will prepare a noise impact assessment study regarding airport noise at the Waimea-Kohala Airport.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water Services

94. The County Department of Water Supply (DWS) states that the County's existing water system facilities will be unable to support the total water demand requirements of the Parker Ranch Project and that future water system development projects are required to serve substantial new developments in Waimea.

95. Petitioner believes that there are adequate water resources in the Waimea area to satisfy the water demands generated by the Parker Ranch Project.

Sewage Treatment and Disposal

96. Petitioner anticipates that sewage and wastewater disposal will be by cesspool. Should a sewage and wastewater collection and treatment plant be necessary, the Petitioner believes that a single sewage treatment plant of up to one mgd capacity will be adequate.

97. The State Department of Health states that the Property is within a "non-exempt aquifer" and is subject to specific flow volumes promulgated by the DOH's Administrative Rules. Petitioner stated that it will develop the Parker Ranch Project in accordance with any applicable rules governing sewage treatment and disposal and will construct a wastewater collection system and treatment plant if necessary.

Solid and Industrial Waster Disposal

98. The Kailua landfill is one of two municipal sanitary landfills within the County of Hawaii; the other is located at Hilo. Currently, two dumpsters serve the Waimea community. They are hauled to Kona twice a week by the County's Department of Public Works.

99. The Petitioner estimates that a dumpster will hold approximately 15 tons of refuse. Waimea currently generates about 3 tons of refuse a day. Petitioner concludes that after

200 new homes are occupied, service will probably have to be expanded, either by adding dumpsters or by hauling the dumpsters more frequently to Kona.

100. Petitioner anticipates that the development of the Parker Ranch Project will not generate any hazardous wastes.

Drainage System

101. The Flood Insurance Study for the County of Hawaii, conducted by the Federal Insurance Administration, indicates that portions of the Waimea Town Center Area are located in Zone A1, areas of 100-year flood, and Zone B, areas between limits of the 100-year flood and 500-year flood.

102. Petitioner states that surface runoff from the development will be handled on-site or diverted to surrounding Parker Ranch land.

Roadway and Highway Services and Facilities

103. The primary roadways in Waimea are Mamalahoa Highway, linking Waimea to Kailua-Kona and Honoka'a; Lindsey Road and Kawaihae Road, linking Waimea to Queen Kaahumanu Highway; and Kohala Mountain Road, linking Waimea to the North Kohala region. The State has proposed a "bypass" highway linking Waimea to Queen Kaahumanu Highway at Kawaihae. This highway will be a long term solution to the traffic situation.

104. According to the Petitioner, access to the Waimea Town Center expansion area will be from Mamalahoa Highway, the proposed State bypass highway, and adjacent local roads. The

proposed Industrial Park Area will be accessible via Mamalahoa Highway. Petitioner will provide access to the Rural/Residential Area.

105. Petitioner will fund improvements for access to the Property, but objects to funding improvements relating to regional traffic concerns.

Schools

106. According to NLW, the Parker Ranch Project would increase Waimea's student population by approximately 295 students.

107. The State Department of Education states that the projected enrollment from the Parker Ranch Project will necessitate the construction of additional classrooms at Waimea Elementary-Intermediate and Honoka'a High School.

Parks and Recreational Services and Facilities

108. Petitioner estimates that an additional 11 acres of park land will be required to serve Waimea's population by the end of the 10-year project development period. The development plan calls for 5 acres to be added to the community's park inventory in conjunction with Waimea School and Playground development and that 6 acres of park land could be provided in the Rural/Residential Area.

Police/Fire/Hospital Services

109. Petitioner's Environmental Assessment indicates that projected developments in the Waimea and Waikoloa area

will necessitate an expanded police force. Waimea's police chief has indicated to the Petitioner that adequate police protection can be attained by expanding Waimea's current police force of 9 patrolmen and 4 officers by adding 4 more patrolmen and 2 sergeants.

110. Petitioner states that the 18-member fire protection force, including volunteers, is sufficient to provide fire protection services for the proposed development. The County Fire Chief has indicated to the Petitioner that the proposed project will not pose additional burdens on the existing fire station which is located in the Waimea Civic Center.

111. The Lucy Henriques Medical Center, located in Waimea Town, treats emergency and out-patient cases. Hospital care is provided at the Kohala Hospital near Hawi and at the Honoka'a Hospital. In light of projected development along the South Kohala coast, at Waikoloa, and in Waimea, the Petitioner concludes that a more centralized acute care facility in the South Kohala District may eventually be justified, including expansion of the Lucy Henriques Medical Center in Waimea. The development plan for the Parker Ranch Project provides room for the latter expansion.

#### Electric and Communication

112. Petitioner believes that the electrical and communication improvements required for the Parker Ranch

Project can be accommodated by existing electrical and communication systems.

CONTIGUITY OF THE PROPOSED RECLASSIFICATION

113. The Waimea Town Center Area of the Property is located immediately southeast of the town's main intersection at Lindsey Road and Mamalahoa Highway. It is contiguous to existing Urban Districted lands and urban uses such as the Parker Ranch Shopping Center, the Lucy Henriques Medical Center, the Waimea School, and residential areas at Kuhio Village to the east and along Mamalahoa Highway to the west.

114. The Industrial Park Area of the Property will be located within agricultural lands in close proximity to the Waimea-Kohala airport. Gary's Automotive, an automobile repair facility, is located in this area and the area is slated for industrial uses under the County General Plan's LUPAG Maps.

115. The Rural/Residential Area of the Property is located between two existing residential subdivisions. Its eastern boundary of Kohala Mountain Road is near the Hawaii Preparatory Academy.

116. The Property is generally contiguous to lands in existing Urban Districts.

CONFORMANCE WITH THE HAWAII STATE PLAN

117. The proposed reclassification substantially conforms and is consistent with the principal objectives, policies, and guidelines of the Hawaii State Plan as follows:

With regard to objectives concerning the encouragement of economically satisfying labor-intensive activities that have a favorable financial multiplier within Hawaii's economy, the construction activity created by the Petition is labor intensive. Since the lands under consideration will be developed incrementally in response to market demand, the development of the Parker Ranch Project will create a stable job situation for the construction industry in the community for many years.

With regard to objectives concerning opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, reclassification of the Property to the Urban district will allow implementation of the Parker Ranch Project, which in turn will provide more housing choices as to price, location, size, and environmental setting.

With regard to objectives concerning the orderly development of residential areas sensitive to community needs and other land uses, one of the most attractive features of the Property is its proximity to the central business district, community services, and existing infrastructure of Waimea. Their location will not only greatly reduce development costs but will minimize the cost of providing community services to the resulting residents.

### CONFORMANCE WITH FUNCTIONAL PLANS

118. One of the objectives of the State Tourism Functional Plan is to ensure the construction of affordable dwelling units adequate to accommodate tourism employee households. The Parker Ranch Project will achieve this goal because many of the individuals locating in the Waimea area will be directly or indirectly related to the expanding resort developments on the South Kohala coast.

119. One objective of the State Water Resources Development Functional Plan is to expand the State exploration program for new sources of surface and ground water supply with emphasis on areas experiencing critical water problems. In conformity with this goal, Petitioner has made development of new water sources in the Kohala Mountains a key component of the Parker Ranch project. Petitioner has been working closely with the State and County to address Waimea's chronic water shortage problems.

120. The Parker Ranch Project also satisfies certain guidelines offered by the Housing Functional Plan in evaluating non-urban lands suitable for future housing development. Among the guidelines addressed by the Parker Ranch Project are the following: the development of a water source to support it; the immediate proximity of most of the project to existing urban centers, infrastructure and all major community services. Finally, the Parker Ranch project excludes

development of lands that are considered environmentally sensitive.

CONFORMANCE TO STATE LAND USE DISTRICT RULES

The proposed reclassification conforms to the Commission's District Regulations that govern standards for determining Urban District Boundaries and decision-making criteria for boundary amendment as follows:

Standards for Determining Urban District Boundaries

121. The Property includes lands in and around Waimea which are characterized by "city-like" concentrations of people, structures, streets, urban levels of services and other related land uses and is also in close proximity to basic services as sewers, transportation systems, water, sanitation, schools, parks and police and fire protection.

122. The Property is in close proximity to Waimea and resort developments on the South Kohala coast which are centers of trading and employment.

123. Petitioner has presented evidence in support of the economic feasibility of the development of the Property pursuant to the Parker Ranch Project.

124. The Property does not have slopes in excess of 20%, consists of lands with satisfactory topography and drainage and is reasonably free from the danger of floods, tsunami, unstable soil conditions, and other adverse environmental effects.

125. The proposed uses of the Property are consistent with their designations on the County of Hawaii General Plan's LUPAG maps.

126. The Property is surrounded by existing urban development and will not contribute to scattered spot urban development. Furthermore, impacts on community services and infrastructure costs will be minimized since adjacent public support services already exist in or near the Property or can be provided at a reasonable cost to Petitioner and the public.

Standards for Taking Lands Out of Agricultural District

127. The implementation of the Parker Ranch project will not substantially impair activity or potential agricultural production in the vicinity of the Property. The Property is used only for grazing, and reclassification will not significantly affect that agricultural activity. The Property represents only a small percentage of regional and island-wide lands with similar agricultural potential.

Ruling on Stipulated Proposed Findings of Fact

Any of the stipulated 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 District Regulations of the Commission, the Commission finds upon a preponderance of

the evidence that the reclassification of the Property, which is the subject of the Petition, Docket No. A86-601, by the Richard Smart Revocable Personal Trust, consisting of approximately 404.34 acres of land from the Agricultural District to the Urban District at Waimea, District of South Kohala, County and Island of Hawaii, and identified as Hawaii Tax Map Key Nos. 6-7-02: 9, portion of 17, 38; 6-7-01: portion of 25; 6-8-01: portion of 1, portion of 8; and 6-2-02: portion of 9, subject to the conditions stated in the Order, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2, Hawaii Revised Statutes, and the Hawaii state Plan, as set forth in Chapter 226, Hawaii Revised Statutes.

ORDER

IT IS HEREBY ORDERED that the Property, being the subject of the Petition in Docket No. A86-601 filed by the Richard Smart Revocable Personal Trust, consisting of approximately 404.34 acres, situate at Waimea, District of South Kohala, County and State of Hawaii, and identified as Hawaii Tax Map Key Nos. 6-7-02: 9, portion of 17, 38; 6-7-01: portion of 25; 6-8-01: portion of 1, portion of 8; and 6-2-01: portion of 9, and approximately identified on Exhibit A attached hereto and incorporated by reference 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 subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the total number of residential units, or lots and units, to be developed on the Property, to residents of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or County of Hawaii from time to time, or by contributing to the development of such housing without the Property. The low and moderate preferential residential units, if offered for sale, shall be offered at prices that would enable such purchasers to qualify for and obtain State-assisted financing or Federally-insured or assisted financing intended to encourage home ownership by low and moderate income families.

2. Petitioner shall provide water pipeline easements on the Property as may be necessary for the State's Waimea Irrigation System and agricultural park developments as required by State and County agencies.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources and the County of Hawaii Department of Water Supply, develop necessary water source and transmission infrastructure to provide an adequate

supply of potable water to the Property, prior to development of the Property.

4. Petitioner shall fund and construct sewage infrastructure improvements necessary for development of the Property as may be required by State Department of Health and County agencies.

5. Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii, provided that said highway improvements are rationally related to the mitigation of impacts caused by the development of the Property.

6. Petitioner shall prepare and execute an archaeological preservation and data recovery plan for review and approval by the Department of Land and Natural Resources and the County of Hawaii Planning Department.

7. Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport relative to the Petitioner's proposed Parker Ranch 2020 Plan to be submitted to the State Department of Transportation and County Planning Department for their review and comment.

8. 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.

DOCKET NO. A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

Done at Honolulu, Hawaii, this 20th day of April 1987,  
per motions on March 17, 1987 and April 15, 1987.

LAND USE COMMISSION  
STATE OF HAWAII

By J.P. Tacbian  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By Fredrick P. Whittemore  
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

By Robert S. Tamaye  
ROBERT S. TAMAYE  
Commissioner

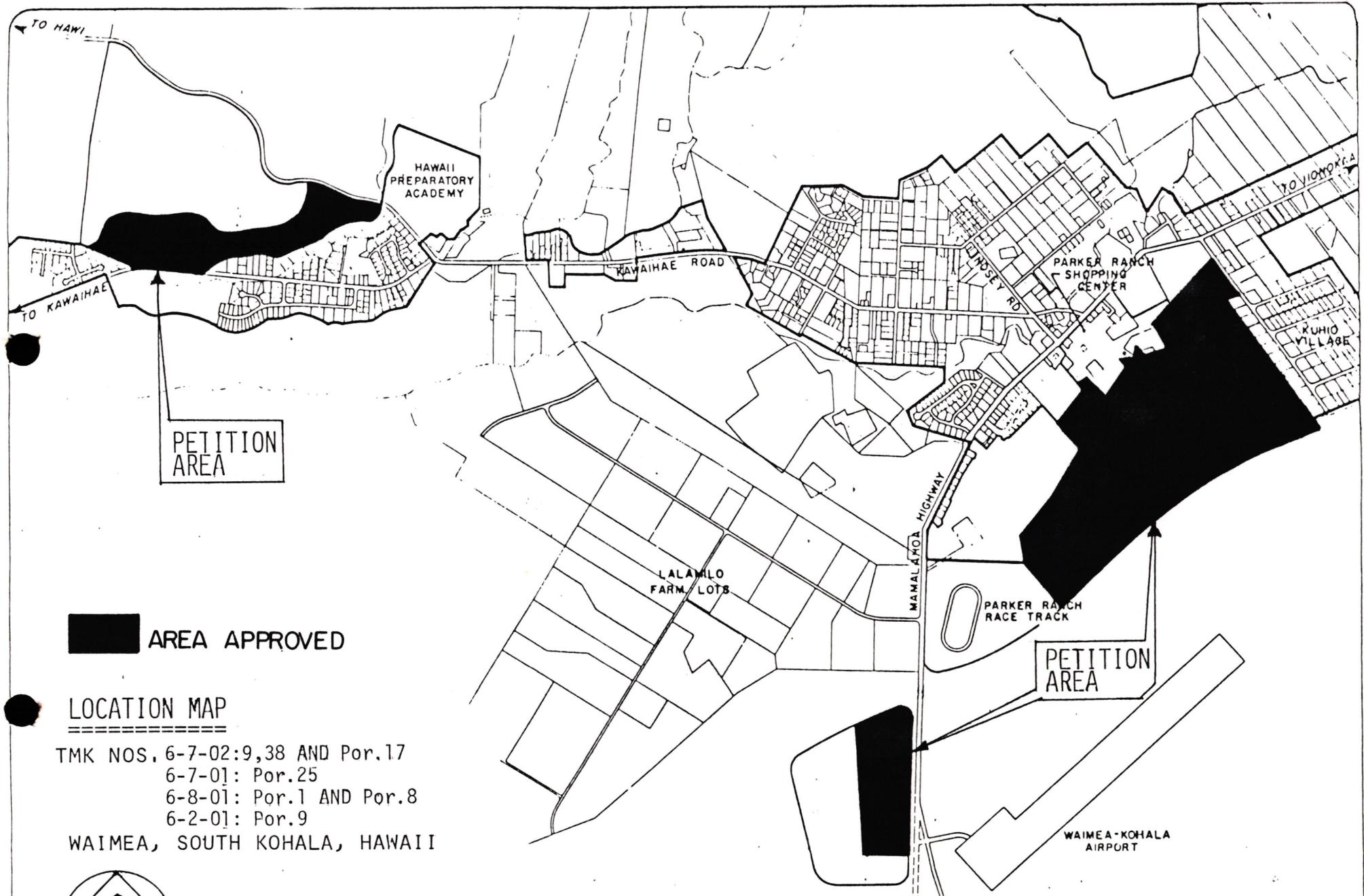
By Richard B. F. Choy  
RICHARD B. F. CHOY  
Commissioner

By Lawrence F. Chun  
LAWRENCE F. CHUN  
Commissioner

By William W. Yuen  
WILLIAM W. L. YUEN  
Commissioner

By Toru Suzuki  
TORU SUZUKI  
Commissioner

By Everett L. Cuskaden  
EVERETT L. CUSKADEN  
Commissioner



**EXHIBIT A**

P 124 044 405

A86-601/Richard Smart Revocable Personal Trust

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1984-446-014

Sent to		Albert Lono Lyman
Street and No.		25 Aupuni St.
P.O., State and ZIP Code		Hilo, HI 96720
Postage		\$ 1.41
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees		\$ 2.86
Postmark or Date		

PS Form 3800, Feb. 1982

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article. **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

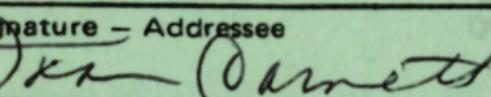
## 3. Article Addressed to:

Mr. Albert Lono Lyman  
25 Aupuni Street  
Hilo, HI 96720

4. Type of Service:	Article Number	
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	P 124 044 405

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X 

## 6. Signature - Agent

X

## 7. Date of Delivery



## 8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



LULU



**SENDER INSTRUCTIONS**  
Print your name, address, and ZIP Code in the  
space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits,  
otherwise affix to back of article.
- Endorse article "Return Receipt Requested"  
adjacent to number.

PENALTY FOR PRIVATE  
USE, \$300

RETURN  
TO



\_\_\_\_\_ (Name of Sender)

State of Hawaii

LAND USE COMMISSION  
\_\_\_\_\_ (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Room 104, Old Federal Building

\_\_\_\_\_ (City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

A86-601/Richard Smart Revocable Personal Trust

P 124 044 407

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

\* U.S.G.P.O. 1984-446-014

Sent to	Ben Kudo, Esq. Gary G.N. Wong, Esq.
Street and No	745 Fort St., 8th fl.
P.O., State and ZIP Code	Honolulu, HI 96813
Postage	\$ 1.41
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.86
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article. **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

**● SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

**3. Article Addressed to:**

Benjamin A. Kudo, Esq.  
Gary G. N. Wong, Esq.  
745 Fort St., 8th Floor  
Honolulu, HI 96813

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> COD	P 124 044 407

Always obtain signature of addressee or agent and  
DATE DELIVERED.

**5. Signature - Addressee**

X

**6. Signature - Agent**

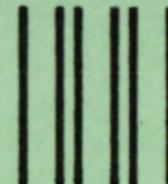
X

**7. Date of Delivery**

4-21-87

**8. Addressee's Address (ONLY if requested and fee paid)**

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



(Name of Sender)

State of Hawaii

LAND USE COMMISSION

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Room 104, Old Federal Building

(City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A86-601  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST ) RICHARD SMART REVOCABLE  
 ) PERSONAL TRUST  
To amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District for Approximately )  
404.34 acres at Waimea, South )  
Kohala, Island and County of Hawaii,)  
Tax Map Key Nos.: 6-7-02: 9, )  
portion of 17, 38; 6-7-01: portion )  
of 25; 6-8-01: Portion of 1 and 8; )  
6-2-01: Portion of 9 )  
 )

CERTIFICATE OF SERVICE

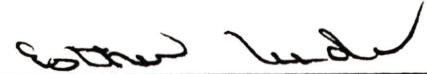
I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

ROGER A. ULEVELING, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

ALBERT LONO LYMAN, Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

BENJAMIN A. KUDO, ESQ.  
GARY G.N. WONG, ESQ.  
Kobayashi, Watanabe, Sugita & Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

Dated: Honolulu, Hawaii, this 20th day of April 1987.

  
ESTHER UEDA, Executive Officer



## MAUNA LANI RESORT, INC.

## LETTER OF TRANSMITTAL

P.O. Box 4959  
Kawaihae, Hawaii 96743-4959  
Telephone: (808) 885-6677

DATE: March 30, 1987

TO: STATE OF HAWAII  
**LAND USE COMMISSION**  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813  
TTN: ESTHER UEDA, Executive Officer

JOB #: \_\_\_\_\_  
RE: **PARKER RANCH 2020**  
\_\_\_\_\_  
\_\_\_\_\_

GENTLEMEN:

WE ARE SENDING YOU  ATTACHED  UNDER SEPARATE COVER VIA \_\_\_\_\_  
\_\_\_\_\_ THE FOLLOWING ITEMS:

# COPIES	DESCRIPTION
1 ea	Copy of letter from <b>Darby &amp; Associates</b> dated 3/25/87 to
	Mauna Lani Resort
1 ea	Copy of letter from <b>Commander in Chief, U. S. Pacific Command</b>
	to Ronald A. Darby

THESE ARE TRANSMITTED as checked below:

<input type="checkbox"/> For Approval	<input type="checkbox"/> Approved as submitted
<input type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted
<input type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections
<input type="checkbox"/> For review & comment	<input type="checkbox"/> _____

- Resubmit \_\_\_\_ copies for approval
- Submit \_\_\_\_ copies for distribution
- Return \_\_\_\_ corrected prints
- \_\_\_\_\_

**REMARKS:**

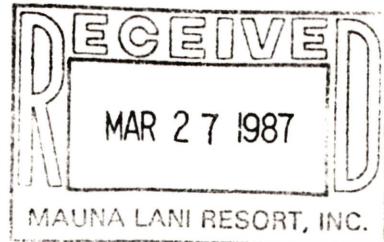
LAND USE COMMISSION  
STATE OF HAWAII

CC: /so

SIGNED: Roger Harris  
Roger Harris



Job #87-2  
March 25, 1987



Mauna Lani Resort  
P.O. Box 4959  
Kawaihae, Hawaii 96743-4959

Attention: Mr. Roger Harris *RE*

Project: Waimea-Kohala Airport Noise Impact on Proposed Residential Areas, Parker 2020 Plan, Hawaii

Dear Mr. Harris:

Attached is a letter from USCINCPAC estimating the projected military use of the Waimea-Kohala Airport. The two fixed wing aircraft mentioned are twin engine turboprop aircraft. Taking this into account and the low total annual projected use of the airport by military fixed wing aircraft and helicopter operations, the conclusion in reference 1 is reinforced that the proposed residential areas are compatible with the predicted use of the airport over the next two decades.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald A. Darby'.

Ronald A. Darby, P.E.

RAD:djs  
Enc1.

Ref. 1 - Letter report to R. Harris from R. Darby dated February 24, 1987.

APR 1 2 22 PM '87  
LAND USE COMMISSION  
STATE OF HAWAII



COMMANDER IN CHIEF, U.S. PACIFIC COMMAND  
(USCINCPAC)  
CAMP H.M. SMITH, HAWAII 96861-5025

18 March 1987

RECEIVED

MAR 23 1987

DARBY & ASSOCIATES,

Mr. Ronald A. Darby  
Darby & Associates  
Pali Palms Plaza  
970 North Kalaheo Avenue,  
Suite A-311  
Kailua, Hawaii 96734

Dear Mr. Darby:

This is in further regard to your letter requesting information on past and projected military use of the Waimea-Kohala Airport.

During coordination with our military components and the Coast Guard, we have been advised that the Navy, Marine Corps and Air Force are not currently conducting or planning to use the Waimea-Kohala Airport for training operations.

The U.S. Army Western Command plans to maintain its current training use of the airport which annually involves 12 full stop landings and departures (not necessarily performed at the same time) by C12 and G1 fixed wing aircraft, and 70 practice instrument approaches (or low approaches) by UH-1 and OH-58 helicopters.

The 14th U.S. Coast Guard District conducted no training at the Waimea-Kohala Airport in 1985 but plans to conduct 50 landings and departures by HH-65 helicopters in 1990, 100 landings and departures in 1995, and 150 landings and departures in the year 2005.

The above information is based upon today's projected requirements and are subject to change at any time due to changing operational and training needs of our military components and the Coast Guard. To project any substantial data as far into the future as you have requested is not a guarantee of military useage and cannot be considered binding upon Department of Defense and Coast Guard Activities.

I hope this information will prove useful to you. Again, you may contact either Mr. Earl Greathouse or Major Rogers at 477-6282 to discuss any further details.

Sincerely,

  
WILLIAM H. SCHNEIDER  
Lieutenant General, U.S. Army  
Deputy Commander in Chief/  
Chief of Staff

APR 1 10 08 AM '87  
LAND USE COMMISSION  
STATE OF HAWAII

# RICHARD SMART TRUST

745 FORT STREET, SUITE 309 • HONOLULU, HAWAII 96813 • TELEPHONE (808) 521-1828

## TRUSTEES

Richard Smart  
Warren J. Gunderson  
Richard S. Hendrick  
Gilliard P. Smart

LAND USE COMMISSION  
STATE OF HAWAII  
MAR 25 12 52 PM '87

March 23, 1987

Land Use Commission Members  
Land Use Commission  
Room 104  
Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Dear Messrs. Tacbian, Whittemore, Choy, Chun, Cuskaden, Suzuki, Tamaye, and Mr. Yuen:

The Trustees of the Richard Smart Trust would like to take this opportunity to thank all of you for the granting conditionally of our petition for the re-classification of our land in Kamuela from agricultural to urban. We realize and appreciate the delays caused the Commission by our removal and replacement of various trustees of the Richard Smart Trust and thank you for your patience.

If you have any questions regarding this or other related matters, please don't hesitate in calling us.

On behalf of  
The Richard Smart Trust

Sincerely yours,



Gilliard P. Smart  
Trustee

GPS:clr

Of Counsel:  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

BENJAMIN A. KUDO #2262-0  
GARY G. N. WONG #3052-0  
8th Floor, Hawaii Building  
745 Fort Street  
Honolulu, Hawaii 96813  
Telephone: 544-8300

ORIGINAL

Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the matter of the Petition )	DOCKET NO. A86-601
OF )	FILING OF STIPULATION TO
RICHARD SMART REVOCABLE )	PROPOSED FINDINGS OF FACT,
PERSONAL TRUST )	CONCLUSIONS OF LAW AND
To Amend the Land Use )	DECISION AND ORDER BETWEEN
District Boundary of Certain )	PETITIONER AND COUNTY OF
Lands situated at Waimea, )	HAWAII PLANNING DEPARTMENT
District of South Kohala, )	
Island of Hawaii, State of )	
Hawaii )	

LAND USE COMMISSION  
STATE OF HAWAII  
MAR 10 3 11 PH '87

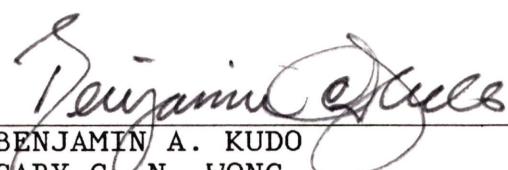
FILING OF STIPULATION TO PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DECISION AND ORDER BETWEEN  
PETITIONER AND COUNTY OF HAWAII PLANNING DEPARTMENT

Comes now RICHARD SMART REVOCABLE PERSONAL TRUST, a Hawaii corporation, Petitioner herein, and pursuant to the State of Hawaii Land Use Commission Rules, Subchapter 5, § 15-15-37, and Subchapter 7, §15-15-56, hereby submits the Stipulation to Proposed Findings of Fact, Conclusions of Law and Decision and Order between Petitioner and County of Hawaii Planning

Department. By the attached Stipulation, the County of Hawaii has accepted, approved and ratified the Stipulated Proposed Findings of Fact, Conclusions of Law and Decision and Order which was previously filed by the Petitioner with the Land Use Commission on March 9, 1987.

Dated: Honolulu, Hawaii, March 10, 1987.

Of Counsel:  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

  
\_\_\_\_\_  
BENJAMIN A. KUDO  
GARY G. N. WONG  
Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Stipulation to Proposed Findings of Fact, Conclusions of Law and Decision and Order between Petitioner and County of Hawaii Planning Department were duly mailed by certified mail or personally served to each of the following persons on March 10, 1987, addressed as follows:

Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

EVERETT KANESHIGE, ESQ.  
Department of the  
Attorney General  
465 South King Street, Rm. 200  
Honolulu, Hawaii 96813

PLANNING COMMISSION  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

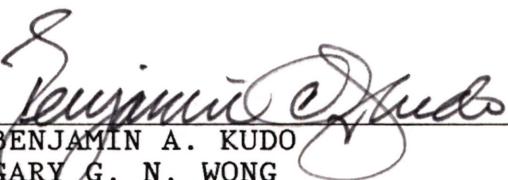
ALBERT LONO LYMAN, Director  
Department of Planning  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

FRANK B. VIERRA  
P. O. Box 126  
Kamuela, Hawaii 96743

HAWAII ELECTRIC LIGHT CO., INC.  
1200 Kilauea Avenue  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, March 10, 1987.

Of Counsel:  
KOBAYASHI, WATANABE  
SUGITA & KAWASHIMA

  
BENJAMIN A. KUDO  
GARY G. N. WONG  
Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

ORIGINAL

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A86-601  
RICHARD SMART REVOCABLE PERSONAL ) RICHARD SMART REVOCABLE  
TRUST ) PERSONAL TRUST  
To Amend the Agricultural Land Use )  
District boundary to Reclassify )  
Approximately 404.34 Acres, )  
TMK: 6-7-02: 9, 17p, 38; )  
6-7-01: 25p; 6-8-01: 1p, 8p; )  
6-2-01: 9p at Waimea, South )  
Kohala, Island and County of )  
Hawaii, into the Urban Land )  
Use District. )

---

MAR 10 3 12 PM '87  
LAND USE COMMISSION  
STATE OF HAWAII

STIPULATION TO PROPOSED  
FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND DECISION AND ORDER

IT IS HEREBY STIPULATED by and between the RICHARD SMART PERSONAL TRUST, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062, and the COUNTY OF HAWAII PLANNING DEPARTMENT that the attached Stipulated Proposed

Findings of Fact, Conclusions of Law and Decision and Order in  
Docket No. A86-601 before the State of Hawaii Land Use Commission  
is hereby accepted, approved and ratified.

DATED: Honolulu, Hawaii March 6, 1987.

RICHARD SMART REVOCABLE TRUST

By Richard Smart  
Its Trustee

COUNTY OF HAWAII  
PLANNING DEPARTMENT

By Tim Lono  
For: Albert Lono Lyman  
Planning Director



# MAUNA LANI RESORT

March 6, 1987

State Department of Transportation  
Airports Division  
Honolulu International Airport  
Honolulu, Hawaii 96819

RE: PARKER RANCH 2020 DEVELOPMENT PLAN NOISE IMPACT  
EVALUATION FOR WAIMEA/KOHALA AIRPORT

Gentlemen:

Transmitted herewith is a copy of Aircraft Noise Impact Evaluation report prepared by Darby & Associates Acoustical Consultants, dated February 24, 1987.

This is submitted to you in response to comments received at the Land Use Commission proceedings on the Parker Ranch 2020 Richard Smart Trust boundary change request.

Please review this report and direct any questions or comments to myself or Mr. Ron Darby at Darby & Associates. Thank you very much for your cooperation and we hope this information will be helpful.

Very truly yours,

MAUNA LANI RESORT, INC.

Roger Harris  
Project Planner

RH/lo

cc: State Dept. of Planning and Economic Development  
County of Hawaii Planning Department  
Belt, Collins & Associates  
Richard Smart Trust  
Kobayashi, Watanabe, Sugita & Kawashima  
State Land Use Commission

MAR 9 1 02 PM '87

LAND USE COMMISSION  
STATE OF HAWAII



Job #87-2  
February 24, 1987

Mauna Lani Resort, Inc.  
P.O. Box 4959  
Kawaihae, Hawaii 96743-4959

Attention: Mr. Roger Harris

Subject: Aircraft Noise Impact Evaluation for Proposed Parker Ranch Development due to Operations from the Waimea-Kohala Airport, Hawaii

Dear Mr. Harris:

In response to your request, I provide the following evaluation of potential aircraft noise impact on proposed residential areas in the Parker Ranch 2020 development plan.

I. Objective - The major objective of this study is to evaluate whether the noise sensitive land uses in the Parker 2020 Plan as shown in Figure 1 may experience excessive noise impact from future airport operations based on Federal and local noise criteria.

II. General Comments on Aircraft Noise Metrics - The noise from an aircraft flyover is characterized by an increase in level above the ambient (or background) noise level to a maximum level and then a decrease back to the ambient. The maximum noise level ( $L_{max}$ ) can be easily measured in decibels "A" weight (dBA) with a simple sound level meter. Because aircraft noise events can vary considerably in duration, it is desirable to measure an integrated sound level during the noise event. Modern sound level meters can measure the Sound Exposure Level (SEL) in dBA thus quantifying both the magnitude and duration of a single aircraft noise event measured above a specified threshold. SEL represents the level of an equivalent one-second duration reference signal; and thus, is greater than the maximum noise level for aircraft noise events lasting longer than one second. For fixed wing fly-overs at about 1,000 feet, the SEL value is typically about 7 to 9 dB greater than the maximum noise level.

The cumulative effect of many noise events occurring over a period of time can be measured by the day-night sound level ( $L_{dn}$ ) wherein the

Mauna Lani Resort, Inc.  
Attn: Roger Harry

February 24, 1987  
Page 2

noise exposures occurring between the hours of 10 p.m. and 7 a.m. are increased by 10 dBA in order to account for the increase in noise sensitivity at night. It is to be noted that an increase of 10 dB is usually perceived as twice as loud. A series of SEL's are energy summed and normalized to yield the single  $L_{dn}$  value. The energy averaging technique is used because it places emphasis on the higher SEL's since it has been found that people tend to show greater response to the loudest single event in a series of events. Thus, if an airport has one or two noisy jet operations that are 30 dB or more greater than the many quiet propeller aircraft operations during a typical day, then the  $L_{dn}$  is completely controlled by the jet operations.

The 10 dB night time penalty in the  $L_{dn}$  metric equates to treating each operation at night (10 p.m. to 7 a.m.) as ten daytime operations. Thus, if there are (on the average) 20 daytime operations and 2 nighttime operations, the total number used in the  $L_{dn}$  calculation is 40 operations rather than the actual total of 22 operations per day.

The  $L_{dn}$  metric is used in both Federal and local criteria for the purpose of evaluating aircraft noise impact.

III. Past and Existing Conditions at the Airport - Prior to the Keahole Airport opening in 1971, the northern portion of the Big Island was serviced primarily by Waimea-Kohala Airport along with the Kona Airport (which closed in 1971) and the small State airport Upolu in North Kohala. As shown in Figure 2, activity at Waimea-Kohala Airport increased substantially from 1960 to the early seventies peaking at about 100,000 passenger movements/year and about 3,000,000 pounds of air-cargo per year (references 1 through 4). Reportedly, the Waimea-Kohala Airport had interisland jet air carrier service until 1981 (reference 5). Completion of the new Queen Kaahumanu Highway between Kailua-Kona and Keahole Airport caused this airport to be more highly utilized. Also, the low ceilings and adverse wind conditions which periodically prevented operations at Waimea-Kohala Airport were rarely experienced at Keahole Airport. Thus Figure 1 shows a great reduction in passenger and air-cargo service from the early seventies to the early eighties for Waimea-Kohala Airport. The curve for annual air operations in Figure 1 from 1975 to 1985 does not drop similarly despite the overall reduction in services because larger numbers of smaller commuter aircraft (e.g. Cessna 402's) were operating in this period as the jets phased out.

Mauna Lani Resort  
Attn: Roger Harris

February 24, 1987  
Page 3

Figure 3 shows the recommended flight path for air carrier jet aircraft from the 1975 edition of the "DOT Airport Directory and Flying Safety Manual". The traffic patterns shown in Figure 3 for small and large aircraft are similar to those in the 1986 safety manual which does not include the air carrier jet flight path.

Presently, the only scheduled service to Waimea-Kohala Airport is by Princeville Airways; which, as of this date, consists of three flights per day by Otters (DH-6) or Cessna 402 aircraft. Apparently there is no scheduled air cargo service, but chartered Cessna 402's reportedly average about two flights per day servicing local vegetable and macadamia nut growers and processors (reference 6).

The airport has a flying school based there and it apparently offers small fixed-wing tour flights. About 12 small general-aviation propeller aircraft are based at Waimea-Kohala Airport including an ultralight aircraft. Reportedly, a private business jet is used by a home owner in Waimea and it averages about one flight per week at the airport. On occasion, business jets reportedly service passengers who desire the privacy of the smaller airport rather than use Keahole Airport (reference 6).

Noise level measurements were made at Kuhio Village as shown in Figure 1 resulting in a maximum level ( $L_{max}$ ) of 60 dBA for the departure of an Otter (DH-6) that climbed essentially straight-out. Also  $L_{max}=66$  dBA was obtained for a C-402 which made a sharp right turn near the end of the runway. On other occasions the scheduled aircraft departure was not visible and was barely audible and was not measureable. It is believed that the aircraft may have departed in the opposite direction due to light Kona winds. Or possibly, the aircraft did as in my departure from the airport: the C-402 took a tight left-hand turn around the race track.

Residual ambient noise levels in the existing Kuhio Village residential area were 35 to 40 dBA in the morning and evenings. The background level was controlled by children singing in a home, birds, dogs, cows and distant motor vehicular traffic.

IV. Estimating Future Aircraft Operations and Aircraft Types - In order to estimate the aircraft noise impact in the proposed residential areas, predictions must be made of the numbers and types of aircraft that will most

Mauna Lani Resort, Inc.  
Attn: Roger Harris

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likely be using the airport in the future. Of most importance is siting the probability of noisy jet aircraft operations and of nighttime activity.

Jet aircraft activity could occur from scheduled passenger operations, scheduled cargo operations, business jet flights, and military aircraft exercises. Each of these possibilities is discussed below.

The probability of scheduled jet passenger and cargo operations at the Waimea-Kohala Airport in the future is dependent on the economic advantage of using this airport instead of Keahole Airport. Keahole Airport, which is approximately 40 miles away by road, will always have more scheduled flights, better terminal facilities, better ground transportation resources, and fewer periods of adverse weather conditions which will disrupt schedules. Kawaihae Highway between Waimea and the coast is presently being improved and no doubt will continue to be upgraded as required in the future. Keahole Airport most likely will continue to grow in response to the great development occurring on (and projected for) the Kohala Coast. The growth will probably include more direct mainland flights and the concomitant infrastructure. Thus, it appears reasonable to believe that Keahole Airport will continue to attract the large scheduled passenger and cargo operations while scheduled service to the Waimea-Kohala Airport will be based on the needs of the local population.

A phone conversation with a representative of Hawaiian Air Lines, who just completed a market study on the feasibility of providing scheduled service to Waimea-Kohala Airport, essentially addressed the above considerations. Her conclusion was that, at this time, it is not economically viable to introduce Dash 7 service to the airport because the local population is too small. The situation will be re-evaluated as growth occurs in Waimea, but the presence of Keahole Airport will always be factored into the evaluation. She emphasized that there is no possibility of justifying scheduled jet aircraft into Waimea-Kohala Airport in the foreseeable future. However, it was stated that there is always the possibility of sporadic pre-packaged tours utilizing jet aircraft into the airport.

Discussion with local airport-oriented persons (reference 6) indicated that small propeller aircraft (Cessna C-402's) have satisfied the needs for shipping vegetables and macadamia nuts by air to Honolulu in recent times. The probability of large shipments justifying jet aircraft is

Mauna Lani Resort, REDACTED  
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apparently very low. The extreme situation discussed was of utilizing Otters (DH-6) or even YS-11's on an as-required basis.

Business jet flights are difficult to predict. Pure business trips involving the large coastal resort developments may utilize either Keahole Airport or Waimea-Kohala Airport depending on which connecting road system is less congested. Also there is the possibility of some large resort complexes developing their own air strips. However, since there is already use of the airport by business jets, it is reasonable to predict increased business jet operations based upon: (a.) pure business trips to Waimea and resort complexes on the western coast; (b.) wealthy home owners in Waimea, North Kohala, and the eastern coast area; (c.) persons who desire the privacy of the smaller airport; and (d.) small pleasure packaged tours, e.g. for golfing, riding, or hunting.

In the discussion with local airport-oriented persons (reference 6), mention was made of military aircraft occasionally "shooting" the runway, but the frequency and the types of aircraft were not made apparent. An official request to the military for an estimate of exercise activity at Waimea-Kohala Airport over the future planning period has been made (reference 7).

Table I provides estimates of overall future airport activity at Waimea-Kohala Airport based on recent preliminary data provided by DOT Airports Division (reference 4). Portions of Figure 2 are based upon these predictions. In the table it is seen that the total operations in 1985 of 7,918 are estimated to increase to 24,000 operations in 2005. While the number of aircraft operations is predicted to triple in the next 20 years, the number of passenger movements shows only a little more than doubling. This behavior seems consistent with the above reasoning in that more flights of smaller air taxi type aircraft will be involved to provide passenger and cargo service for local needs while Keahole Airport will handle the bulk of tourist and air cargo requirements for the greater Kohala area.

Table I also predicts a substantial growth in general aviation operations from 500 in 1985 to 12,000 in 2005. It will be shown in the next section that this great increase in general aviation (G.A.) operations will not cause adverse noise impact in the proposed community unless noisy private jet aircraft comprise a significant percentage of the G.A. operations.

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V. Estimates of Future Aircraft Noise Impact - Evaluating the potential impact of aircraft noise in existing and proposed residential areas is accomplished in this study by estimating the  $L_{dn}$  level that should exist at the 2,000 foot set-back line from the aircraft tradewind departure track for various types and numbers of aircraft. See Figure 1 for the " $L_{dn}$  Contour Line" along the nearest residential property boundary line that essentially parallels the typical departure flight track.

If it is shown that  $L_{dn}$  60 or less exists on the  $L_{dn}$  Contour Line, then the aircraft noise impact in the residential areas will be within all known local and typical Federal criteria (references 8 and 9 respectively). If  $L_{dn}$  55 or less exists on the  $L_{dn}$  Contour Line, then the aircraft noise impact in the communities would not exceed the long range goal of the U.S. Environmental Protection Agency which "ensures protection of public health and welfare from all adverse effects of noise based on present knowledge" without consideration of costs and other social impacts (reference 10).

In Table II, five aircraft categories A through E are shown which have descending nominal loudness parameters ranging from SEL = 100 dB for the noisier jets down to SEL = 70 dB for small G.A. single propeller aircraft. The table includes interisland jet carrier type aircraft (DC-9, B 737 and F-28) for reference purposes only since, as discussed above, it should not be economically viable to operate such aircraft at the airport.

Table I also shows the number of daily tradewind departures required to create  $L_{dn}$  55 or 65 at the  $L_{dn}$  Contour Line. The potential future noise impact can be evaluated by comparing these numbers of departure with the estimated future operations presented in Table I. The year of highest activity (2005) in Table I shows a total of 35.3 departures/day with an even split between commercial aircraft and general aviation, i.e. 17.7 departures each. The following observations are made from Table II:

(a.) The commercial aircraft which are predicted to use the airport in the next 20 years are in Category C (DH-7, DH-6, C-402) where 251 departures/day are required to create  $L_{dn}$  55. With a maximum of only 17.7 departures/day, it is obvious that commercial operations should cause much less than  $L_{dn}$  55. It can be shown that 17.7 departures/day during 7 a.m. to 10 p.m. of Category C aircraft would create  $L_{dn}$  43.5 at

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the Contour Line. It also can be seen that even if all Category C commercial aircraft departed at nighttime (10 p.m. to 7 a.m.), the adjusted effective departure number ( $17.7 \times 10 = 177$ ) would still cause less than  $L_{dn}$  55 in the community (actually  $L_{dn}$  53.5).

(b.) Small propeller general aviation aircraft in Categories D and E obviously will not cause  $L_{dn}$  55 to exist in the community. The number of operations required to exceed  $L_{dn}$  55 are probably much greater than the capacity of the airport.

From the above observations it appears that the predicted commercial operations and all propeller G.A. aircraft operations using the airport cannot cause excessive noise impact in the proposed residential areas. The only remaining possibility of potential impact from nonmilitary aircraft operations is the heavy use of the airport by the noisier business jets. As can be seen from Table II, business jets have a large variation in their noise output. In FAR Part 36, the FAA has established noise limits for turbojet powered airplanes and has classified them into Stages 1 through 3, where Stage 1 is the noisiest; Stage 3 - the quietest stage. In Table II the business jets shown in Categories A and B are Stage 2 aircraft while those in Category C are Stage 3 aircraft. Stage 1 turbojet aircraft have apparently been essentially phased out. Plans to develop strategies which ban Stage 2 business jets at some future date are presently being considered (reference 13).

Criteria for aircraft noise impact and land-use compatibility is commonly based on determining the number of aircraft operations for an annual average day. Thus the number of departures to create  $L_{dn}$  55 and 60 shown in Table II should represent daily departures averaged from data obtained over 365 days. Predicting the average daily number of operations for non-scheduled flights, e.g. for business jets and military exercises is difficult, particularly when no firm historical data are available. Also, there is no known basis to predict the arrivals of new business jet aircraft in the islands over the next 20 years.

To illustrate the effect of the noise impact from a mix of aircraft operations at Waimea-Kohala Airport, Table III presents what is probably an extreme scenario where 23% of the average daily G.A. activity involves business jets and 28% of commercial air traffic is at night. From Table III

Mauna Lani Resort, ~~Inc.~~  
Attn: Roger HarrisFebruary 24, 1987  
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it can be seen that the single departure of the Category A business jet contributes 55.6% of the total noise exposure. Also, it is shown that the five night flights by commercial aircraft cause 27.8% of the overall noise exposure. The total noise impact for this scenario is  $L_{dn}$  53.1 dB at the edge of the residential area and is below the long range EPA goals.

While an infinite number of scenarios can be evaluated for different aircraft mixes and operating times, it is believed that Tables II and III demonstrate that the proposed residential areas should not be adversely affected by aircraft noise into the future under predictable normal airport operations.

Tables II and III may also be used to relate the maximum noise levels ( $L_{max}$ ) that people actually experience to the averaged  $L_{dn}$  values. For example, for the scenario in Table III a person during the daytime (7 a.m. to 10 p.m.) would experience one noise event with  $L_{max}$  at about 92 dBA from the Category A business jet departing; one event at about 82 dBA from the Category B business jet; about 15 events at 72 dBA from Category C aircraft, and about 14 events at 67 dBA from G.A. propeller airplanes departing. Between 10 p.m. and 7 a.m. he may hear five noise events at about 72 dBA (if he is outdoors) from the nighttime commercial aircraft departures.

The intrusiveness of the aircraft noise events that persons in the community experience depends on whether they are outside or inside their homes and upon the ambient background noise at that location. The ambient (non-aircraft) noise level at the residences closest to the airport should be controlled by the motor vehicular traffic noise from the planned State highway shown in Figure 1. At residences closest to the highway, the traffic noise may mask (or cover up) most aircraft noise events except for those caused by aircraft in Categories A and B. However, residences without line-of-sight to the highway (caused by other structures or noise barrier fences) would typically have lower residual noise levels and all aircraft departures may be detectable when people are outdoors. Generally, noise from only Categories A and B aircraft would cause significant speech interference for a short period of time.

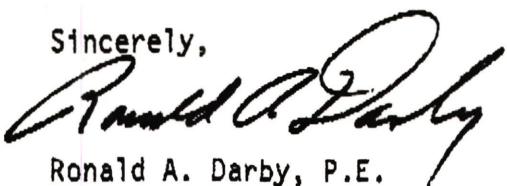
Mauna Lani Resort, Inc.  
Attn: Roger Harr

February 24, 1987  
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#### VI. Summary and Conclusions

The potential aircraft noise impact from operations at Waimea-Kohala Airport in the proposed new residential areas of Waimea town is evaluated. An analysis of possible future uses of the airport concludes that (a.) there will probably not be scheduled interisland jet carrier or freight service, (b.) scheduled commercial operations will normally utilize propeller type aircraft, and (c.) there will be increasing numbers of business jet aircraft operations. Under these premises, it is shown that the degree of noise impact is highly dependent on the types and numbers of business jet aircraft using the airport. Extreme-case scenarios indicate that the proposed residential areas are compatible with the predicted use of the airport over the next 20 years based on local and Federal criteria.

Sincerely,



Ronald A. Darby, P.E.

RAD:djs  
Encls.

Mauna Lani Resort, Inc.  
Attn: Roger Harris

February 24, 1987  
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References:

1. "Airport Statistics for 1982, Statewide Airport System", State DOT Airports Division, February 1983.
2. "Airport Statistics for 1983, Statewide Airport System", State DOT Airports Division, April 1984.
3. "Hawaii State Airport System Plan", proposed by Kentron Hawaii, Ltd.; October 1976.
4. Preliminary data obtained from State DOT Airports Division, January 7, 1987.
5. Phone conversation with Hawaiian Air Line representative, February 1987.
6. Meeting with owners of aircraft based at Waimea Kohala Airport, DOT Airports Division personnel, and flying school owner, February 9, 1987.
7. Letter to Lt. Gen. W. H. Schneider, USCINCPAC from R. Darby dated February 19, 1987.
8. "Honolulu International Airport and Environs Master Plan Study - Summary Report", State DOT, Airports Division, June 1981.
9. "Noise Control and Compatibility Planning for Airports", FAA Advisory Circular AC 150/5020-1; August 5, 1983.
10. "Toward a National Strategy for Noise Control" - US EPA, April 1977.
11. "Calculation of Day-Night Levels (Ldn) Resulting from Civil Aircraft Operations", US EPA Report 550/9-77-450, January 1977.
12. "Estimated Airplane Noise Levels in A-Weighted Decibels", FAA Advisory Circular 36-3D, March 27, 1986.
13. "Aircraft Noise Classifications are Misleading", National Business Aircraft Association; Noise Regulation Reporter, June 23, 1986.

TABLE I

Estimates of Future Airport Activity at Waimea-Kohala Airport, Hawaii

	<u>YEAR</u>				
	<u>1985</u>	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>
<u>Total Annual Passenger Movements</u>	15,787	--	--	--	37,000
<u>Aircraft Operations</u>					
Commercial Air Taxi	7,418	10,000	10,000	11,000	12,000
General Aviation	500	9,800	10,000	11,000	12,000
Total	7,918	19,800	20,000	22,000	24,000
<u>Average Total Operations/ Day*</u>	23.3	58.2	58.8	64.7	70.6
<u>Average Departures/Day*</u>	11.6	29.1	29.4	32.4	35.3
<u>Average Passenger Movements/Day*</u>	46	--	--	--	109
<u>Average Passengers Enplaned/Day*</u>	23	--	--	--	55

\* Based on 340 days/year

Note: Base information is from reference 4.

TABLE II

Typical Aircraft Types Possibly Using Waimea-Kohala Airport and Estimates of the Number of Departures Required to Cause Noise Impact of  $L_{dn}$  55 and 60 in Proposed Residential Areas

A/C Category	A/C Type	FAA + Estimated $L_{max}$ (dBA)	← At 2,000' →		Approximate Number of Daily Departures**	
			$L_{max}$	SEL	$L_{dn}$ 55	$L_{dn}$ 60
A	DC-9-30, 50	86-88				
	B737-200	85-87				
	Lockheed 1329 Jet Star*	82-88	91-93	100	2½	8
	Rockwell Sabre 70*	88				
B	Learjet 25 B/C*	83				
	YS-11	81				
	DC-9-10	80	81-83	90	25	79
	F-28	79				
C	Rockwell Sabre 75*	78				
	Learjet 35, 36*	72				
	Falcon 50	71				
	Cessna Citation*	68	71-73	80	251	794
D	DH-7, DH-6, C-402	68				
	Misc. G.A. 1 & 2 Prop.	65	66-68	75	794	2,512
E	Misc. G. A. 1 Prop.	60	61-63	70	2,512	7,943

\* Business Jet

\*\* No. of Daily Departures Required to Cause  $L_{dn}$  55 and  $L_{dn}$  60 at 2,000' from Aircraft. Tradewind pattern only.

+ Relative Noise Levels from reference 12.

SEL Levels from reference 11.

TABLE III

Example of Predicted Aircraft Noise Impact for a Possible Extreme Scenario of Waimea-Kohala Airport Use in the Future

A/C Category	Actual No. Departures	Effective No. Departures	$L_{dn}^*$ Contribution (dB)	% Contribution
A - Business Jet	1/day	1	50.6	55.6
B - Business Jet	1/day	1	40.6	5.6
C - Business Jet	2/day	2	33.6	1.4
C - Commercial	12.7/day	12.7	41.6	6.9
	5.0/night	50.0	47.6	27.8
D - General Aviation	<u>13.7/day</u>	<u>13.7</u>	<u>37.0</u>	<u>2.8</u>
TOTAL	35.4	80.4	53.1	100.1

\*  $L_{dn}$  value at the " $L_{dn}$  Contour Line" shown in Figure 1

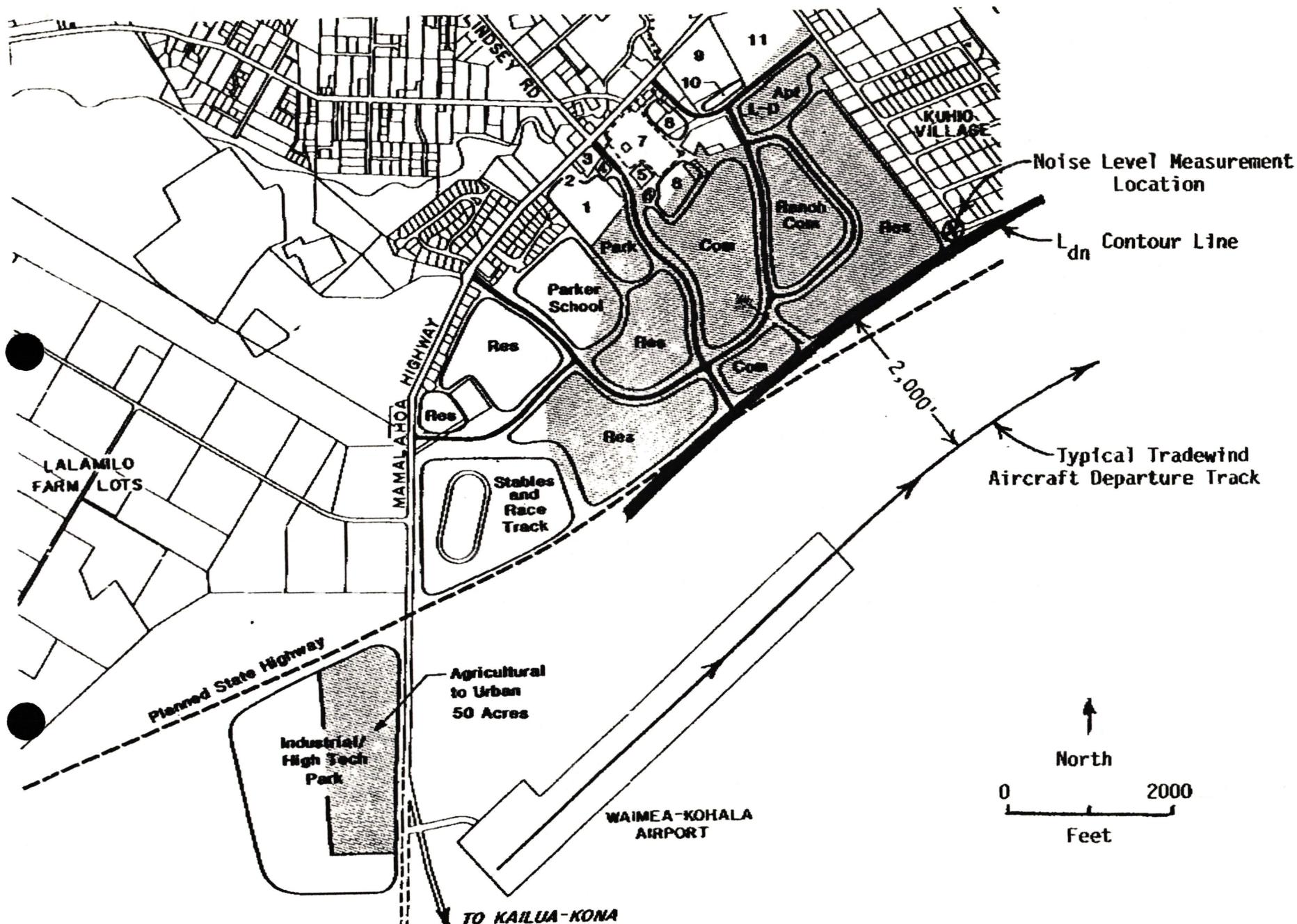


Figure 1 - Plan Showing Proposed Residential Areas and Waimea-Kohala Airport, Hawaii

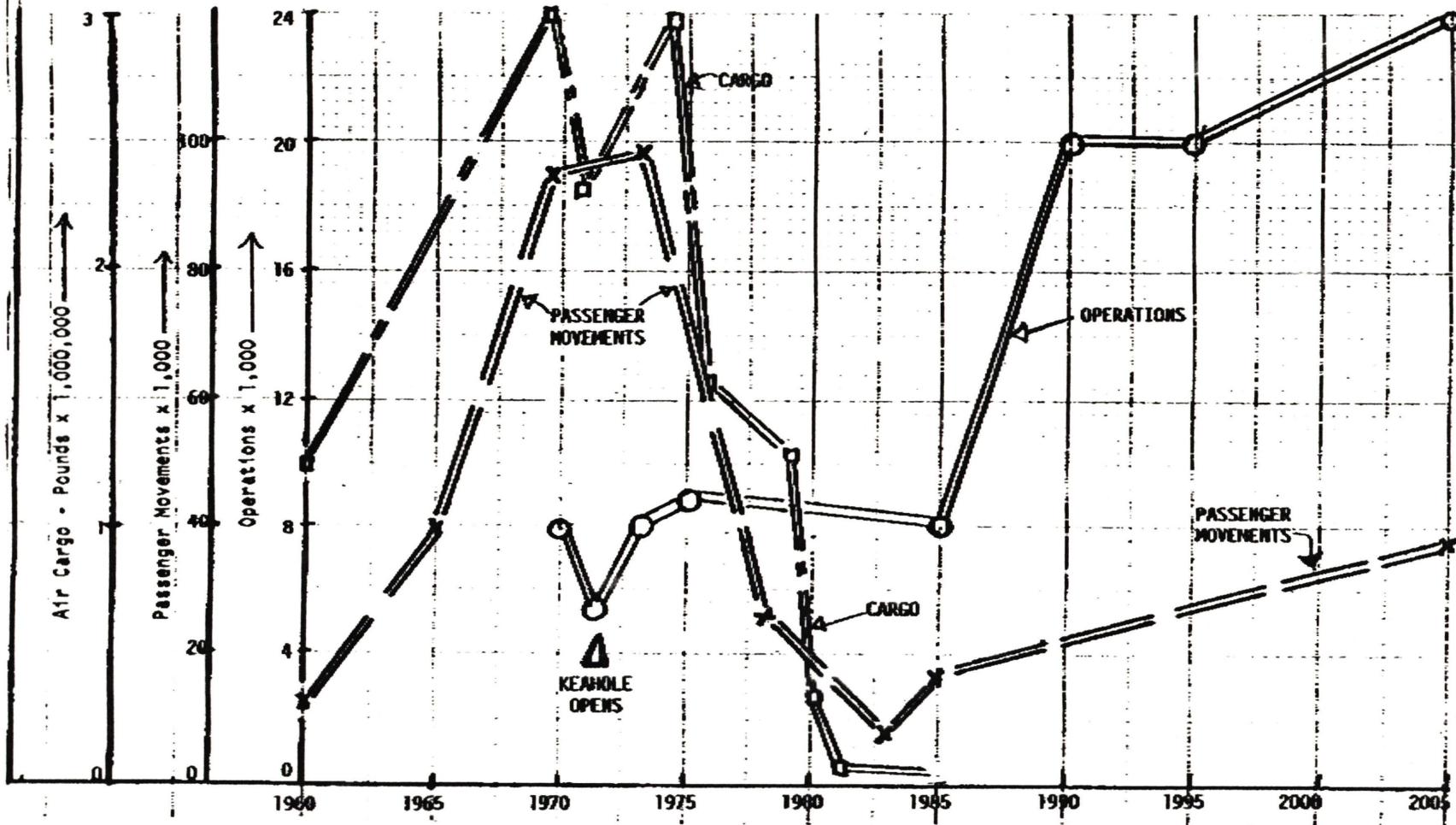
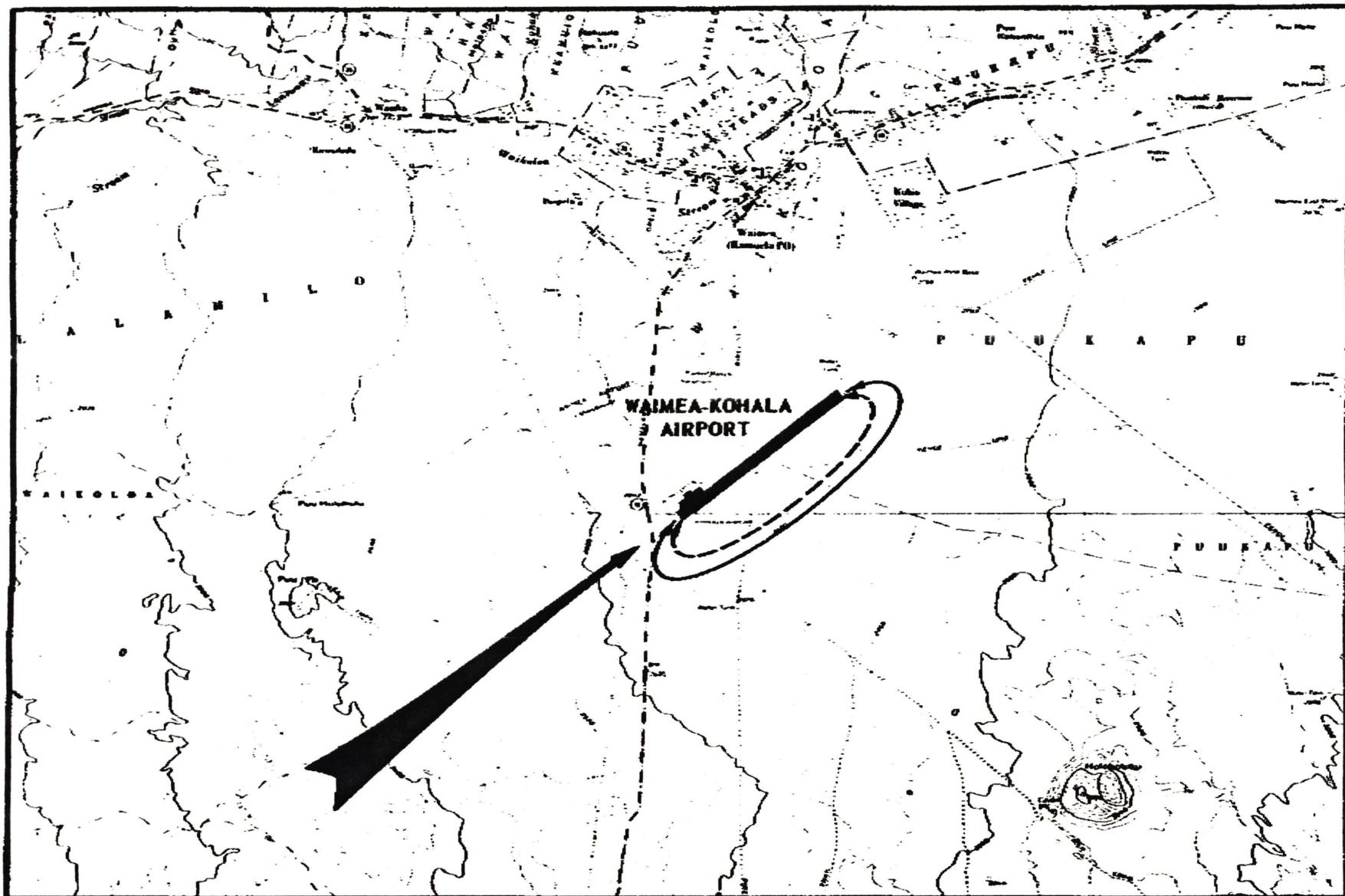


Figure 2 - Historical Trends and Predictions of Aircraft Operations, Passenger Movements, and Cargo Handled at Waimea-Kohala Airport, Hawaii



Legend:

- Traffic Pattern for small aircraft at 3500' MSL
- Traffic Pattern for large aircraft at 4200' MSL
- Flight Path for air carrier jet aircraft

Source: Airports Division, Department of Transportation, State of Hawaii  
Airport Directory and Flying Safety Manual, Ninth Edition, 1975.



0  $\frac{1}{2}$   $\frac{1}{4}$   $\frac{3}{4}$  1 Mile

Graphic Scale

Figure 3  
WAIMEA-KOHALA AIRPORT  
KAMUELA, HAWAII

ORIGINAL

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A86-601  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST ) RICHARD SMART REVOCABLE  
 ) PERSONAL TRUST  
To Amend the Agricultural Land Use )  
District boundary to Reclassify )  
Approximately 404.34 Acres, )  
TMK: 6-7-02: 9, 17p, 38; )  
6-7-01: 25p; 6-8-01: 1p, 8p; )  
6-2-01: 9p at Waimea, South )  
Kohala, Island and County of )  
Hawaii, into the Urban Land )  
Use District. )

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LAND USE COMMISSION  
STATE OF HAWAII

MAR 9 3 28 PM '87

STIPULATION TO PROPOSED  
FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND DECISION AND ORDER

IT IS HEREBY STIPULATED by and between the RICHARD SMART PERSONAL TRUST, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062, and the STATE OF HAWAII DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT that the

attached Stipulated Proposed Findings of Fact, Conclusions of Law and Decision and Order in Docket No. A86-601 before the State of Hawaii Land Use Commission is hereby accepted, approved and ratified.

DATED: Honolulu, Hawaii March 6, 1987.

RICHARD SMART REVOCABLE TRUST

By *Richard Smart*  
Its Trustee

STATE OF HAWAII  
DEPARTMENT OF PLANNING AND  
ECONOMIC DEVELOPMENT

By *Murray E. Tomic*  
Its Deputy Director

Of Counsel:  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

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ORIGINAL

Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

LAND USE COMMISSION  
STATE OF HAWAII

MAR 9 3 26 PM '87

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition )	DOCKET NO. A86-601
OF )	STIPULATION TO PROPOSED
RICHARD SMART REVOCABLE )	FINDINGS OF FACT, CONCLUSIONS
PERSONAL TRUST )	OF LAW AND DECISION AND
To Amend the Land Use )	ORDER BETWEEN PETITIONER
District Boundary of Certain )	AND DPED; STIPULATED PROPOSED
Lands situated at Waimea, )	FINDINGS OF FACT, CONCLUSIONS
District of South Kohala, )	OF LAW AND DECISION AND ORDER
Island of Hawaii, State of )	
Hawaii )	

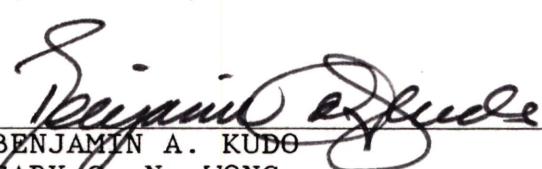
STIPULATION TO PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DECISION AND ORDER BETWEEN  
PETITIONER AND DPED; STIPULATED PROPOSED FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

Comes now RICHARD SMART REVOCABLE PERSONAL TRUST, a  
Hawaii corporation, Petitioner herein, and pursuant to the State  
of Hawaii Land Use Commission Rules, Subchapter 5, § 15-15-37,  
and Subchapter 7, §15-15-56, hereby submits the following: (1)  
Stipulation to Proposed Findings of Fact, Conclusions of Law and  
Decision and Order between Petitioner and State of Hawaii

Department of Planning and Economic Development; and (2) Stipulated Proposed Findings of Fact, Conclusions of Law and Decision and Order. The Petitioner anticipates that it will receive the Stipulation to Proposed Findings of Fact, Conclusions of Law and Decision and Order between the Petitioner and the County of Hawaii Planning Department within several days from the date of this filing and will submit such Stipulation at the earliest time possible.

Dated: Honolulu, Hawaii, March 9, 1987.

Of Counsel:  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

  
\_\_\_\_\_  
BENJAMIN A. KUDO  
GARY G. N. WONG  
Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Stipulation to Proposed Findings of Fact, Conclusions of Law and Decision and Order between Petitioner and State of Hawaii Department of Planning and Economic Development and the Stipulated Proposed Findings of Fact, Conclusions of Law and Decision and Order were duly mailed by certified mail or personally served to each of the following persons on March 9, 1987, addressed as follows:

Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

EVERETT KANESHIGE, ESQ.  
Department of the  
Attorney General  
465 South King Street, Rm. 200  
Honolulu, Hawaii 96813

PLANNING COMMISSION  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

ALBERT LONO LYMAN, Director  
Department of Planning  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

FRANK B. VIERRA  
P. O. Box 126  
Kamuela, Hawaii 96743

HAWAII ELECTRIC LIGHT CO., INC.  
1200 Kilauea Avenue  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, March 9, 1987.

Of Counsel:  
KOBAYASHI, WATANABE  
SUGITA & KAWASHIMA

  
BENJAMIN A. KUDO  
GARY G. N. WONG  
Attorneys for Petitioner  
RICHARD SMART REVOCABLE  
PERSONAL TRUST

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

**ORIGINAL**

In the Matter of the Petition of ) DOCKET NO. A86-601  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST ) RICHARD SMART REVOCABLE  
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District boundary to Reclassify )  
Approximately 404.34 Acres, )  
TMK: 6-7-02: 9, 17p, 38; )  
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6-2-01: 9p at Waimea, South )  
Kohala, Island and County of )  
Hawaii, into the Urban Land )  
Use District. )

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

MAR 9 3 29 PM '87  
LAND USE COMMISSION  
STATE OF HAWAII

The Richard Smart Revocable Personal Trust, an unregistered trust, recorded at the Bureau of Conveyances of the State of Hawaii on January 3, 1979, in Liber 13394 at Page 755 and also filed with the Assistant Registrar of the State of Hawaii as Document No. 917062 (hereinafter referred to as "Petitioner"), filed this Petition on April 15, 1986, pursuant to Chapter 205 Hawaii Revised Statutes, and the Hawaii Land Use Commission Rules, to amend the Land Use District Boundary for approximately 404.34 acres of land situate at Waimea, District of South Kohala, County and Island of Hawaii, Hawaii Tax Map Key Nos. 6-7-02: 9, por. 17, 38; 6-7-01; por. 25; 6-8-01: por. 1, por. 8; 6-2-01 por. 9 (hereinafter referred to as the "Petition Area"), from the Agricultural District to the Urban District for a residential, commercial, and industrial development. The Land

Use Commission (hereinafter referred to as "Commission") having heard and examined the testimony, evidence, and argument of counsel presented at the Petition proceedings hereby makes the following findings of fact and conclusions of law:

STIPULATED FINDINGS OF FACT

PROCEDURAL MATTERS

1. Public hearings on the Petition were originally scheduled to be held on September 23 and 24, 1986. However, due to an internal reorganization of the Petitioner, the Petitioner filed a motion to continue public hearings on August 29, 1986 which was granted by the Commission at a hearing on September 3, 1986.

2. The Commission held continued hearings on the Petition on January 13 and 14, 1987.

3. No parties intervened in the Petition proceedings and several public witnesses testified in favor of the Petition at the the continued public hearings.

DESCRIPTION OF THE PETITION AREA

4. The Petition Area lies on a broad plain, the Waimea Plateau, which stretches between the Kohala Mountains and the slopes of Mauna Kea. The average elevation of the Petition Area is 2,670 feet above sea level with slopes, in most cases, of less than 10 percent.

5. The Petitioner states that it is not aware of any dangers from unstable soil conditions, floods, tsunami, volcano and other adverse environmental conditions. (January 13, 1987 Transcript, pp. 90-91, 99).

6. The Petition Area is centrally located with many employment centers and residential communities readily accessible from the Petition Area. To the west of the Petition Area are the South Kohala resort developments including Waikoloa, Mauna Lani and Mauna Kea. To the east is the community of Honoka'a, and the North Kohala population center is located to the north. To the south, Mamalahoa Highway provides access to Waikoloa Village, Saddle Road and Kailua-Kona.

7. The Petition Area, which is located in and around the town of Waimea, is serviced by four major roadways: Mamalahoa Highway, Kawaihae Road, Hawaii Belt Road, and Kohala Mountain Road.

8. Although the Petition Area is mainly used to graze cattle, a portion of the Industrial Park area is leased to an automobile repair operation.

9. The Petition Area is owned in fee simple by the Petitioner and is divided into three separate planning areas, more specifically identified as follows:

<u>Tax Map Key Location</u>	<u>Acreage</u>
Waimea Town Center Area	
6-7-02: 9	.97
6-7-02: por. 17	193.25
6-7-02: 38	.34
6-7-01: por. 25	99.78
Industrial Park Area	
6-8-01: por. 1	35.50
6-8-01: por. 8	14.50

Rural/Residential Area	
6-2-01: por. 9	<u>60.00</u>

TOTAL ACREAGE	404.34
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10. A water pipeline easement crosses parcel 17, Tax Map Key Nos. 6-7-02 (DPED Exhibit 1, page 2).

Waimea Town Center Area

11. The Waimea Town Center Area, encompassing approximately 294.34 acres of the Petition Area is located southeast of the existing Parker Ranch Shopping Center. It is bounded by the Kuhio Village residential area on the east, Parker Ranch pasture on the south, the Parker Ranch Race Track and the Lalamilo reservoir on the southwest, vacant urban land and residential lots on the west, and commercial development on the north.

12. The Waimea Town Center Area is located at elevations between 2,660 to 2,740 feet above sea level. Slopes average 2 to 3 percent. The median annual rainfall is approximately 35 inches.

Industrial Park Area

13. The Industrial Park Area encompasses approximately 50.0 acres. It is located southwest of the Parker Ranch Race Track and immediately south of the Lalamilo Farm Lots. It is bounded by Mamalahoa Highway on the east and Parker Ranch grazing lands on the other sides. The subject property is located directly west of the Waimea-Kohala airport, and approximately 1.5 miles southwest of the Waimea Town Center.

14. The northern portion of the Industrial Park Area has average slopes of 2 to 3 percent, and 6 percent slopes in its southern portion. Elevations range between 2,600 to 2,640 feet above sea level. Median annual rainfall is approximately 25 inches.

Rural/Residential Area

15. The Rural/Residential Area, encompassing nearly 60 acres, is located between the Kawaihae Road and Kohala Mountain Road approximately three miles from the Waimea Town Center. It is surrounded by pasture land to the north, and residential subdivisions to the south. Ouili Gulch is located to the west of the area.

16. The western portion of the Rural/Residential Area ranges in elevation from 2,240 to 2,320 feet above sea level. Slopes are an average of 5 percent. The median annual rainfall is approximately 31.5 inches. The eastern half of the property rises slightly higher--to elevations of 2,320 to 2,480 feet above sea level. Slopes in this area are steeper, averaging about 20 percent.

DEVELOPMENT PLAN FOR PETITION AREA

17. The Petition Area will be developed for urban uses in accordance with the Parker Ranch 2020 Plan (Petitioner's Exhibit 8), a master plan designed to maintain the area's ranching heritage while meeting the existing and future needs of the Waimea community for the next 35 years. The Parker Ranch 2020 Plan is intended as a planning guide for the improvement and

expansion of the Waimea area. The plan addresses land uses, use relationships, densities, and provides a long-term framework for development in Waimea.

18. The primary objectives of the Parker Ranch 2020 Plan can be summarized as follows:

- a. To meet community needs for housing, public facilities, retail, commercial, industrial space, parks, school facilities, and secondary roads;
- b. To facilitate the development of dependable water sources in the community;
- c. To revitalize the town center, while perpetuating an architectural style that reaffirms the town's ranching heritage; and
- d. To create greenways, trails, and additional park areas to preserve the town's rural-ranch charm and country lifestyle.

19. The first 10-year development of phase of the Parker Ranch 2020 Plan (hereinafter the "Parker Ranch Project") will include the Petition Area that is subject to this Petition.

20. The Petition Area which the Petitioner seeks to reclassify consists of three separate and distinct development areas--the Waimea Town Center Area, the Industrial Park Area, and the Rural/Residential Area (unless otherwise required by context, reference to these three areas shall hereinafter refer only to the lands subject to this Petition for reclassification from the Agricultural District to the Urban District). These three development areas make up most, but not all of the land that will be developed under the Parker Ranch Project.

21. During the remaining 25 years of the Parker Ranch Ranch 2020 Plan, ranch, commercial, and equestrian uses will be expanded, town commercial spaces occupied, town cultural facilities completed, the industrial area expanded, and existing facilities upgraded.

22. The following table compares the total Parker Ranch 2020 Plan acreage with the Petition Area acreage according to the three development areas:

<u>Development Areas</u>	<u>Petition Area (ac.)</u>	<u>2020 Plan (ac.)</u>
Waimea Town Center Area	294.34	493.42
Industrial Park Area	50.00	130.00
Rural/Residential Area	<u>60.00</u>	<u>193.76</u>
TOTAL	404.34	817.18

Waimea Town Center Area

23. The largest area scheduled for development pursuant to the Parker Ranch 2020 plan is the Waimea Town Center Area which is located immediately southeast of the town's main intersection at Lindsey Road and Mamalahoa Highway. The Petition Area, encompasses approximately 294.34 acres in the Waimea Town Center Area.

24. The development of the Waimea Town Center Area under the Parker Ranch 2020 Plan incorporates the existing Waimea Town. It is also designed to include the community theatre, town hall, old courthouse, post office, gymnasium, Parker School, stable and race tracks, medical and civic centers, and additional residential housing.

25. The design concept for the Waimea Town Center Area minimizes the impact of motor vehicles. Walking, bicycling and horseback riding will be encouraged. A pedestrian-oriented town center will establish a low-key rural ambience for the proposed expansion which will be in harmony with the surrounding existing development.

26. The Parker Ranch 2020 Plan proposes the following development in the Waimea Town Center Area during two five-year phases.

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>	<u>Price Range (1985 Dollars)</u>
Residential Single-Family (7,500 to 30,000 sq. ft. lots)	114 acres 245 units	65 acres 255 units	179 acres 500 units	\$90,000-140,000 (\$110,000 ave.)
Multi-Family	70 units	80 units	150 units	\$70,000-100,000 (\$80,000 ave.)
Commercial, Cultural and Community Facilities	43 acres	41 acres	84 acres	
Schools and Parks	35 acres	--	35 acres	

#### Industrial Park Area

27. Under the Parker Ranch 2020 plan, approximately 130 acres, including 50 acres in the Industrial Park Area, have been set aside for the long-term development of an industrial park along the Mamalahoa Highway.

28. Approximately 26 lots ranging in size from about 20,000 sq. ft. to 5 acres are planned and will accommodate service, light industrial, and high technology facilities. These

facilities are intended to support and service the construction industry, airport-related operations and general commercial activities in the Waimea community.

29. The Parker Ranch 2020 Plan proposes the following development in the Industrial Park Area during two five-year phases.

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>
Business Park/ Industrial (20,000 sq. ft. to 5-acre lots)	25 acres	25 acres	50 acres

Rural/Residential Area

30. The Parker Ranch 2020 Plan will eventually develop and aggregate of about 194 acres, including the 60 acres in the Rural/Residential Area, at a location on the western fringe of Waimea roughly 2.4 miles from the town center between two existing subdivisions, Lalamilo and Kamuela View Estates. Approximately 60 acres are planned for residential use and 134 acres for residential/ agricultural use in this area.

31. The residential lots will be approximately 15,000 and 20,000 sq. ft. lots while the agricultural lots will be in the 2 to 5 acre range. When combined with the smaller lots to be offered in the Waimea Town Center Area, the total lot offerings for Waimea will reach a larger and wider cross section of the market, thus making more housing available to more people in the community.

32. The entire 194 acres is slated to be developed and built out during the first 10-year development phase of the Parker Ranch 2020 Plan (i.e. the Parker Ranch Project). Of this amount, however, Petitioner is seeking reclassification of only about 60 acres because the remaining acreage in the rural/residential location is designated for use as an agricultural subdivision, which is a permitted use under the existing State Agricultural district classification.

33. The Parker Ranch 2020 Plan proposes the following development in the rural/residential location during two five-year phases.

	<u>First 5 Years</u>	<u>Second 5 Years</u>	<u>10-Year Period</u>	<u>Price Range (1985 Dollars)</u>
Single-family Residential (15,000 to 20,000 sq. ft. lots)	40 units	40 units	80 units 60 acres	\$150-000- 250,000) (\$200,000 ave.)
Agricultural Lots (2-acre to 5-acre lots)	20 lots	15 lots	35 units 134 acres	

PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED  
DEVELOPMENT

34. Total project construction and infrastructure costs are estimated to be about \$60,000,000.

35. The Petitioner submitted the Richard Smart Revocable Personal Trust Audited Financial Reports dated December 31, 1983, and December 31, 1984 (Petitioner's Exhibit 1). According to Petitioner's Exhibit 1, these financial statements present fairly the assets, liabilities, and capital of Parker

Ranch. However, they are not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

36. The statements of Assets, Liabilities, and Capital for Parker Ranch (a proprietorship operated by the Richard Smart Trust) lists \$7,271,256 in assets for 1983 and \$7,900,573 for 1984. Total liabilities were \$3,719,274 for 1983 and \$3,789,597 for 1984.

37. The primary investments for the Trust are with Hawaii Meat Company of which it owns 83% of the company's commonstock. Hawaii Meat Company, Ltd. had net assets of \$3,200,000 in both 1983 and 1984. The Petitioner's principal assets are various properties including land, buildings and improvements, machinery and equipment, and purchased breeding stock.

38. The Petitioner also submitted the Richard Smart Revocable Personal Trust Unaudited Accountant's Compilation Report dated December 24, 1986 (Petitioner's Exhibit 11).

39. According to Petitioner's Exhibit 11, the Petitioner on December 31, 1985 had assets in the amount of \$13,901,460; liabilities in the amount of \$2,555,215; and equity in the amount of \$11,346,245.

40. Petitioner stated that it is capable of adequately financing the first 10 years of the Parker Ranch 2020 Plan as proposed in the Petition. (January 14, 1987 Transcript, p. 70).

NEED FOR THE PROPOSED DEVELOPMENT

Waimea Town Center Area - Residential

41. According to Petitioner's Market Study (Petitioner's Exhibit 4), the housing demand for the South Kohala judicial district is expected to be approximately 4,600 units by the year 2000. This is based on a projected population increase to 11,078 persons by 1990 and 18,135 persons by the year 2000. (Market Study, p. 37).

42. According to the Market Study, the housing growth in the local market area of South Kohala is proceeding at a rate of 90 to 100 units per year. Over 90 percent of this inventory consists of single family detached dwellings, with the balance consisting of apartments and condominiums. Based upon the 1970 to 1980 absorption rate in the local area with allowances for 5.0 percent vacancy rate and a replacement of obsolete structures, the study concludes that the incremental demand for new housing in South Kohala will be approximately 2,100 units by 1990, 1,500 units by 1995, and 1,000 units by the year 2000. (Market Study, p. 43).

43. Petitioner's marketing consultant, William Whitney, forecasted a residential demand in the next ten years of about 14,000 to 15,000 units on the Big Island, about 3500 units in the South Kohala District, and approximately 600 to 900 units for Parker Ranch lands (January 14, 1987 Transcript, pp. 42-43).

44. Hotel room and condominium additions in South Kohala between 1985 and 2000 are anticipated to bring the total visitor facilities to over 7,200 units. The Market Study concludes that this is expected to generate a population base of 23,770 persons, a portion of which will seek housing in Waimea.

45. A survey of 15 existing and proposed developments was conducted as part of the Petitioner's market analysis to assess likely competition for housing development in and adjacent to the South Kohala Market Area. The Petitioner's survey found that 12 of 15 projects surveyed were targeted in price ranges over \$200,000 while only 3 of the 15 projects were targeted for moderate to low income households. (January 14, 1987 Transcript, pp. 43-44).

46. The Petitioner states that approximately 85% of the residential units in the Parker Ranch Project will be targeted in the affordable price range of \$60,000 to \$120,000 (in 1985 dollars), which roughly coincides with current Hawaii Housing Authority and County of Hawaii "low moderate" and "gap group" definitions. (January 14, 1987 Transcript, pp. 58-59).

47. The Petitioner's Market Study concludes that a significant market potential for residential development exists within the Petition Area. It predicts that development on Parker Ranch lands should be able to capture 20 to 30 percent of the housing market for local residents during 1985 to the year 2000. (January 14, 1987 Transcript, p. 47).

48. Based on the ten-year development phase of the Parker Ranch Project, the Petitioner forecasts a residential absorption rate for the Parker Ranch Project of approximately 250 to 370 acres. (January 14, 1987 Transcript, pp. 40-41).

Waimea Town Center - Commercial

49. There is an existing inventory of 130,000 square feet of retail space within the Waimea community and 50,000 to 55,000 square feet of office space. They are located within the Parker Ranch Shopping Center and along the community's main roadway.

50. Petitioner's Market Study states that a town center and community shopping area could require 200,000 to 250,000 square feet of gross leasable area. This would accommodate the expanding need for commercial support services for the North Kohala, South Kohala, and Hamakua Districts. It is estimated that 40 acres are needed for this use.

51. Petitioner believes that there is a significant undersupply of commercial retail space in Waimea. (January 14, 1987 Transcript, p. 50).

Industrial Park Area

52. There are currently seven industrial parks on the Island of Hawaii. Only one, Kaei Hana II in Kawaihae, is located within the South Kohala District. This industrial park is managed by the Department of Hawaiian Home Lands. Only 22.3 acres of the total 82.0 acres have been developed for industrial and warehousing uses.

53. In Waimea, existing industrial uses include a vacuum cooling plant, a slaughterhouse, and automotive repair facilities. According to the County, the County's Land Use Pattern Allocation Guide (LUPAG) Map, designates industrial uses for the proposed Industrial Park Area and the airport.

54. The Petitioner's Environmental Assessment (Petitioner's Exhibit 3) states that existing facilities would be relocated to the Industrial Park Area. A variety of uses such as automotive and miscellaneous repair services, building contractors' storage areas, and other business activities which require locations on or near major highways, but are inappropriately served by a town-type settings, would also be located within this area.

55. While demand for industrial facilities is limited at the present time, Petitioner's Market Study states that a total of 40 to 60 acres should be set aside for long-term development as a mixed use business park and high technology complex. (See also Janaury 14, 1987 Transcript, pp. 52-53).

#### Rural/Residential Area

56. The Petitioner's Market Study estimates that a range of 345 to 521 acres within the general Waimea area could be utilized for residential purposes over a 15-year period. The study estimates that 10% should be allocated to single-family "estate lots". Under the Parker Ranch 2020 Plan, this would involve 82 to 124 units. The Market Study states that these would be developed at a density of .4 to 1.0 units per acre.

57. Approximately 80 units will be developed on 15,000 to 20,000 square-foot lots in the Rural/Residential Area. They will be within the \$150,000 to \$250,000 price range (in 1985 dollars). Approximately 35 2-acre to 5-acre lots will be developed on Agricultural District lands adjacent and to the north of the Rural/Residential Area during the initial 10-year development phase of the Parker Ranch 2020 Plan.

SOCIO-ECONOMIC BENEFITS AND IMPACT

Housing and Preservation of Ranching Heritage

58. Petitioner plans to develop a total of 500 residential units or lots and 150 apartments during the first ten years in the Waimea Town Center Area and also a total of 80 residential lots and 35 residential/agricultural lots over the same time period in the rural/residential location. By offering a wide range of residential units, the Parker Ranch Project will make more housing available to more people in the community.

59. The Parker Ranch 2020 plan is designed to meet Waimea's existing and future needs for housing, commercial space, industrial space, public parks, schools and other public facilities. An expanded and upgraded town center is also planned. Moreover, another objective of the Parker Ranch 2020 plan is the preservation of Waimea's ranching atmosphere and heritage. All development occurring pursuant to the Parker Ranch 2020 plan is to perpetuate an architectural style that is congruous with and reaffirms Waimea's ranching heritage.

### Economic Impact

60. The Petitioner projects an increase in population of 2,200 persons associated with the 10-year Parker Ranch project. Based on a participation ratio of 0.45 employable person per unit of population, this new population would result in 990 potential participants in the labor force.

61. The development of commercial facilities and the industrial park under the Parker Ranch 2020 plan will generate employment opportunities both short-term and long-term. The construction work force will benefit during the development and opportunities for residents of South Kohala will increase as commercial and industrial businesses initiate their operations.

### Fiscal Impact

62. The Petitioner estimates that total county public expenditures associated with the 10-year Parker Ranch Project amounts to an estimated \$375,000 in constant 1985 dollars. (January 14, 1987 Transcript, p. 55).

63. According to the Petitioner, public expenditures by the County will be offset by County revenues generated by the Parker Ranch Project. Total revenues generated are estimated to reach approximately \$1.1 million by the end of the first 10-year development period, which will be sufficient to offset the estimated \$375,600 in county expenditures required by the project, and would thus provide a substantial revenue surplus for use in other areas in the County. (January 14, 1987 Transcript, pp. 55-56).

64. The State of Hawaii will generate additional revenue as a result of the Parker Ranch Project. Major revenue sources include general excise taxes and personal and corporate income taxes. General excise taxes alone are expected to reach \$3.2 million annually. The Petitioner anticipates that these revenues, when combined with state income taxes, will be sufficient to offset state expenditures necessitated by the Parker Ranch Project. (January 14, 1987 Transcript, p. 56)

#### STATE AND COUNTY PLANS AND PROGRAMS

65. The Petition Area is located within the Agricultural Land Use District as reflected on Land Use District Boundary map H-25, Kamuela, Hawaii.

66. According to the County of Hawaii General Plan's Land Use Pattern Allocation Guide Maps, the Waimea Town Center Area is designated Low Density Urban and Medium Density Urban. According to the County, the Industrial Park Area is designated for Industrial Use under the County General Plan's Land Use Pattern Allocation Guide Maps. The Rural/Residential Area is designated Low Density Urban.

67. The current County zoning of the Waimea Town Center and Rural/Residential Areas is "A-40a"--minimum 40 acre agricultural lots. The Industrial Area is zoned "unplanned".

68. The Petition Area does not fall within a Special Management Area.

## IMPACT UPON RESOURCES OF THE AREA

### Water Resources

69. Three water systems generally serve the Waimea area. The County of Hawaii operates a domestic system, the State Department of Land and Natural Resources (DLNR) operates an agricultural irrigation system, and Parker Ranch has private water lines for its agricultural activities. (Petitioner's Exhibit 15).

70. The State indicates that an existing Waimea Irrigation System water pipeline crosses the Waimea Town Center Area and that other water lines are proposed in this area.

71. Underground sources of drinking water in the Petition Area are classified as a "non-exempt aquifer" by the State Department of Health (DOH). DOH's Administrative Rules, Title 11, Chapter 23, Underground Injection Control (UIC), set development requirements for wastewater disposal and injection wells to prevent contamination of drinking water sources.

72. The Petitioner estimates the total water requirements for development under the proposed Parker Ranch 2020 Plan to be 1.3 million gallons per day (mgd) by the year 2020. This includes 0.6 mgd during the first five years and an additional 0.4 mgd for the second five years of development. (January 14, 1987 Transcript, p. 6). The estimated water requirements by type of use for ten years are as follows:

Single Family Residential/Rural	.23 mgd
Multi-Family	.06 mgd
Commercial	.25 mgd
Schools/Parks	.14 mgd
Industrial	.20 mgd
Agriculture	.13 mgd
<b>TOTAL</b>	<b>1.01 mgd</b>

73. On December 19, 1986, the Board of Land and Natural Resources approved with conditions a Conservation District Use Permit for drilling an exploratory well approximately 4 miles northeast of Waimea. The Department of Land and Natural Resource's Division of Water and Land Development ("DOWALD") was the applicant for the permit. According to DOWALD's Environmental Assessment for the project, the purpose of the project is to locate and establish a ground water source to supplement existing sources for the state's Waimea irrigation system. Depending on test results, they will also consider the possibility of using the new source to augment the supply of domestic water in the region. (DPED Exhibit 1, pages 18-19).

74. The Petitioner proposes to meet the Parker Ranch Project's water needs with water supplied from new sources in the Kohala Mountain area. According to the Petitioner, DOWALD is expected to initiate drilling exploratory boreholes at shallow and deep drilling sites in the Kohala Mountains within a year. (January 14, 1987 Transcript, pp. 6-10).

75. The Petitioner believes that the shallow drilling sites in the upper Hamauka Ditch area will be the least expensive source of water because of little or no pumping costs and that

there is a very high probability of hitting water at this site. (January 14, 1987 Transcript, pp. 12, 14, 34).

76. The Petitioner states that DOWALD's deep drilling sites at the 2,500 ft. elevation will result in the more costly development of water, but that the Petitioner believed that DOWALD will absolutely hit water at this site. The technology currently exists to pump water economically at deep well sites. Operational costs of deep well pumping may be lessened since pumping operations probably would be necessitated only several months a year. (January 14, 1987 Transcript, pp. 7, 12, 14-15, 34).

77. Besides DOWALD's shallow and deep wells exploratory drilling, Petitioner states that other alternatives exist for providing sufficient water to serve the Parker Ranch Project. This includes increasing storage capacity by constructing additional 50 million gallon reservoirs above Waimea and the development of well sites at the 1200 ft elevation. (January 14, 1987 Transcript, pp. 12-13).

78. DPED believes that a commitment by all parties to fund water exploration and development efforts is necessary to provide sufficient water for existing and expanded agricultural and urban uses in Waimea. (January 14, 1987, Transcript, page 85).

79. Petitioner believes that development of new water resources in the Waimea area may be used to reduce the amount of domestic water used for agricultural purposes and may augment the supply of domestic water in the Waimea area. (January 14, 1987 Transcript, p. 15).

80. Petitioner states that there is sufficient undeveloped water in the area to service the Petition Area. The Petitioner believes that the only question is how much it will cost to develop such water resources for consumption by the public. (January 14, 1987 Transcript, p. 34).

81. Based on the water demand anticipated to be generated by the Parker Ranch Project and the future water resource development in the Waimea area, Petitioner believes that there will be sufficient and adequate potable water to service the Parker Ranch Project. (January 14, 1987 Transcript, pp. 15, 38-39).

#### Agricultural Resources

##### Waimea Town Center

82. The U.S.D.A. Soil Conservation Service, Soil Survey of the Island of Hawaii, classifies the soil of the Waimea Town Center Area as Waimea very fine sandy loam (WMC) and Kikoni very fine sandy loam (KXC and KFA). Approximately 60 percent of the Waimea Town Center Area consists of soils from the Waimea Series. This soil type is found south and southwest of the Parker Ranch Shopping Center. Soils from the Kikoni Series are to the southeast of the shopping center.

83. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies approximately 50 percent of the Waimea Town Center Area as "Prime". The remainder is classified as "Other Important Agricultural Land".

84. The Land Study Bureau Overall Productivity Ratings are B106 and C247. The "B" rating indicates good agricultural potential, while the "C" rating is only fair.

#### Industrial Park Area

85. The U.S.D.A. Soil Conservation Service, Soil Survey of the Island of Hawaii, classifies the soils within the subject property as Waimea very fine sandy loam (WMC) and Puu Pa extremely stony, very fine sandy loam (PWD). Most of the area to be developed as an industrial park under the Parker Ranch 2020 Plan is covered by the Puu Pa soils while the northern portion, approximately 40 percent of the area, consists of Waimea very fine sandy loam soils.

86. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies approximately 20 percent of the area to be developed as an industrial park under the Parker Ranch 2020 Plan as "Other Important Agricultural Land." The remainder is not classified. The Land Study Bureau Overall Productivity Ratings are C247 for the northern 20 percent of the area and E222 for the remainder. The "C" rating indicates fair agricultural productivity and the "E" rating indicates very poor potential.

Rural/Residential Area

87. The U.S.D.A. Soil Conservation Service, Soil Survey of the Island of Hawaii, classifies the soil within the rural/residential location as Waimea very fine sandy loam (WMC) and Waimea extremely stony very fine sandy loam (WSD). Approximately 60 percent of the rural/residential location consists of the Waimea very fine sandy loam.

88. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies approximately 60 percent of the rural/residential location as "Other Important Agricultural Land". The remainder is not classified. The Land Study Bureau Overall Productivity Rating is C247. The "C" rating indicates only fair agricultural potential.

89. Although approval of the Petition would reclassify approximately 404.34 acres from the Agricultural District to the Urban District, the Petitioner believes that the development of the Parker Ranch Project will not have significant probable impacts to agriculture because of the relatively small size of the Petition Area (404.34 acres) vis-a-vis the total acreage of Parker Ranch lands (approximately 220,000 acres) and the total acreage of land zoned agriculture by the County of Hawaii (1,069,544 acres). (January 13, 1987 Transcript, p. 98).

Archaeological/Historical Resources

90. An archaeological reconnaissance and literature search was conducted by the Petitioner's consultant, William J.

Bonk, to determine the existence of historic sites on the subject properties (Petitioner's Exhibit 6).

91. Petitioner's consultant has subsequently consulted with the State Historic Preservation Officer and has amended his recommendations and proposed mitigation plans to address DLNR's concerns. These amended recommendations and mitigation plans have been approved by the State Historic Preservation Officer.

92. Petitioner believes that the Parker Ranch Project will not have any adverse impacts on significant archaeological resources in the Petition Area if the recommendations and mitigation plans proposed by its consultant are followed.

(January 13, 1987 Transcript, pp. 99, 128).

#### Flora and Fauna

93. The Petitioner's flora and fauna consultants, Erin M. Hall and Philip Bruner, conducted an avian, feral mammal and botanical survey of the Petition Area.

94. None of the native flora or fauna species found within the Petition Area are considered rare or endangered.

95. A plant of the Koai'a species was observed in Ouili Gulch near the Rural/Residential area, but just beyond the boundary of the Petition area. The Koai'a species is under review by the U.S. Fish and Wildlife Service for proposal as an endangered species. To minimize disturbance of the Koai'a, the Petitioner has stated that they will protect the gulch area from activities in adjacent development lands which might threaten the Koai'a population.

96. The Petitioner believes that no adverse environmental impacts relative to flora or fauna are anticipated in the Petition Area because the surveyed areas have been greatly modified by grazing and planting activities. (January 13, 1987 Transcript, p. 99)

Air Quality

97. Petitioner believes that the primary causes of air quality impacts would be traffic, volcano, and construction activity and that the Parker Ranch Project would not cause significant adverse impacts to air quality. Petitioner will comply with any air pollution regulations to minimize noise impacts. (January 13, 1987 Transcript, p. 94).

Airport Noise

98. In their June 10, 1986 memorandum to DPED, the State Department of Transportation (DOT) stated that single event aircraft operations from the Waimea-Kohala Airport may pose some annoyances and disturbances. Petitioner has indicated its willingness to prepare a noise impact assessment study regarding airport noise at the Waimea-Kohala Airport. (January 13, 1987 Transcript, pp. 92-93).

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water Services

99. The Petitioner estimates that 0.6 million gallons per day (MGD) will be needed for the first 5 years of development under the Parker Ranch 2020 Plan. This will increase to 1.0 MGD

by the end of the 10-year development period. Ultimately, 1.3 MGD will be needed once the industrial acreage is fully developed.

100. The County of Hawaii Department of Water Supply (DWS) states that the County's existing water system facilities will be unable to support the total water demand requirements of the Parker Ranch Project and that future water system development projects are required to service substantial new developments in Waimea.

101. Petitioner believes that there are adequate water resources in the Waimea area to satisfy the water demands generated by the Parker Ranch Project and that the only question is developing the infrastructure to tap these water resources. (January 14, 1987 Transcript, p. 34).

#### Sewage Treatment and Disposal

102. Petitioner anticipates that sewage and wastewater disposal will be by cesspool. Should a sewage and wastewater collection and treatment plant be necessary, the Petitioner believes that a single sewage treatment plant of up to one mgd capacity will be adequate. (January 14, 1987 Transcript, p. 19).

103. The State Department of Health states that the Petition Area is within a "non-exempt aquifer" and is subject to specific flow volumes promulgated by the State Department of Health's Administrative Rules. The Petitioner stated that it will develop the Parker Ranch Project in accordance with any applicable rules governing sewage treatment and disposal and will

construct a wastewater collection system and treatment plant if necessary. (January 14, 1987 Transcript, p. 19-20, DPED Exhibit 1, pg. 27).

Solid and Industrial Waste Disposal

104. The Kailua landfill is one of two municipal sanitary landfills within the County of Hawaii; the other is located at Hilo. Currently, two dumpsters service the Waimea community. They are hauled to Kona twice a week by the County's Department of Public Works.

105. The Petitioner estimates that a dumpster will hold approximately 15 tons of refuse. Waimea currently generates about 3 tons of refuse a day. The Petitioner concludes that after 200 new homes are occupied, service will probably have to be expanded, either by adding dumpsters or by hauling the dumpsters more frequently to Kona. (January 14, 1987 Transcript, p. 20).

106. The Petitioner anticipates that the development of the Parker Ranch Project will not generate any hazardous wastes. (January 14, 1987 Transcript, p. 20).

Drainage System

107. The Flood Insurance Study for the County of Hawaii, conducted by the Federal Insurance Administration, indicates that portions of the Waimea Town Center Area are located in Zone A1, areas of 100-year flood, and Zone B, areas between limits of the 100-year flood and 500-year flood.

108. Petitioner states that surface runoff from the development will be handled on-site or diverted to surrounding Parker Ranch land. (January 13, 1987 Transcript, p. 90).

Roadway and Highway Services and Facilities

109. The primary roadways in Waimea are Mamalahoa Highway, linking Waimea to Kailua-Kona and Honoka'a; Lindsey Road and Kawaihae Road, linking Waimea to Queen Kaahumanu Highway; and Kohala Mountain Road, linking Waimea to the North Kohala region. The State has proposed a "bypass" highway linking Waimea to Queen Kaahumanu Highway at Kawaihae. This highway will be a long term solution to the traffic situation.

110. According to the Petitioner, access to the Waimea Town Center expansion area will be from Mamalahoa Highway, the proposed State bypass highway, and adjacent local roads. The proposed Industrial Park area will be accessible via Mamalahoa Highway. Access to the Rural/Residential area will be provided.

111. Petitioner would be willing to fund improvements for access to the Petition Area, but notes that it objects to funding improvements relating to regional traffic concerns.

Schools

112. According to the Petitioner's consultant, Natelson Levander Whitney, the Parker Ranch Project would increase Waimea's student population by approximately 295 students.

113. The State Department of Education states that the projected enrollment from the Parker Ranch Project will

necessitate the construction of additional classrooms at Waimea Elementary-Intermediate and Honoka'a High School.

Parks and Recreational Services and Facilities

114. The Petitioner estimates that an additional 11 acres of park land will be required to serve Waimea's population by the end of the 10-year project development period. The development plan calls for 5 acres to be added to the community's park inventory in conjunction with Waimea School and Playground development and that 6 acres of park land could be provided in the Rural/Residential Area. On a district level, resort developers will also be adding park facilities for use by the public.

Police/Fire/Hospital Services

115. The Petitioner's Environmental Assessment indicates that projected developments in the Waimea and Waikoloa area will necessitate an expanded police force. Waimea's police chief has indicated to the Petitioner that adequate police protection can be attained by expanding Waimea's current police force of 9 patrolmen and 4 officers by adding 4 more patrolmen and 2 sergeants.

116. The Petitioner states that the 18-member fire protection force, including volunteers, is sufficient to provide fire protection services for the proposed development. The County Fire Chief has indicated to the Petitioner that the proposed project will not pose additional burdens on the existing fire station which is located in the Waimea Civic Center.

117. The Lucy Henriques Medical Center, located in Waimea Town, treats emergency and out-patient cases. Hospital care is provided at the Kohala Hospital near Hawi and at the Honoka'a Hospital. In light of projected development along the South Kohala coast, at Waikoloa, and in Waimea, the Petitioner concludes that a more centralized acute care facility in the South Kohala District may eventually be justified, including expansion of the Lucy Henriques Medical Center in Waimea. The development plan for the Parker 2020 Plan provides room for the latter expansion.

Electric and Communication

118. Petitioner believes that the electrical and communication improvements required for the Parker Ranch Project can be accommodated by existing electrical and communication systems.

CONTIGUITY OF THE PROPOSED RECLASSIFICATION

119. The Waimea Town Center Area of the Petition Area is located immediately southeast of the town's main intersection at Lindsey road and Mamalahoa Highway. It is contiguous to existing urban classified lands and urban uses such as the Parker Ranch Shopping Center, the Lucy Henriques Medical Center, the Waimea School, and residential areas at Kuhio Village to the east and along Mamalahoa Highway to the west.

120. The Industrial Park Area of the Petition Area will be located within agricultural lands in close proximity to the Waimea-Kohala airport. Gary's Automotive, an automobile repair

facility, is located in this area and the area is slated for industrial uses under the County General Plan's LUPAG Maps. (January 13, 1987 Transcript, pp. 111-112).

121. The Rural/Residential Area of the Petition Area is located between two existing residential subdivisions. Its eastern boundary of Kohala Mountain Road is near the Hawaii Preparatory Academy.

122. The Petition Area is generally contiguous to lands in existing Urban Districts. (January 13, 1987 Transcript, pp. 86).

#### CONFORMANCE WITH THE HAWAII STATE PLAN

123. The proposed reclassification substantially conforms and is consistent with the principal objectives, policies, and guidelines of the Hawaii State Plan as follows:

124. With regard to objectives calling for increasing economic and employment opportunities on the Neighbor Islands consistent with community needs and desires and with the ability to provide adequate support services and facilities, the resorts along the South Kohala Coast will create significant commercial opportunities for Waimea, both those that rely on tourism as well as those geared primarily toward the local market.

125. With regard to objectives calling for increased income, job choice, full employment, and a growing and diversified economic base, nearby Kohala Coast resorts will stimulate the creation of many new jobs in the commercial

sector. In addition, new construction jobs will be provided in Waimea. This will greatly add to the community's economic stability which is presently dependent mostly on the agricultural sector. New businesses will depend on tourism, agriculture, and construction activity, making the community's economic base more stable.

126. With regard to objectives concerning the encouragement of economically satisfying labor-intensive activities that have a favorable financial multiplier within Hawaii's economy, the construction activity created by the Petition is labor intensive. Since the lands under consideration will be developed incrementally in response to market demand, the development of the Parker Ranch Project will create a stable job situation for the construction industry in the community for many years.

127. With regard to objectives concerning opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, reclassification of the Petition Area to the Urban district will allow implementation of the Parker Ranch 2020 program, which in turn will provide more housing choices as to price, location, size, and environmental setting.

128. With regard to objectives concerning the orderly development of residential areas sensitive to community needs and other land uses, one of the most attractive features of the

Petition Area is its proximity to the central business district, community services, and existing infrastructure of Waimea. Their location will not only greatly reduce development costs but will minimize the cost of providing community services to the resulting residents.

CONFORMANCE WITH FUNCTIONAL PLANS

129. The location of the major residential component of the Parker Ranch project near the center of town assures minimal distances of travel to the town's major shopping area. By reducing automobile travel, the Petition achieves the State Energy Functional Plan's goal to promote energy.

130. The State Recreational Functional Plan is concerned with developing new recreational opportunities for the public by securing access to lands with recreational value and acquiring new land for public ownership. The Parker Ranch Project will achieve this objective by creating a linear park system that will facilitate recreational facilities in addition to leaving large, undeveloped tracts of land throughout the town.

131. One of the objectives of the State Tourism Functional Plan is to ensure the construction of affordable dwelling units adequate to accommodate tourism employee households. The Parker Ranch Project will achieve this goal because many of the individuals locating in the Waimea area will be directly or indirectly related to the expanding resort developments on the South Kohala coast.

132. One objective of the State Water Resources Development Functional Plan is to expand the State exploration program for new sources of surface and ground water supply with emphasis on areas experiencing critical water problems. In conformity with this goal, Petitioner has made development of new water sources in the Kohala Mountains a key component of the Parker Ranch project. Petitioner has been working closely with the State and County to address Waimea's chronic water shortage problems.

133. The Parker Ranch Project also satisfies certain guidelines offered by the Housing Functional Plan in evaluating non-urban lands suitable for future housing development. Among the guidelines addressed by the Parker Ranch Project are the following: the development of a water source to support it; the immediate proximity of most of the project to existing urban centers, infrastructure and all major community services. Finally, the Parker Ranch project excludes development of lands that are considered environmentally sensitive.

CONFORMANCE TO STATE LAND USE DISTRICT RULES

134. The Petitioner's proposed reclassification Petition conforms to the State Land Use Rules that govern standards for determining Urban District Boundaries and decision-making criteria for boundary amendment pursuant to Administrative Rules, Hawaii Land Use Commission Rules, Chapter 15-15.

Standards for Determining Urban District Boundaries

135. The Petition Area includes lands in and around Waimea which are characterized by "city-like" concentrations of people, structures, streets, urban levels of services and other related land uses and is also in close proximity to basic services as sewers, transportation systems, water, sanitation, schools, parks and police and fire protection.

136. The Petition Area is in close proximity to Waimea and resort developments on the South Kohala coast which are centers of trading and employment.

137. The Petitioner's Market Study, testimony by its market consultant, and other evidence supported and substantiated the economic feasibility of the development of the Petition Area pursuant to the Parker Ranch 2020 Plan.

138. The Petition Area, which lies on the Waimea Plateau between the Kohala Mountains and the slopes of Mauna Kea and which does not have slopes in excess of 20%, includes lands with satisfactory topography and drainage and is reasonably free from the danger of floods, tsunami, unstable soil conditions, and other adverse environmental effects.

139. Since most of it is contiguous to lands already in the Urban District, the Petition Area should be given more consideration for Urban reclassification than non-contiguous land.

140. The Petition Area lands are consistent with their designations on the County of Hawaii General Plan's LUPAG maps.

141. Due to its location in and around the town of Waimea, the Petition Area is surrounded by existing urban development and will not contribute to scattered spot urban development. Furthermore, impacts on community services and infrastructure costs will be minimized since adjacent public support services already exist in or near the Petition Area or can be provided at a reasonable cost to Petitioner and the public.

Standards for Taking Lands Out of Agricultural District

142. The implementation of the Parker Ranch project will not substantially impair activity or potential agricultural production in the vicinity of the Petition Area. First, the Petition lands are used only for grazing, and reclassification will not significantly affect that agricultural activity. Secondly, the Petition Area represents only a small percentage of regional and island-wide lands with similar agricultural potential.

143. With respect to urban growth, all areas within the Petition Area being considered for residential and commercial use are designated for either medium or low-density development by the County General Plan's "Land Use Pattern Allocation Guide Maps." Furthermore, the Petition Area is located in and around Waimea, an established community with existing commercial and residential infrastructure, and is in close proximity to three major South Kohala resort developments. There is the demand and

need for planned growth in Waimea, and the availability of a balanced supply of housing for a spectrum of income earners. As such, the Petition Area is ideal for urbanization.

Ruling on Proposed Findings of Fact

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 Hawaii Land Use Commission Rules, the Commission finds upon a preponderance of the evidence that the reclassification of the Petition Area, which is the subject of the Petition, Docket No. A86-601, by the Richard Smart Revocable Personal Trust, consisting approximately of 404.34 acres of land from the Agricultural District to the Urban District at Waimea, District of South Kohala, County and State of Hawaii, and identified as Hawaii Tax Map Key Nos. 6-7-02: 9, por. 17, 38; 6-7-01; por. 25; 6-8-01: por. 1, por. 8; 6-2-01 por. 9 subject to the conditions stated in the Order, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2, Hawaii Revised Statutes, and the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes.

ORDER

IT IS HEREBY ORDERED that the Petition Area, being the subject of the Petition in Docket No. A86-601 filed by the Richard Smart Revocable Personal Trust, consisting approximately of 404.34 acres, situate at Waimea, District of South Kohala, County and State of Hawaii, and identified as Hawaii Tax Map Key Nos. 6-7-02: 9, por. 17, 38; 6-7-01; por. 25; 6-8-01: por. 1, por. 8; 6-2-01 por. 9, and approximately identified on Exhibit A attached hereto and incorporated by reference 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 subject to the following conditions:

1. The Petitioner shall be responsible for providing sufficient water for the Parker Ranch Project.

2. The Petitioner shall provide water pipeline easements on the Petition Area as may be necessary for the State's Waimea Irrigation System and agricultural park development.

3. The Petitioner shall be responsible for funding and constructing sewage treatment facilities necessary for development of the Parker Ranch Project as may be required by the State Department of Health and the County of Hawaii.

4. The Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii; provided that said highway improvements are rationally related to the mitigation of impacts caused by the Parker Ranch Project.

5. The Petitioner shall prepare and execute an archaeological preservation and data recovery plan for review and approval by the State's Historic Preservation Officer and the County of Hawaii's Planning Department.

6. The Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport for submission to the State Department of Transportation and County Planning Department.

7. The Petitioner shall provide affordable housing opportunities for residents of the County of Hawaii by developing ten percent (10%) of the proposed residential units to be developed within the Petition Area either for sale or rental to low-moderate-gap income families or in the form of a contribution to a housing assistance fund as determined in consultation with the County of Hawaii and/or the State of Hawaii Housing Authority.

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A86-601 Richard Smart Revocable Personal Trust DATE March 17, 1987

PLACE Conf. Rooms 322 A & B KaTanimoku Building  
1151 Punchbowl Street  
Honolulu, HI 96813 TIME 9:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	CHOY, RICHARD B. F.	X			
M	TAMAYE, ROBERT S.	X			
	XXXXXXXXXXXXXX				
	RUBIN, WINONA E.				
	CHUN, LAWRENCE R.	X			
	WHITTEMORE, FREDERICK	X			
	YUEN, WILLIAM W. L.	X			
	CUSKADEN, EVERETT L.	X			
	SUZUKI, TORU	X			
S	TACBIAN, TEOFILO PHIL	X			

Comments: I move to approve Docket No. A86-601 Richard Smart Revocable Personal Trust subject to 8 conditions. See Minutes of March 17, 1987 for conditions.

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
4/15/87

Minutes of Meeting

Conference Rooms 322 A and B  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

March 17, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore, Vice-Chairman  
William Yuen  
Richard Choy  
Toru Suzuki  
Robert Tamaye  
Lawrence Chun  
Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer  
Benjamin Matsubara, Special  
Deputy Attorney General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Teri Andreason, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

\* A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

Vice-Chairman Whittemore announced that the Commission would take action in the matter of the petition by Richard Smart Revocable Personal Trust to reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii for residential, commercial, and industrial uses. A hearing was conducted on January 13, 1987 and January 14, 1987.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Gilliard Smart, Petitioner

Norman Hayashi, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

It was determined by Vice-Chairman Whittemore that all of the Commissioners present today were eligible to participate in the action of the petition.

Closing arguments were heard from Benjamin Kudo, Norman Hayashi, and Everett Kaneshige. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Tamaye moved for approval of Docket No. A86-601 - Richard Smart Revocable Personal Trust to reclassify approximately 404.34 acres of land situated in Waimea, South Kohala, Hawaii from the Agricultural District into the Urban District for residential, commercial, and industrial uses subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the total number of residential units, or lots and units, to be developed on the Property, to residents of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or County of Hawaii from time to time, or by contributing to the development of such housing without the Property. The low and moderate preferential residential units, if offered for sale, shall be offered at prices that would enable such purchasers to qualify for and obtain State-assisted financing or Federally-insured or assisted financing intended to encourage home ownership by low and moderate income families.

2. Petitioner shall provide water pipeline easements on the Property as may be necessary for the State's Waimea Irrigation System and agricultural park developments as required by State and County agencies.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources and the County of

Minutes - March 17, 1987  
Page 3

Hawaii Department of Water Supply, develop necessary water source and transmission infrastructure to provide an adequate supply of potable water to the Property, prior to development of the property.

4. Petitioner shall fund and construct sewage infrastructure improvements necessary for development of the Property as may be required by State Department of Health and County agencies.

5. Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii; provided that said highway improvements are rationally related to the mitigation of impacts caused by the development of the Property.

6. Petitioner shall prepare and execute an archaeological preservation and data recovery plan for review and approval by the Department of Land and Natural Resources and the County of Hawaii Planning Department.

7. Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport relative to the Petitioner's proposed 2020 Plan to be submitted to the State Department of Transportation and County Planning Department for their review and comment.

8. 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.

The motion was seconded by Chairman Tacbian.

The motion to approve the petition with eight conditions was unanimously approved as follows:

Ayes: Commissioner Tamaye, Choy, Chun, Yuen, Cuskaden, Suzuki, Chairman Tacbian, and Vice-Chairman Whittemore.

SP87-362 - DEPT. OF PUBLIC WORKS, CITY AND COUNTY OF HONOLULU

Ray Young, staff planner, gave a summary report of the

special use permit request by Petitioner to allow a sanitary landfill on approximately 60.5 acres of land situated within the State Land Use Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu.

Commissioner Cuskaden moved to go into executive session to consult with Deputy Attorney General as to legal matters. The motion was seconded by Commissioner Chun.

Comments were made by Frank Doyle, representing Petitioner. After hearing comments, questions were asked by the Commissioners.

Commissioner Cuskaden moved for approval of Docket No. SP87-362/Dept. of Public Works, City and County of Honolulu to allow a sanitary landfill on approximately 60.5 acres of within the Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu, subject to the following conditions:

1. That an earth berm shall be installed prior to the commencement of any waste disposal operations.

2. The landscaping plans which would include plant names, sizes, quantities and location shall be submitted to the Department of Land Utilization for approval and shall be implemented within 90 days of completion of the berm work.

3. The facility shall be operational between the hours of 7:00 a.m. and 4:30 p.m. daily.

4. The applicant shall obtain all necessary approvals from the State Department of Health, Department of Transportation, and Board of Water Supply for all on-site and off-site improvements involving access, storm drainage, leachate control, water and wastewater disposal.

5. The Planning Commission or Director of Land Utilization may at any time impose additional conditions when it becomes apparent that a modification is necessary and appropriate.

6. The applicant shall notify the Planning Commission of termination of use for appropriate Planning Commission action or disposition of the permit.

7. That the project be completed and operating within 3 years of the approval of the special use permit.

8. That the City and County indemnify and hold harmless the State of Hawaii and all of its agencies and/or employees for any lawsuit or legal action relating to any groundwater contamination or noise, odor pollution relative to the operation of the landfill.

The motion was seconded by Commissioner Chairman Tacbian.

The motion to approve the petition subject to eight conditions was unanimously carried by the following votes:

Ayes: Commissioner Cuskaden, Tamaye, Yuen, Suzuki, Choy, Chun, Chairman Tacbian, and Vice-Chairman Whittemore.

CONTINUED HEARING

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

The present matter before the Commission is a continuation of the hearing which had begun on December 2, 1986.

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel, representing the Department of General Planning, City and County of Honolulu

Howard Murai, Project Manager, Department of Housing and Community Development, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General, Department of Planning and Economic Development

Jean Nishida, Land Use Division, Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning and Economic Development

Minutes - March 17, 1987  
Page 6

~~Martin Wolff, Esq., Attorney representing Hawaii  
Thousand Friends.~~

~~Mililani/Waipio/Melemanu Neighborhood Board No. 25  
waived cross-examination and was not present to the proceeding.~~

~~Martin Wolff also waived cross-examination and was  
excused from the proceeding.~~

STATE'S WITNESSES:

1. Dayton E. Fraim

~~Vice-Chairman Whittemore continued the hearing until  
March 18, 1987 at 9:00 a.m. The hearing was adjourned at  
11:40 a.m. A field trip to the petition site was held at  
1:30 p.m. today.~~

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

March 17, 1987 - 9:00 a.m.  
and March 18, 1987\*

Conference Rooms 322 A & B  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

A    G    E    N    D    A

L. GOVERNOR'S OFFICE

1987 FEB 25 PM 2 17

REC'D. BY

I. ACTION

✓1. A86-601 - RICHARD SMART REVOCABLE PERSONAL  
TRUST (Hawaii)

To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

II. CONTINUED HEARING

1. A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND  
COUNTY OF HONOLULU (Oahu)

To reclassify approximately 269.454 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Hawaii, for a residential subdivision.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Orders
3. Tentative Meeting Schedule

\*Meeting will continue on March 18, 1987 only if not completed on March 17, 1987.

1987 FEB 25 PM 2 17

STATE OF HAWAII  
LAND USE COMMISSION

Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 25, 1987

REC'D. BY

A M E N D M E N T   T O   A G E N D A

To Whom It May Concern:

SUBJECT: Land Use Commission Meeting  
March 3, 1987 - 10:30 a.m.  
Resolution Room, Kona Hilton Hotel  
Kailua-Kona, Hawaii

This is to advise you that the following item has been deleted from the March 3, 1987 Agenda:

I. ACTION

✓ 1. A86-601 - RICHARD SMART REVOCABLE PERSONAL  
TRUST (Hawaii)

To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 26, 1987

Mr. Roger A. Ulveling, Director  
Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Abe Mitsuda, Land Use Division

Dear Mr. Ulveling:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU\*\*

\*acted on  
will be \*\*heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 817 935

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to	Albert Lono Lyman
Street and No.	25 Aupuni St.
P.O., State and ZIP Code	Hilo, HI 96720
Postage	\$ .22
Certified Fee	
Special Delivery Fee	.75
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

A86-601 - RICHARD

SMART REVOCABLE PERSONAL TRUST

**SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Albert Lono Lyman

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD

P 601 817 935

Always obtain signature of addressee or agent and  
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

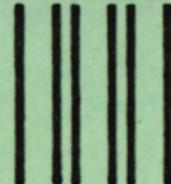
X

7. Date of Delivery

2/21/87

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



State of Hawaii

LAND USE COMMISSION

Room 104, Old Federal Building

335 Merchant Street  
(Name of Sender)

Honolulu, Hawaii 96813

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 26, 1987

Mr. Albert Lono Lyman  
Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*

---

will be \*acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 817 936

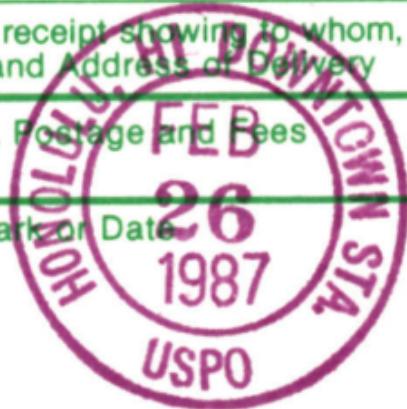
## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

Sent to	
Benjamin Kudo, Esq.	
Street and No.	
745 Fort St., 8th Fl.	
P.O., State and ZIP Code	
Honolulu, HI 96813	
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	



PS Form 3800, Feb. 1982

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

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2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

**SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Benjamin Kudo, Esq.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> COD	P 601 817 936

Always obtain signature of addressee or agent and  
DATE DELIVERED.

**5. Signature - Addressee**

X

**6. Signature - Agent**

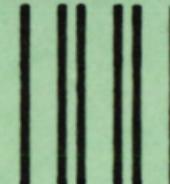
X

**7. Date of Delivery**

2/27/87

**8. Addressee's Address (ONLY if requested and fee paid)**

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



(Name of Sender)

~~State of Hawaii~~ (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

**LAND USE COMMISSION**

Room 104, Old Federal Building

(City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

PENALTY FOR PRIVATE  
USE, \$300

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 26, 1987

Benjamin Kudo, Esq.  
Gary G.N. Wong, Esq.  
Kobayashi, Watanabe, Sugita,  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

Dear Mr. Kudo:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*

---

will be \*acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 26, 1987

Everett Kaneshige, Esq.  
Deputy Attorney General  
State of Hawaii  
465 S. King Street, Room 200  
Honolulu, HI 96813

Dear Mr. Kaneshige:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU\*\*

will be acted on \*\*heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 26, 1987

Mr. Ronald Ibarra  
Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Ibarra:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*

---

will be \*acted on at that time.

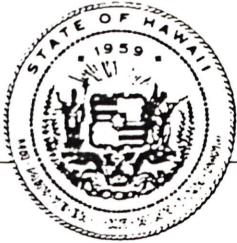
Should you have any questions on this matter, please contact this office.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS

Richard B. P. Choy  
Lawrence F. Chun  
Everett L. Cuskaden

Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Mr. Roger A. Ulveling, Director  
Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Abe Mitsuda, Land Use Division

Dear Mr. Ulveling:

Richard Smart Revocable  
Subject: LUC Docket No. A86-601/Personal Trust

Please be advised that the Land Use Commission received the completed transcripts on the hearing for the subject petition on February 19, 1987.

As indicated by the Chairman, the stipulated proposed findings of fact and conclusions of law are due 14 days after the transcripts become available, which is March 5, 1987. However, inasmuch as the Commission has set the petition for action at its March 3, 1987 meeting, we request that the parties submit the stipulated findings as soon as possible. If the stipulated findings are not received in a reasonable period prior to the Commission's meeting date, to allow the Commission sufficient time to review the stipulated findings, the matter may have to be deferred to another date.

We request the parties cooperation in this matter. If there are any questions, please contact the Commission office at 548-4611.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

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Vice Chairman

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William W. L. Yuen

ESTHER UEDA  
Executive Officer

Everett Kaneshige, Esq.  
Deputy Attorney General  
State of Hawaii  
465 S. King Street, Room 200  
Honolulu, Hawaii 96813

Dear Mr. Kaneshige:

Richard Smart Revocable  
Subject: LUC Docket No. A86-601/Personal Trust

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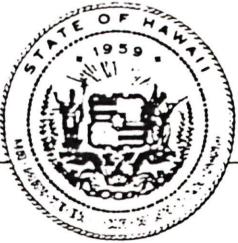
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Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAIN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden

Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

February 20, 1987

Mr. Albert Lono Lyman, Planning Director  
County of Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

Richard Smart Revocable  
Subject: LUC Docket No. A86-601/Personal Trust

Please be advised that the Land Use Commission received the completed transcripts on the hearing for the subject petition on February 19, 1987.

As indicated by the Chairman, the stipulated proposed findings of fact and conclusions of law are due 14 days after the transcripts become available, which is March 5, 1987. However, inasmuch as the Commission has set the petition for action at its March 3, 1987 meeting, we request that the parties submit the stipulated findings as soon as possible. If the stipulated findings are not received in a reasonable period prior to the Commission's meeting date, to allow the Commission sufficient time to review the stipulated findings, the matter may have to be deferred to another date.

We request the parties cooperation in this matter. If there are any questions, please contact the Commission office at 548-4611.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIKEE  
Governor  
TEOFILO PHIL TACEIAN  
Chairman  
FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS

Richard B. F. Choy  
Lawrence F. Chan  
Everett L. Cuskaden

Toru Suzuki  
Robert S. Tamaze  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Benjamin Kudo, Esq.  
Gary G. N. Wong, Esq.  
Kobayashi, Watanabe, Sugita,  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Dear Mr. Kudo:

Richard Smart Revocable  
Subject: LUC Docket No. A86-601/Personal Trust

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Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

March 3, 1987 - 10:30 a.m.

Resolution Room  
Kona Hilton Hotel  
Kailua-Kona, Hawaii

U. GOVERNOR'S OFFICE

1987 FEB 17 PM 2 34

REC'D. BY

A      G      E      N      D      A

I. ACTION

✓1. A86-601 - RICHARD SMART REVOCABLE PERSONAL  
TRUST (Hawaii)

To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

II. CONTINUED HEARING

1. A86-602 - KAHALA CAPITAL CORPORATION (Hawaii)

To reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Tentative Meeting Schedule

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 17, 1987

Mr. Roger A. Ulveling, Director  
Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Abe Mitsuda, Land Use Division

Dear Mr. Ulveling:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

A86-602 - KAHALA CAPITAL CORPORATION (HAWAII) \*\*

will be \* \* heard at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 817 934

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

★ U.S.G.P.O. 1983-493-517

Sent to	Albert Lono Lyman
Street and No.	25 Aupuni St.
P.O., State and ZIP Code	Hilo, Hawaii 96720
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	70
Return receipt showing to whom, Date, and Address of Delivery	.70
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	

PS Form 3800, Feb. 1982



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

**SENDER: Complete items 1, 2, 3 and 4.**

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1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Albert Lono Lyman

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD

Always obtain signature of addressee or agent and DATE DELIVERED.

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

8:00 PM  
8958

19 FEB  
1981



PENALTY FOR PRIVATE  
USE, \$300

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the  
space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits,  
otherwise affix to back of article.
- Endorse article "Return Receipt Requested"  
adjacent to number.

**RETURN  
TO**



\_\_\_\_\_  
(Name of Sender)

\_\_\_\_\_  
(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

State of Hawaii

\_\_\_\_\_  
(City, State, and ZIP Code)

LAND USE COMMISSION

Room 104, Old Federal Building

335 Merchant Street

Honolulu, Hawaii 96813

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 17, 1987

Mr. Albert Lono Lyman  
Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

A86-602 - KAHALA CAPITAL CORPORATION (HAWAII)\*\*

\* acted on  
will be \*\* heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 17, 1987

Everett Kaneshige, Esq.  
Deputy Attorney General  
State of Hawaii  
465 S. King Street, Room 200  
Honolulu, HI 96813

Dear Mr. Kaneshige:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

A86-602 - KAHALA CAPITAL CORPORATION (HAWAII)\*\*

\* acted on  
will be \*\* heard at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 817 932

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

★ U.S.G.P.O. 1983-403-517

Sent to	
Benjamin Kudo, Esq.	
Street and No. 745 Fort Street, 8th Fl.	
P.O., State and ZIP Code Honolulu, HI 96813	
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	70
Return receipt showing to whom Date, and Address of Delivery	<del>.70</del>
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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6. Save this receipt and present it if you make inquiry.

## PERSONAL TRUST

## SENDER: Complete items 1, 2, 3 and 4.

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1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

## 3. Article Addressed to:

Benjamin Kudo, Esq.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 601 817 932

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X

## 6. Signature - Agent

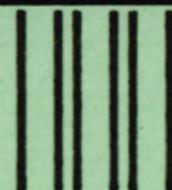
X

## 7. Date of Delivery

2/18/87

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
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- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



State of Hawaii

(Name of Sender)

~~LAND USE COMMISSION~~

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Room 104, Old Federal Building

335 Merchant Street

(City, State, and ZIP Code)

Honolulu, Hawaii 96813

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 17, 1987

Benjamin Kudo, Esq.  
Gary G. N. Wong, Esq.  
Kobayashi, Watanabe, Sugita,  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

Dear Mr. Kudo:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

A86-602 - KAHALA CAPITAL CORPORATION (HAWAII)\*\*

\* acted on  
will be \*\* heard at that time.

Should you have any questions on this matter, please  
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Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

February 17, 1987

Mr. Ronald Ibarra  
Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Ibarra:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

A86-602 - KAHALA CAPITAL CORPORATION (HAWAII)\*\*

\* acted on  
will be \*\* heard at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Approved 1/26/87

Resolution Room, Kona Hilton Hotel  
Kailua-Kona, Hawaii

January 14, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore, Vice-Chairman  
William Yuen  
Richard Choy  
Toru Suzuki  
Robert Tamaye  
Lawrence Chun (Portion of Proceedings)

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

CONTINUED HEARING

\* A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (Hawaii)

Today's proceeding was a continuation of the hearing  
which was adjourned yesterday at 4:46 p.m.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Gilliard Smart, Petitioner

Timothy Lui-Kwan, Deputy Planning Director, County of  
Hawaii

Norman Hayashi, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning  
and Economic Development

Joan Yim, Land Use Division, Department of Planning  
and Economic Development

PETITIONER'S WITNESSES

4. Joe Vierra

Commissioner Chun was not present for the rest of the  
proceedings.

5. William Whitney

6. Gilliard Smart

COUNTY'S WITNESS

1. Norman Hayashi

STATE'S WITNESS

1. Abe Mitsuda

The meeting was adjourned at 11:10 a.m.

STATE OF HAWAII  
LAND USE COMMISSION

Approved 11/26/87

Minutes of Meeting

Resolution Room, Kona Hilton Hotel  
Kailua-Kona, Hawaii

January 13, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore, Vice-Chairman  
William Yuen  
Richard Choy  
Toru Suzuki  
Robert Tamaye (Portion of Proceedings)  
Lawrence Chun

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer  
Benjamin Matsubara, Special Deputy  
Attorney General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A86-599 KONA BEACH DEVELOPMENT VENTURE, L.P.

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Kona Beach Development Venture, L.P. to reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii for resort, residential, commercial, golf course, and marina uses. A hearing was conducted by the Land Use Commission on October 21, 1987, October 22, 1987, and November 6, 1987.

Appearances

James Funaki, Esq., Attorney for Petitioner

Norman Hayashi, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning  
and Economic Development

It was determined by Chairman Tacbian that all of the  
Commissioners present today were eligible to participate in the  
action of the petition.

Closing arguments were heard from James Funaki, Norman  
Hayashi, and Everett Kaneshige. After hearing arguments,  
examinations by the Commissioners were held.

Commissioner Yuen moved to go into Executive Session  
to consult with the Deputy Attorney General certain legal  
issues. It was seconded by Vice-Chairman Whittemore and  
unanimously carried by voice votes.

Commissioner Chun moved to reopen the hearing to  
obtain additional information no later than March 6, 1987. It  
was seconded by Commissioner Yuen.

A lunch recess was taken at 12:02 p.m. to reconvene at  
1:30 p.m.

- 1:30 p.m. -

A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P. (Cont'd)

Commissioner Chun withdrew his motion to reopen the  
hearing. It was seconded by Commissioner Yuen and unanimously  
carried by voice votes.

It was noted for the record that Commission Tamaye has  
joined the Commission and participated in the rest of the  
proceedings.

Commissioner Chun moved for approval of Docket No.  
A86-599 - Kona Beach Development Venture, L.P. to reclassify  
approximately 470.13 acres of land situated in Kohanaiki, North  
Kona, Hawaii from the Agricultural District into the Urban  
District for resort, residential, commercial, golf course, and  
marina uses subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and for employees employed on the Property by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the residential units to be developed on the Property to residents of Hawaii and/or employees employed on the Property of low or moderate income as determined by the Hawaii Housing Authority or County of Hawaii from time to time, or by contributing to the development of such housing without the Property. The preferential residential units shall be offered for sale at prices that would 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 by low and moderate income families or employees.

2. The Petitioner shall provide public access from Queen Kaahumanu Highway to the shoreline. Petitioner shall provide space for parking stalls at the access(es). Petitioner shall maintain a continuous trail along the seaward boundary of the Property and such access shall be integrated with the shoreline trails on adjacent lands. The accesses shall be available to the public for recreational use. Petitioner shall coordinate plans for public access with the Department of Land and Natural Resources and the County of Hawaii.

3. Petitioner shall establish a pond management plan for the anchialine pond complex in coordination with the Department of Land and Natural Resources, the County of Hawaii, and other appropriate agencies. The anchialine pond management plan shall include provisions for a buffer zone of no less than forty feet in width measured from the edge of the anchialine pond basin area to the outer edge of the buffer zone.

4. The Petitioner shall prepare preservation and data recovery plans for all significant historic sites which plans shall be submitted to the Department of Land and Natural Resources and the County of Hawaii Planning Department for their review and comment.

5. The Petitioner shall develop and maintain on-site facilities such as sewage treatment plants, dry wells and ponding areas to insure that the nearshore, offshore and deep ocean waters remain in pristine condition. The Petitioner shall also develop and coordinate a monitoring system with the Natural Energy Laboratory of Hawaii and the Hawaii Ocean Science and Technology Park.

6. The Petitioner shall provide a buffer area and develop and maintain a storm drainage system that does not adversely affect the existing wildlife habitat at Kaloko Fishpond in coordination with the Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, the U.S. Park Service, and other appropriate agencies.

7. Petitioner shall grant to the State of Hawaii a noise easement in a form prescribed by the State Department of Transportation on any portion of the Property subject to noise levels exceeding 55 LDN as determined by the Department of Transportation noise contour map provided by the Department of Transportation for the year 1990.

8. The Petitioner shall apply sound attenuation measures on all residential units on the Property that are subject to noise levels greater than 60 LDN. Petitioner shall not construct residential or resort condominium development on any portion of the Property subject to noise levels greater than 65 LDN.

9. 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.

The motion was seconded by Commission Yuen.

The motion to approve the petition with nine conditions was unanimously approved as follows:

Ayes: Commissioner Chun, Yuen, Suzuki, Whittemore, Tamaye, Choy, and Chairman Tacbian

It was noted for the record by Chairman Tacbian that the Commission will attach the approved Department of Transportation's 1990 LDN map with its Decision and Order. The approved Department of Transportation's 1990 LDN map will be provided by the Department of Planning and Economic Development.

A86-605 - KEAUHOU INVESTMENT COMPANY AND KONA COAST PROPERTIES, LTD., A JOINT VENTURE

Chairman Tacbian announced that the Commission will take action in the matter of the Petition by Keauhou Investment Co. and Kona Coast Properties, Ltd., A Joint Venture to reclassify approximately 44.3 acres of land currently in the Agricultural District into the Urban District at Pahoehoe 2nd, North Kona, Hawaii for single and multi-family residential use. A hearing was conducted by the Land Use Commission on November 6, 1986 and November 7, 1986.

Appearances

T. David Woo, Jr. Esq., Attorney for Petitioner

Norman Hayashi, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning  
and Economic Development

It was determined by Chairman Tacbian that all of the Commissioners present today were eligible to participate in the action of the petition.

Closing arguments were heard from T. David Woo, Norman Hayashi, and Everett Kaneshige. After hearing arguments, examinations by the Commissioners were held.

Commissioner Choy moved for approval of Docket No. A86-605 Keauhou Investment Company and Kona Coast Properties, Ltd., A Joint Venture to reclassify approximately 44.3 acres currently in the Agricultural District into the Urban District for single and multi-family residential use at Pahoehoe 2nd, North Kona, Hawaii subject to the following conditions:

1. The Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by developing a housing rental program, or offering for sale, or providing a cash distribution to either the Hawaii Housing Authority or County of Hawaii, or any combination thereof, meeting with the approval of either the Hawaii Housing Authority or County of Hawaii. The amount of units shall be equal to ten percent (10%) of residential units to be developed on the project area. The definition of low and moderate income families' income shall be determined by standards promulgated by the Hawaii Housing Authority and the County of Hawaii from time to time.

2. Petitioner shall design and construct a drainage system which will either contain development runoff within the Property or, if channelized to the ocean, minimize adverse impacts on nearshore ecosystems and Class AA water.

3. Petitioner shall fund the design and construction of highway improvements for access to the Property and any other improvements fronting the Property as may be required by the County of Hawaii or by the State Department of Transportation.

4. Petitioner shall design, locate and construct the private sewage treatment plant as may be required by the County of Hawaii and the State Department of Health so as to minimize adverse impacts on the adjoining properties.

5. Petitioner shall prepare preservation and data recovery plans for all significant historic sites which plans shall be submitted to the Department of Land and Natural Resources and the County of Hawaii Planning Department for their review and comment.

6. 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.

The motion was seconded by Commissioner Suzuki.

The motion to approve the petition with six conditions was unanimously approved as follows:

Ayes: Commissioner Chun, Yuen, Suzuki, Whittemore, Tamaye, Choy, and Chairman Tacbian.

Minutes - January 13, 1987  
Page 7

\* CONTINUED HEARING

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (Hawaii)

The present matter before the Commission was a continuation of the hearing which had begun on July 8, 1986.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Richard Smart, Petitioner

Norman Hayashi, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning  
and Economic Development

Joan Yim, Land Use Division, Department of Planning  
and Economic Development

EXHIBITS

Petitioner's Exhibit 1 through 17 were admitted into evidence. Petitioner's original Exhibit 11 was substituted by a new Exhibit 11. Petitioner also submitted Exhibit 11a.

County's Exhibit 1 was admitted into evidence.

State's Exhibit 1 was admitted into evidence.

Staff Planner, Raymond Young, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

PUBLIC WITNESSES

1. Mike O'Kieffe

Minutes - January 13, 1987  
Page 8

2. Neil (Willis) Morris
3. Elaine Flores
4. Gary Carvalho

PETITIONER'S WITNESSES

1. Richard Smart
2. James Bell

Before continuing with Petitioner's witnesses, Chairman Tacbian allowed County's witness, Quirinio Antonio, to testify out of turn.

Thereafter Petitioner's other witnesses were called.

PETITIONER'S WITNESSES

3. William Bonk

MISCELLANEOUS

Adoption of Decision and Orders

The Decision and Orders for the following dockets were adopted:

A86-607 Hawaiian Trust Company, Ltd., A Hawaii Corporation and Trustee of George Galbraith Trust (Oahu)

A86-603 Huehue Ranch (Hawaii)

Adoption of Minutes:

The minutes for the following meeting dates were approved as circulated: December 16, 1986 and December 17, 1986.

Chairman Tacbian continued the hearing until January 14, 1987 at 8:30 a.m. The hearing was adjourned at 4:46 p.m.

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

January 13, 1987 - 10:30 a.m.  
and January 14, 1987\*

Resolution Room  
Kona Hilton Hotel  
Kailua-Kona, Hawaii

REC'D. BY

1986 DEC 12 AM 9 41

U. S. GOVERNOR'S OFFICE

A    G    E    N    D    A

I. ACTION

1. A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P. (Hawaii)

To reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii, for resort, residential, commercial, golf course, and marina uses.

2. A86-605 - KEAUHOU INVESTMENT COMPANY AND KONA COAST PROPERTIES, LTD., A JOINT VENTURE (Hawaii)

To reclassify approximately 44.3 acres of land currently in the Agricultural District into the Urban District at Pahoehoe 2nd, North Kona, Hawaii for single and multi-family residential use.

II. CONTINUED HEARING

✓ 1. A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (Hawaii)

To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

III. MISCELLANEOUS

1. Adoption of Decision and Orders
2. Adoption of Minutes
3. Tentative Meeting Schedule

\*Meeting will continue on January 14, 1987 only if not completed on January 13, 1987.

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

December 12, 1986

Murray E. Towill, Acting Director  
Department of Planning and  
Economic Development  
Kamamalu Building  
250 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Abe Mitsuda, Land Use Division

Dear Mr. Towill:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TURST (HAWAII)\*  
will be \*heard at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 826 228

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to	Albert Lono Lyman
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
<b>TOTAL Postage and Fees</b>	<b>\$ 1.67</b>
Postmark or Date	



A86-601 Richard Smart Rev. Personal Trust

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.


**SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Albert Lono Lyman

4. Type of Service:	Article Number	
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	P 601 826 228

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

2/12/86

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

USE CHRISTMAS SEALS  
SUPPORT  
LUNG ASSOCIATION  
U.S. MAIL

PENALTY FOR PRIVATE  
USE, \$300

RETURN  
TO



(Name of Sender)

State of Hawaii (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

LAND USE COMMISSION

Room 104, Old Federal Building (City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

December 12, 1986

Mr. Albert Lono Lyman  
Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

will be \*heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

December 12, 1986

Everett Kaneshige, Esq.  
Deputy Attorney General  
State of Hawaii  
465 S. King Street, Room 200  
Honolulu, HI 96813

Dear Mr. Kaneshige:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

will be \*heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

P 601 826 230

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

A86-601 Richard Smart Rev. Personal Tr.

Sent to Gary Wong, Esq.	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier, (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## ● SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

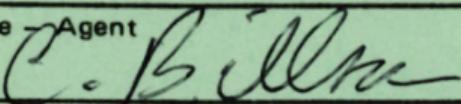
Gary Wong, Esq.

4. Type of Service:		Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	P 601 826 230

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X

6. Signature - Agent
X 
7. Date of Delivery
12/12/86
8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



\_\_\_\_\_

(Name of Sender)

State of Hawaii (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

LAND USE COMMISSION

Room 104, Old Federal Building (City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

PENALTY FOR PRIVATE  
USE, \$300

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

December 12, 1986

Benjamin Kudo, Esq.  
Kobayashi, Watanabe, Sugita,  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Dear Mr. Kudo:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)\*

will be \*heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of )  
                                          )  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST                                  )  
                                          ) DOCKET NO. A86-601  
To Amend the Agricultural )  
Land Use District Boundary )  
into the Urban Land Use District )  
for approximately 404.34 acres )  
at Waimea, South Kohala, Hawaii, )  
Tax Map Key No.: 6-7-02: 9, 38, )  
and Por. of 17; 6-7-01: Por. of )  
25; 6-8-01: Por. of 1 and Por. )  
of 8; and 6-2-01: Por. of 9 )  
                                          )  
\_\_\_\_\_

NOTICE OF CONTINUED HEARING

You are hereby notified that the above-entitled  
docket has been set for continued hearing at 10:30 a.m.  
on January 13 and 14, 1987, Resolution Room, Kona  
Hilton Hotel, Kailua-Kona, Hawaii.

Dated: Honolulu, Hawaii, December 11, 1986.

*esther ueda*  
ESTHER UEDA, Executive Officer

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
                                          )  
RICHARD SMART REVOCABLE PERSONAL )  
TRUST                                  )                                         DOCKET NO. A86-601  
                                          )  
To Amend the Agricultural )  
Land Use District Boundary into )  
the Urban Land Use District )  
for approximately 470.13 acres )  
at Waimea, South Kohala, Hawaii )  
Tax Map Key: 6-7-02: 9, 38, and )  
Por. of 17; 6-7-01: Portion of )  
25; 6-8-01: Portion of 1 and )  
Portion of 8; 6-2-01: Portion )  
of 9                                  )  
                                          )

---

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Continued Hearing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

MURRAY E. TOWILL, Acting Director  
Dept. of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, HI 96813

EVERETT KANESHIGE, Deputy Attorney General  
465 South King Street, Room 200  
Honolulu, HI 96813

ALBERT LONO LYMAN, Planning Director  
cert.                                  County of Hawaii, Planning Dept.  
                                          25 Aupuni Street  
                                          Hilo, HI 96720

BARBARA A. KOI, Chairperson  
Planning Commission  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720

BENJAMIN A. KUDO, ESQ.  
GARY G.N. WONG, ESQ.  
Cert. Kobayashi, Watanabe, Sugita & Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

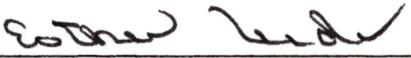
THOMAS H. YAMAMOTO P.E.  
Senior Vice President  
Mauna Lani Resort, Inc.  
P.O. Box 4959  
Kawaihae, HI 96743-4959

GARY'S AUTOMOTIVE SERVICE, INC.  
P.O. Box 1114  
Kamuela, HI 96743

FRANK B. VIERRA  
P.O. Box 126  
Kamuela, HI 96743

HAWAII ELECTRIC LIGHT CO., INC.  
1200 Kilauea Ave.  
Hilo, HI 96720

Dated: Honolulu, Hawaii, this 11th day of  
December, 1986.

  
ESTHER UEDA, Executive Officer



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

December 4, 1986

Mr. Murray Towill, Acting Director  
Department of Planning and Economic  
Development  
250 South King Street  
Honolulu, HI 96813

ATTENTION: Mr. Abe Mitsuda, Land Use Division

Dear Mr. Towill:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601 - RICHARD SMART

DATE: December 30, 1986

TIME: 9:00 a.m.

PLACE: Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, HI 96813

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by December 23, 1986.

As required by the Land Use Commission Rules of Practice and Procedure, please transmit one (1) original and fifteen (15) copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

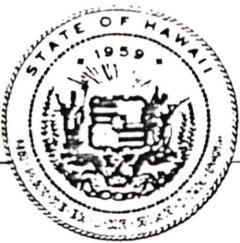
If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA  
Executive Officer

Enclosures

cc: Everett Kaneshige, Deputy Attorney General



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIA  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rutin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Gary G. N. Wong, Esq.  
Kobayashi, Watanabe, Sugita & Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

Dear Mr. Wong:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601 - RICHARD SMART

DATE: December 30, 1986

TIME: 9:00 a.m.

PLACE: Land Use Commission  
Room 104, Old Federal Building,  
335 Merchant Street  
Honolulu, HI 96813

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by December 23, 1986.

As required by the Land Use Commission Rules of Practice and Procedure, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA  
Executive Officer



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen  
  
ESTHER UEDA  
Executive Officer

Mr. Albert Lono Lyman  
Planning Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601 - RICHARD SMART

DATE: December 30, 1986

TIME: 9:00 a.m.

PLACE: Land Use Commission

Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, HI 96813

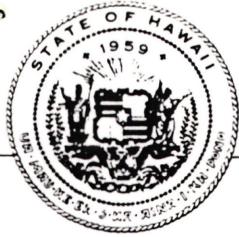
In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by December 23, 1986.

As required by the Land Use Commission Rules of Practice and Procedure, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA  
Executive Officer



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

October 24, 1986

Mr. Gary G.N. Wong  
Kobayashi, Watanabe, Sugita  
and Kawashima  
Hawaii Building, 8th Floor  
745 Fort Street  
Honolulu, Hawaii 96813-3889

Dear Mr. Wong:

Subject: LUC Docket No. A86-601/Richard Smart Revocable  
Personal Trust

Thank you for your letter of October 16, 1986 advising the  
Commission of your request to reschedule the continued hearing  
on the subject docket to January or February of 1987.

The continued hearing has been tentatively scheduled for  
January 13 and 14, 1987. Please contact our office immediately  
if you have any problems with these dates.

Sincerely,

ESTHER UEDA  
Executive Officer

EU:to

KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

ATTORNEYS AT LAW  
HAWAII BUILDING 8th FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3889

Alan M. Goda\*  
J. Douglas Ing\*  
James Kawashima\*  
Bert T. Kobayashi, Jr.\*  
John T. Komeiji\*  
Wray H. Kono\*

Benjamin A. Kudo\*  
Dale W. Lee\*  
Ronald Y.K. Leong\*  
Kenneth Y. Sugita\*  
Robert T. Takamatsu\*  
Jeffrey N. Watanabe\*

\*A Law Corporation

Ferdinand G. Aranza  
Kevin S.C. Chang  
David G. Ego  
Byron C. Feldman  
Lyle Y. Harada  
Cheryl K. Kakazu  
Pamela J. Larson  
Michael A. Lorusso

Bruce Y. Matsui  
Kyle T. Sakumoto  
Lex R. Smith  
Lynn Y. Wakatsuki  
Cynthia Winegar  
Gary G.N. Wong  
Randall Y. Yamamoto  
Richard A. Yanagi

TELEPHONE (808) 544-8300

OF COUNSEL:  
Bert T. Kobayashi, Sr.  
Russell K. Kono

Telecopier (808) 524-3193  
Telex 6502396585 MCI  
MCI Mail 2396585  
ABA/Net ABA2281

October 16, 1986

Oct 20 1986  
LAND USE COMMISSION  
STATE OF HAWAII

Land Use Commission  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

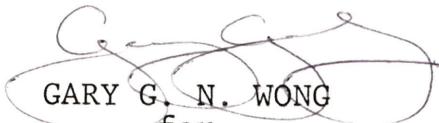
Re: LUC Docket No. A86-601/Richard Smart  
Revocable Personal Trust

Gentlemen:

We are writing to inform you that the Richard Smart Revocable Personal Trust has advised our offices that the Trust desires to proceed with the hearing on the above-referenced petition, and requests that a hearing date be set in late January or February of 1987.

Thank you for any inconvenience which this may have caused you. Please feel free to contact our offices if you should have any questions.

Very truly yours,

  
GARY G. N. WONG  
for  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

GGNW:pl

cc: Richard Smart Revocable  
Personal Trust  
Mr. Kent Keith  
Ms. Barbara Koi  
Mr. Albert Lono Lyman  
Gary's Automotive Service, Inc.  
Mr. Frank Vierra  
Hawaii Electric Light Co., Inc.

# RICHARD SMART TRUST

745 FORT STREET, SUITE 309 • HONOLULU, HAWAII 96813 • TELEPHONE (808) 521-1828

## TRUSTEES

Richard Smart  
Ralph S. Dobbins  
~~Richard S. Hendrick~~

Warren J. Gunderson  
Richard S. Hendrick  
Gilliard P. Smart

October 15, 1986

Ms. Esther Ueda  
Land Use Commission  
State of Hawaii  
335 Merchant Street, Room 104  
Old Federal Building  
Honolulu, Hawaii 96813

Dear Ms. Ueda:

I would like to take this opportunity on behalf of my father, Richard Smart, and the Richard Smart Trust to thank you for your September 25 letter advising us of the Land Use Commission's extension granted to us.

I have had a meeting just last week with Roger Harris from Mauna Lani in which it was determined that the trust is now favorably inclined to continue on with the petition. I would imagine that in the near future, you will be advised formally to this effect by Gary Wong, Kobayashi, Watanabe, Sugita & Kawashima.

Sincerely yours,

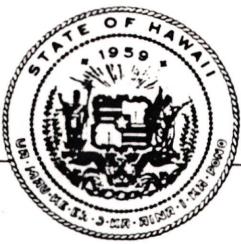


Gilliard P. Smart  
Trustee

GPS:dh

cc: Gary Wong  
Roger Harris

LAND USE COMMISSION  
STATE OF HAWAII  
Oct 17 12 41 PM '86



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI

Governor

TEOFILO PHIL TACBIAN

Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Mr. Richard Smart  
Richard Smart Trust  
745 Fort Street, Suite 309  
Honolulu, Hawaii 96813

Dear Mr. Smart:

Subject: LUC Docket No. A86-601/Richard Smart Revocable Personal Trust

Please be advised that at its meeting of September 3, 1986, the Land Use Commission approved your request to continue the public hearing on the subject docket until such time as the new trustees of the Richard Smart Revocable Personal Trust reevaluate the long range plans for the petition area and surrounding lands.

The Commission granted this extension with the condition that the Petitioner shall notify the Commission by January 25, 1987, of the Trustees decision to either proceed with the hearing or withdraw the subject petition.

We would appreciate being notified at the earliest possible date of the trustees decision in order that we may take action to reschedule the matter on the Commission's calendar, as appropriate.

Sincerely yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

EU:to

cc: Gary Wong  
DPED  
County of Hawaii Planning Department

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kauai Regional Library  
4344 Hardy Street  
Lihue, Kauai

Adopted  
9/23/86

September 3, 1986 - 9:30 a.m.

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore  
Lawrence Chun  
Winona Rubin  
Toru Suzuki  
Richard Choy  
Everett Cuskaden  
William Yuen

COMMISSIONERS ABSENT: Robert Tamaye

STAFF PRESENT: Esther Ueda, Executive Officer  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
Annette Chock, Deputy Attorney General  
Teri Andreasen, Court Reporter

ACTION

Chairman Tacbian called the meeting to order.

A86-600 - WAITEC DEVELOPMENT, INC. (OAHU)

Commissioner Yuen did not participate in this proceeding due to a previously declared conflict of interest.

Roy Takeyama, Attorney for Petitioner, requested continuance of the action on Waitec Development. Chairman Tacbian polled the Commissioners with a motion to approve deferment as follows:

Ayes: Commissioner Choy, Chun, Whittemore, Suzuki, and Chairman Tacbian.

Nays: Commissioner Rubin and Cuskaden.

The action was deferred until September 23, 1986 in Kona.

A86-607 - HAWAIIAN TRUST CO., LTD., A HAWAII CORPORATION AND TRUSTEE OF GEORGE GALBRAITH TRUST (OAHU)

Chairman Tacbian announced that the Commission will act to consider acceptance of the City and County of Honolulu's Negative Declaration that submission of an Environmental Impact Statement is not required by the Petitioner.

Commissioner Cuskaden moved to accept the City and County's Negative Declaration and that an Environmental Impact Statement is not required. It was seconded by Commissioner Rubin and unanimously carried by voice votes.

\* A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)

Gary Wong, Attorney for Petitioner, requested a continuance of the hearing set for September 23, 1986 in Kona until January of 1987 due to change of trustees. There were no objections by the parties. Commissioner Yuen moved to permit continuance of the hearing. It was seconded by Commissioner Whittemore. Said motion was moved to be amended by Commissioner Cuskaden to require that the petitioner write to the Commission by January 25, 1987 notifying the Commission of the trustees' actions. It was seconded by Commissioner Rubin and the amended motion was unanimously carried by voice votes.

HEARING

A86-604 - OKADA TRUCKING CO., LTD. (KAUAI)

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on July 25, 1986 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Okada Trucking Co., Ltd., Docket No. A86-604, to reclassify approximately 40.55 acres of land currently in the Agricultural District into the Urban District at Niumalu, Lihue, Kauai, for residential use.

Appearances

James Funaki, Esq. - Counsel representing the Petitioner.

Max Graham, Esq. - Counsel representing the County of Kauai, Planning Department.

Everett Kaneshige, Esq. - Counsel, representing the Department of Planning and Economic Development.

Jean Nishida - Representing the Land Use Division, Department of Planning and Economic Development.

David Bettencourt, Esq. - Counsel, representing the Niumalu-Nawiliwili Community Planning Project, Inc.

Chairman Tacbian announced that the Commission will act to consider the untimely Petition for Intervention filed by the Niumalu-Nawiliwili Community Planning Project, Inc. Commissioner Rubin moved that the Petition for Intervention be approved. It was seconded by Commissioner Whittemore and unanimously carried by voice votes to allow intervention by the Niumalu-Nawiliwili Community Planning Project, Inc.

Chairman Tacbian reported that the Commission had received one timely request to appear as a public witness from Elizabeth Ann Stone and five untimely requests to appear as public witnesses from the Conservation Council for Hawaii, Michael Nii, Esq., Mr. James Tehada, Mrs. Cheryl Lovell-Obatake, and Mrs. Dorothy Tao representing the 1000 Friends of Kauai. Subsequently, before receiving any testimony from the public witnesses, Michael Nii withdrew his request to be a public witness. Elizabeth Ann Stone was not present at the hearing.

Commissioner Rubin moved to allow the untimely public witnesses to testify. It was seconded by Commissioner Yuen and unanimously carried by voice votes.

After receiving testimony from the public witnesses, Chairman Tacbian announced that the Commission will act to consider the Motion to Continue Hearing filed by James Funaki, attorney for the petitioner. Commissioner Whittemore moved for

approval of continuance of the hearing. Commissioner Rubin seconded the motion and the motion was unanimously carried by voice votes. The hearing was continued until a later date.

A lunch recess was taken at 11:11 a.m. to reconvene at 2:00 p.m.

2:00 p.m.

ACTION

LAND USE COMMISSION'S PROPOSED RULES AND REGULATIONS

Commissioner Suzuki was not present for the rest of the proceedings.

Commissioner Whittemore moved to approve amendments to Section 15-15-25, 15-15-50, and 15-15-78 in addition to changes recommended in hearing officer, Benjamin Matsubara's report. It was seconded by Commissioner Rubin. Commissioner Cuskaden suggested that the Commission vote individually on Section 15-15-78, Section 15-15-25, and Section 15-15-50. The Commission was polled as follows on Section 15-15-78 to permit discretionary incremental districting.

Ayes: Commssioner Whittemore, Rubin, Yuen, Chun, and Chairman Tacbian.

Nays: Commissioner Cuskaden.

Commissioner Choy did not vote on this motion.

The motions to incorporate changes to Section 15-15-25 and Section 15-15-50 were unanimously carried by voice votes.

It was moved by Commissioner Whittemore to adopt the proposed Rules and Regulations as presented by the hearing officer with the amendments approved by the Land Use Commission. It was seconded by Commissioner Choy and unanimously carried by voice votes.

Commissioner Whittemore also moved for a motion of appreciation to Ben Matsubara, Esther Ueda, Dexter Higa, Ray Young, and Annette Chock for their work on the rules and regulations. Commissioner Rubin seconded said motion and it was unanimously carried by voice votes.

Minutes - September 3, 1986  
Page 5

MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

July 8, 1986 and July 9, 1986.

The meeting was adjourned at 2:40 p.m.



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI

Governor

TEOFILO PHIL TACBIAN

Chairman

FREDERICK P. WHITTEMORE

Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy

Lawrence E. Chun

Everett L. Cuskaden

Winona E. Rubin

Toru Suzuki

Robert S. Tamaye

William W. L. Yuen

ESTHER UEDA

Executive Officer

September 4, 1986

MEMORANDUM

TO: All Parties

FROM: *Esther Ueda* Land Use Commission Staff

SUBJECT: Prehearing Conference for Docket No. A86-601/  
Richard Smart Revocable Personal Trust

The prehearing conference for Docket No. A86-601/Richard Smart Revocable Personal Trust scheduled on September 9, 1986, has been canceled and will be rescheduled at a later date.

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A86-601 - RICHARD SMART REVOCABLE  
PERSONAL TRUST DATE 9/3/86  
PLACE Kauai Regional Library  
4344 Hardy Street  
Lihue, Kauai 96766 TIME 9:30 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	SUZUKI, TORU	X			
*	CUSKADEN, EVERETT L.	X			
	CHUN, LAWRENCE F.	X			
**	RUBIN, WINONA E.	X			
M	YUEN, WILLIAM W. L.	X			
	CHOY, RICHARD B. F.	X			
	TAMAYE, ROBERT S.				X
S	WHITTEMORE, FREDERICK	X			
	TACBIAN, TEOFILO PHIL	X			

Comments: Request for continuance of hearing until January 1987 by Petitioner.

I move to permit continuance.

\* I move to amend motion to include that petitioner submit in writing Trustee's actions by January 25, 1987.

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Resolution Room, Kona Hilton Hotel  
Kailua-Kona, Hawaii

*Adopted 9/3/86*

July 8, 1986 - 10:30 a.m.

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore  
Lawrence Chun  
Richard Choy  
Robert Tamaye

COMMISSIONERS ABSENT: Everett Cuskaden  
Toru Suzuki  
Winona Rubin  
William Yuen

STAFF PRESENT: Esther Ueda, Executive Officer  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
Annette Chock, Deputy Attorney General  
  
Jean Marie McManus, Court Reporter

ACTION

Chairman Tacbian called the meeting to order.

A86-603 - HUEHUE RANCH (HAWAII)

Chairman Tacbian announced that the Commission will act to consider acceptance of the petitioner's Environmental Impact Statement which was prepared for the petition to reclassify approximately 675 acres of land from the Conservation District into the Urban District at Kukio, North Kona, Hawaii.

Commissioner Tamaye moved to accept the Environmental Impact Statement prepared on behalf of Huehue Ranch. It was seconded by Vice Chairman Whittemore and unanimously carried by voice votes.

A80-487 - LONE STAR HAWAII, INC. (OAHU)

Chairman Tacbian announced that the Commission will act to determine whether the anticipated effects to reclassify approximately 37.8 acres of land currently in the Conservation District into the Urban District at Kailua, Koolaupoko, Oahu for residential use constitute a significant effect pursuant to Chapter 343, HRS.

Vice-Chairman Whittemore moved that the Commission find the proposed petition constitutes no significant effect on the environment, and therefore, the Commission does not require the petitioner to prepare an environmental impact statement. The motion was seconded by Commissioner Chun and unanimously carried by voice votes.

HEARING

A85-599 - KONA BEACH DEVELOPMENT VENTURE, L.P. (Hawaii)

Pursuant to a notice published in the Honolulu Advertiser and Hawaii Tribune Herald on June 6, 1986 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Kona Beach Development Venture, L.P., Docket No. A86-599, to reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii, for resort, residential, commercial, golf course and marina uses.

Appearances

James Funaki - Counsel representing the petitioner.

Norman Hayashi - representing the County of Hawaii, Planning Department

Abe Mitsuda - representing the Land Use Division, Department of Planning and Economic Development

Everett Kaneshige - Deputy Attorney General, representing Department of Planning and Economic Development

Chairman Tacbian reported that the Commission had received five untimely requests to appear as witnesses from the following:

1. Elizabeth Ann Stone
2. Owen Miyamoto
3. Tim Newstrom
4. Douglas Blake, Kona Conservation Group
5. H. Foster

Ms. Stone and Mr. Miyamoto were not present.

There being no objection by the Commissioners, Mr. Newstrom, Mr. Blake, and Mr. Foster were allowed to testify. The written testimony of Mr. Newstrom was received and admitted into evidence as Land Use Commission Exhibit #1 and the written testimony of Mr. Blake was received and admitted into evidence as Land Use Commission Exhibit #2. It was also pointed out by Chairman Tacbian that the Commission required written authority from the Kona Conservation Group.

At the start of the hearing and before the testimony of the public witnesses, Mr. Funaki had requested additional time to finish their EIS. Parties having no objections, Chairman Tacbian continued the hearing until the EIS was finished.

\* A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on June 6, 1986 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Richard Smart Revocable Personal Trust (Hawaii) to reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii for residential, commercial, and industrial uses.

Appearances

Tom Yamamoto and Roger Harris - representing  
Richard Smart Revocable Personal Trust

David Ramos - Business Manager, Parker Ranch

Norman Hayashi - representing the County of Hawaii,  
Planning Department

Abe Mitsuda - representing the Land Use Division,  
Department of Planning and Economic Development

Everett Kaneshige - Deputy Attorney General,  
representing Department of Planning and Economic  
Development

Chairman Tacbian announced that the Commission  
received one untimely request to appear as a public witness,  
Elizabeth Ann Stone. At the time of the hearing, she did not  
appear as a witness.

The representatives for Richard Smart Revocable  
Personal Trust requested continuance of the hearing until after  
the middle of September when all of their witnesses would be  
available. Parties having no objections, Chairman Tacbian  
continued the hearing until a later date.

CONTINUED HEARING

A85-597 - KAUPULEHU DEVELOPMENTS (HAWAII)

It was announced by Chairman Tacbian that the present  
matter before the Commission was a continuation of the hearing  
which had begun on January 31, 1986 and June 17, 1986.

Commissioner Yuen did not participate in these  
proceedings due to a previously declared conflict of interest.

Appearances

R. Ben Tsukazaki - Attorney, representing Petitioner

Alexander Kinzler - Project Director, Kaupulehu Devs.

Norman Hayashi - representing the County of Hawaii,  
Planning Department

Abe Mitsuda, representing the Land Use Division,  
Department of Planning and Economic Development

Everett Kaneshige, Deputy Attorney General,  
representing the Department of Planning and  
Economic Development

EXHIBITS

Petitioner's Exhibits #1 through #23 were admitted  
into evidence.

County of Hawaii's Exhibit #1 was admitted into  
evidence.

State's Exhibit #1 was admitted into evidence.

Staff Planner, Ray Young, oriented the Commission to  
the area being requested for reclassification on the USGS and  
tax maps.

PUBLIC WITNESSES

Chairman Tacbian announced that there were five  
untimely requests to be public witnesses. Since there were no  
objections by the Commissioners, all five untimely requests to  
be public witnesses were allowed to testify.

1. Ted Newstrom
2. Roland Higashi, Japanese Chamber of Commerce and  
Industry of Hawaii
3. Alfie Fujitani, Kona - Kohala Chamber of Commerce
4. Douglas Blake, Kona Conservation Group
5. Clinton Taylor, Hawaii Island Economic Development  
Board (did not appear)

Mr. Newstrom's written testimony was admitted into evidence as Land Use Commission Exhibit #1, The Japanese Chamber of Commerce and Industry of Hawaii's testimony was admitted into evidence as Land Use Commission Exhibit #2, and The Hawaii Island Chamber of Commerce's testimony was admitted into evidence as Land Use Commission Exhibit #3.

Chairman Tacbian requested authorization from the Japanese Chamber of Commerce and Industry of Hawaii and from the Kona-Kohala Chamber of Commerce.

A lunch recess was taken at 12:30 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PETITIONER'S WITNESSES

1. Alexander Kinzler, Project Director
2. James R. Bell, President of Belt, Collins and Associates.
3. Joseph Vierra, Jr., Director of Engineering, Belt, Collins, and Associates
4. Dr. Paul Rosendahl, Archeologist
5. Dr. David Zieman, The Oceanic Institute
6. Jurgen Moritz, Representative of Princess Hotels
7. Ming Chew
8. Fred Duerr, General Manager, Kona Village Resort
9. Bay K.C. Yee

Chairman Tacbian continued the hearing until July 9, 1986 at 9:00 a.m. The hearing was adjourned at 5:30 p.m.

MISCELLANEOUS

The Commission discussed whether or not a satellite dish would be considered a permitted use in the Agricultural District. It was decided that the satellite dish would come under the definition of a communication building.

ORIGINAL

## RICHARD SMART TRUST

745 FORT STREET, SUITE 309 • HONOLULU, HAWAII 96813 • TELEPHONE (808) 521-1828

TRUSTEES

Richard Smart

Ralph S. Dobbins

~~Robert J. Gunderson~~

Warren J. Gunderson  
Richard S. Hendrick  
Gilliard P. Smart

AUG 29 10 30 AM '86

LAND USE COMMISSION  
STATE OF HAWAII

August 29, 1986

HAND DELIVERED

Land Use Commission  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

Re: Parker Ranch - Petition for Land Use District  
Boundary Amendment; Docket No. 86-601(WH)

Honorable Members of the Land Use Commission:

The Richard Smart Personal Revocable Trust in Docket No. 86-601(WH) is presently petitioning for a reclassification to urban use of approximately 404.34 acres in the Waimea area. This request was submitted pursuant to the Parker Ranch 2020 Plan, which is a long-range plan for the beneficial use of the ranch lands. We believe that foresight and planning is necessary to protect the natural beauty of Waimea and the surrounding areas.

Our petition was originally filed on April 15, 1986 and a hearing on the petition is currently scheduled for September 23 and 24, 1986. We had earlier requested this September hearing date because of the unavailability of several key witnesses.

Recently, the Trust has undertaken an internal reorganization. Specifically, trustees are being replaced, and new trustees appointed. As a result, the Trust is re-evaluating its policies and management. Part and parcel of this process is a study of the Parker Ranch 2020 Plan and the current reclassification request. While we do not anticipate any significant changes to the reclassification request, these development plans must be evaluated within the context of the overall management of the Trust, and agreed to by the new Trustees. We anticipate that this process may take several months.

August 29, 1986  
Page 2

Rather than proceed with the scheduled hearing on September 23, 1986, the Trust would prefer and respectfully request a continuation of the hearing until January 15, 1987 or thereafter. We believe that this will allow the Trust sufficient time to evaluate its operations and plans. We understand that the Commission has a busy schedule and that the rescheduling may create some difficulties. We apologize to you and your staff for any inconvenience which this may cause.

Thank you very much for your kind consideration of this matter. Please feel free to contact the Trust directly, or our representatives at Kobayashi, Watanabe, Sugita and Kawashima if you should have any questions.

Very truly yours,

RICHARD SMART REVOCABLE  
PERSONAL TRUST

By *Richard Smart*  
Trustee, RICHARD SMART

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition      ) DOCKET NO. A86-601(WH)  
                                          )  
                                          ) (RICHARD SMART REVOCABLE  
                                          ) PERSONAL TRUST)  
RICHARD SMART REVOCABLE      )  
PERSONAL TRUST                    )  
To Amend the Land Use      )  
District Boundary of Certain    )  
Lands Situated at Waimea,      )  
District of South Kohala,      )  
Island of Hawaii, State of    )  
Hawaii.                            )  
\_\_\_\_\_  
)

AUG 29 1986 AM 10:30 1986  
LAND USE COMMISSION  
STATE OF HAWAII

CERTIFICATE OF SERVICE

I hereby certify that a copy of the letter dated August 29, 1986, addressed to the Land Use Commission from Richard Smart, Trustee of Richard Smart Revocable Personal Trust, was duly mailed or personally served to each of the following persons on the 29th day of August, 1986.

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

PLANNING COMMISSION  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

LONO LYMAN, Director  
Department of Planning  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

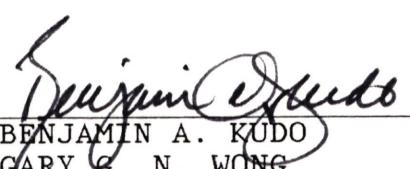
GARY'S AUTOMOTIVE SERVICE, INC.  
P. O. Box 1114  
Kamuela, Hawaii 96743

FRANK B. VIERRA  
P. O. Box 126  
Kamuela, Hawaii 96743

HAWAII ELECTRIC LIGHT CO., INC.  
1200 Kilauea Avenue  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, August 29, 1986.

Of Counsel:  
KOBAYASHI, WATANABE  
SUGITA & KAWASHIMA

  
BENJAMIN A. KUDO  
GARY C. N. WONG  
Attorneys for Petitioner

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Mr. Kent M. Keith, Director  
Department of Planning &  
Economic Development  
250 South King Street  
Honolulu, HI 96813

ATTENTION: Abe Mitsuda, Land Use Division

Dear Mr. Keith:

SUBJECT: Luc Docket No. & Petitioner A86-601/  
RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986  
TIME: 10:30 a.m.  
PLACE: Mauna Loa Conference Room,  
Kona Surf Hotel

Either you or your representative(s) should be present at this hearing.

Should you have any questions on this matter, please contact the Land Use Commission office.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

A86-601/Richard Smart

P 121 044 319

CH

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

\* U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to **Albert Lono Lyman**

Street and No.

P.O., State and ZIP Code

Postage \$ .22

Certified Fee .75

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing  
to whom and Date Delivered .70

Return receipt showing to whom,  
Date, and Address of Delivery

**TOTAL Postage and Fees** \$ 1.67

Postmark or Date



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article. **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

## 3. Article Addressed to:

Albert Lono Lyman

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 124 044 319

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature — Addressee

X *A. Nelson*

## 6. Signature — Agent

X

## 7. Date of Delivery

*8/14/86*8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



(Name of Sender)

State Hawaii (No. and Street, Apt., Suite, P.O. Box or R.D. No.)  
**LAND USE COMMISSION**  
Room 104, OKI Federal Building (City, State, and ZIP Code)  
335 Merchant Street  
Honolulu, Hawaii 96813



STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Mr. Albert Lono Lyman  
Planning Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, HI 96720

Dear Mr. Lyman:

SUBJECT: Luc Docket No. & Petitioner A86-601/

RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986

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PLACE: Mauna Loa Conference Room

Kona Surf Hotel

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Should you have any questions on this matter, please contact the Land Use Commission office.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

P 124 044 320

A86-601/Richard Smart

CH

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1984-446-014

Sent to	Benjamin Kudo, Esq.
Street and No.	Gary G.N. Wong, Esq.
P.O., State and ZIP Code	
Postage	\$ .22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
Postmark or Date	

PS Form 3800, Feb. 1982



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Benjamin Kudo, Esq.  
Gary G. N. Wong, Esq.

4. Type of Service:	Article Number	
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	P 124 044 319

Always obtain signature of addressee or agent and  
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

8/11/86

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN  
TO**



(Name of Sender)

State of Hawaii

LAND USE COMMISSION

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Room 104, ~~OH Federal Building~~

(City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Benjamin Kudo, Esq.  
Gary G. N. Wong, Esq.  
Kobayashi, Watanabe, Sugita  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Gentlemen:

SUBJECT: Luc Docket No. & Petitioner A86-601/

RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986

TIME: 10:30 a.m.

PLACE: Mauna Loa Conference Room

Kona Surf Hotel

Either you or your representative(s) should be present at this hearing.

Should you have any questions on this matter, please contact the Land Use Commission office.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Mr. Everett Kaneshige  
Deputy Attorney General  
465 S. King Street  
Territorial Bldg., Room 200  
Honolulu, Hawaii 96813

Dear Mr. Kaneshige:

SUBJECT: Luc Docket No. & Petitioner A86-601/

RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986

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Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Mr. Ronald Ibarra  
Office of the Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Ibarra:

SUBJECT: Luc Docket No. & Petitioner A86-601/

RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986

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Kona Surf Hotel

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Should you have any questions on this matter, please contact the Land Use Commission office.

Sincerely,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

August 7, 1986

Ms. Elizabeth Ann Stone  
General Delivery  
Naalehu, Hawaii 96772

Dear Ms. Stone:

SUBJECT: Luc Docket No. & Petitioner A86-601/  
RICHARD SMART REVOCABLE PERSONAL TRUST

Please be advised that the continued hearing on the subject petition will be held as follows:

DATE: September 23, 24, 1986  
TIME: 10:30 a.m.  
PLACE: Mauna Loa Conference Room  
Kona Surf Hotel

Either you or your representative(s) should be present at this hearing.

Should you have any questions on this matter, please contact the Land Use Commission office.

Sincerely,

*esther ueda*

ESTHER UEDA  
Executive Officer



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
Governor  
TEOFILO PHIL TACBIAN  
Chairman  
FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen  
  
ESTHER UEDA  
Executive Officer

Mr. Kent M. Keith, Director  
Department of Planning and Economic  
Development  
250 South King Street  
Honolulu, HI 96813

ATTENTION: Abe Mitsuda, Land Use Division

Dear Mr. Keith:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601/RICHARD SMART REVOCABLE PERSONAL TRUST

DATE: September 9, 1986

TIME: 9:00 a.m.

PLACE: Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, HI 96813

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by September 2, 1986.

As required by the Land Use Commission Rules of Practice and Procedure, please transmit one (1) original and fifteen (15) copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA  
Executive Officer

Enclosures

cc: Everett Kaneshige, Deputy Attorney General



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
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Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Mr. Albert Lono Lyman  
Planning Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601/RICHARD SMART REVOCABLE PERSONAL TRUST

DATE: September 9, 1986

TIME: 9:00 a.m.

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Honolulu, HI 96813

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If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosures

cc: Ronald Ibarra, Corporation Counsel



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
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Toru Suzuki  
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William W. L. Yuen  
ESTHER UEDA  
Executive Officer

Benjamin Kudo, Esq.  
Gary G.N. Wong, Esq.  
Kobayashi, Watanabe, Sugita  
and Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Gentlemen:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A86-601/RICHARD SMART REVOCABLE PERSONAL TRUST  
DATE: September 9, 1986  
TIME: 9:00 a.m.  
PLACE: Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, HI 96813

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by September 2, 1986.

As required by the Land Use Commission Rules of Practice and Procedure, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

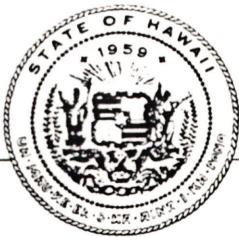
Sincerely,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosures

cc: Thomas H. Yamamoto P.E., Mauna Lani Resort, Inc.



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

• • •  
LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
Governor  
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Winona E. Rubin  
Toru Suzuki  
Robert S. Tanaye  
William W. L. Yuen  
  
ESTHER UEDA  
Executive Officer

August 7, 1986

MEMORANDUM

TO: Land Use Commissioners  
FROM: Staff *Esther Ueda*  
SUBJECT: Prehearing Conference

Please be advised that a prehearing conference on

A86-601/RICHARD SMART REVOCABLE PERSONAL TRUST

will be held as follows:

DATE: September 9, 1986  
TIME: 9:00 a.m.  
PLACE: Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, HI 96813

Commissioners' attendance at these informal conferences are not required; however, you are welcome to attend. If neighbor island Commissioners desire to attend the conference, please notify staff.

L.I. GOVERNOR'S OFFICE

1986 JUN 26 PM 3 45

REC'D. BY

STATE OF HAWAII  
LAND USE COMMISSION  
Old Federal Building  
Room 104  
335 Merchant Street  
Honolulu, Hawaii 96813

June 26, 1986

NOTICE OF CHANGE OF MEETING TIME

Please be advised that the TIME for the July 8, 1986 meeting in Kona of the LAND USE COMMISSION has been changed from 9:00 a.m. to 10:30 a.m., Resolution Room, Kona Hilton Hotel, Kailua-Kona, Hawaii.

6/26/86 - A copy of this Notice of Change of Meeting Time was mailed to all parties, and also to all persons and organizations on the following mailing lists:

1. STATEWIDE
2. OAHU
3. HAWAII

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

July 8, 1986 - 9:00 a.m.  
and July 9, 1986\*

\*\*Resolution Room, Kona Hilton Hotel  
Kailua-Kona, Hawaii

A G E N D A

REC'D. BY

1986 JUN 24 AM 11 36

L.I. GOVERNOR'S OFFICE

I. ACTION

1. A86-603 - Huehue Ranch (Hawaii)

To consider acceptance of Huehue Ranch's Environmental Impact Statement to reclassify approximately 675 acres of land currently in the Conservation District into the Urban District at Kukio 2nd, North Kona, Hawaii for resort, residential, commercial, and recreational uses.

2. A80-487 - Lone Star Hawaii, Inc. (Oahu)

To determine whether the anticipated effects to reclassify approximately 37.8 acres of land currently in the Conservation District into the Urban District at Kailua, Koolaupoko, Oahu for residential use constitute a "significant effect" pursuant to Chapter 343, HRS.

II. HEARING

1. A86-599 - Kona Beach Development Venture, L.P. (Hawaii)

To reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii, for resort, residential, commercial, golf course and marina uses.

2. A86-601 - Richard Smart Revocable Personal Trust (Hawaii)

To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

**III. CONTINUED HEARING**

1. A85-597 - Kaupulehu Developments (Hawaii)

To reclassify approximately 123 acres of land currently in the Urban District into the Conservation District, and to reclassify approximately 575 acres of land currently in the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii, for intermediate resort and golf course uses.

**IV. MISCELLANEOUS**

1. Adoption of Minutes
2. Tentative Meeting Schedule

\*Meeting will continue on July 9, 1986 only if not completed on July 8.

\*\*The meeting room was changed from the Endeavor Room to the Resolution Room.

6/23/86 - A copy of this agenda was mailed to all persons and organizations on the following mailing lists:

1. STATEWIDE
2. OAHU
3. HAWAII

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Kent M. Keith, Director  
Department of Planning and  
Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Abe Mitsuda, Acting Head, Land Use Division

Dear Mr. Keith:

Enclosed is a Land Use Commission meeting agenda.

Please note that petitions

1. A86-603 - HUEHUE RANCH (EIS)\* (Environmental)
2. A80-487 - LONE STAR HAWAII, INC. (Assessment )\*
3. A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P.\*\*
4. A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*\*
5. A85-597 - KAUPULEHU DEVELOPMENTS\*\*

\_\_\_\_\_  
\*considered  
will be \*\*heard at that time.

Should you have any questions on these matters, please  
contact this office.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Everett Kaneshige  
Deputy Attorney General  
State of Hawaii  
465 South King Street, Room 200  
Honolulu, Hawaii 96813

Dear Mr. Kaneshige:

Enclosed is a Land Use Commission meeting agenda.

Please note that petitions

1. A86-603 - HUEHUE RANCH (EIS)\*  
(Environmental)
2. A80-487 - LONE STAR HAWAII, INC. (Assessment )\*
3. A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P.\*\*
4. A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*\*
5. A85-597 - KAUPULEHU DEVELOPMENTS\*\*

will be \*considered      \*\*heard at that time.

Should you have any questions on these matters, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Albert Lono Lyman  
Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Lyman:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-603 - HUEHUE RANCH (EIS)\*  
A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P.\*\*  
A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*\*  
A85-597 - KAUPULEHU DEVELOPMENTS\*\*

will be \*considered      \*\*heard at that time.

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Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Ronald Ibarra  
Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Ibarra:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A86-603 - HUEHUE RANCH (EIS)\*  
✓ A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P.\*\*  
A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST\*\*  
A85-597 - KAUPULEHU DEVELOPMENTS\*\*

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Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Benjamin A. Kudo  
Mr. Gary G. N. Wong  
Kobayashi, Watanabe, Sugita  
& Kawashima  
745 Fort Street, 8th Floor  
Honolulu, Hawaii 96813

Dear Sris:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

---

will be heard at that time. We request that you or your representative attend this meeting.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Thomas H. Yamamoto  
Senior Vice President  
Mauna Lani Resort, Inc.  
P. O. Box 4959  
Kawaihae, Hawaii 96743

Dear Mr. Yamamoto:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

---

will be \_\_\_\_\_ heard \_\_\_\_\_ at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Gary's Automotive Service, Inc.  
P. O. Box 1114  
Kamuela, Hawaii 96743

Gentlemen:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

---

will be                    heard                    at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Mr. Frank B. Vierra  
P. O. Box 126  
Kamuela, Hawaii 96743

Mr. Vierra:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

---

will be                    heard                    at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

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ESTHER UEDA  
Executive Officer

Enclosure: Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Room 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

June 23, 1986

Hawaii Electric Light Co., Inc.  
1200 Kilauea Avenue  
Hilo, Hawaii 96720

Gentlemen:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

---

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

---

will be                    heard                    at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

*Esther Ueda*

ESTHER UEDA  
Executive Officer

Enclosure: Agenda

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



SUSUMU ONO, CHAIRMAN  
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU  
DEPUTY TO THE CHAIRMAN

DIVISIONS:  
AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
P. O. BOX 621  
HONOLULU, HAWAII 96809  
June 3, 1986

MEMORANDUM

TO: Roger Evans, OCEA  
FROM: Ralston H. Nagata, State Parks Administrator  
SUBJECT: LUC Boundary Amendment Petition (A86-601) Ag to Urban  
-- Richard Smart  
Waimea, South Kohala, Hawaii  
TMK: 6-7-02: 9,38, part 17; 6-7-01: part 25;  
6-8-01: part 1 & 8; 6-2-01: part 9

LAND USE COMMISSION  
STATE OF HAWAII  
98' H 1 1 00 PH '86 JUN 1 9

HISTORIC SITES SECTION CONCERNS:

Our main concerns with this petition are that:

1. All historic sites have been identified.
2. Enough information has been collected to evaluate significance.
3. Significance assessments have been accurately made.
4. Impacts to significant sites have been properly assessed.
5. Acceptable mitigation plans have been prepared to reduce any adverse impacts.

These concerns are compatible with the Land Use Commission's (LUC) law which places an emphasis on considering impacts to significant historic sites.

Items 1, 2, 3 and 5 are usually covered by an archaeological consultant's study. In this case, the study is by William Bonk (1985. An Archaeological Survey in Portions of Waikoloa, Pu'ukapu and Ouli, District of South Kohala, Hawaii.), which is Exhibit 6 to the petition.

This report has major shortcomings regarding significance assessments, which need to be corrected. In turn, these affect some of the specifics of the mitigation plan; but, the overall scope of mitigation does not change greatly. We will try to resolve these problems here. To do so requires a lengthy response, but we believe it will help the LUC make a more objective decision.

We cover each item of concern below and end with recommendations for the LUC. These recommendations call for consultation to resolve the mitigation plan and include adequacy checks to ensure adequate mitigation occurs.

June 3, 1986

1. Have All Sites Been Identified? Yes and no. In 1980-81, the Bishop Museum (Clark & Kirch 1983) did work in the Waimea Town Center parcels which did identify all sites there. Bonk's study is acceptable for the Industrial Park parcel, where no sites were found. However, the Rural/Residential parcel is only partly surveyed, and more sites are likely to be present (Bonk 1985: 24).

2. Has Enough Information Been Collected to Evaluate Significance? Yes, there is enough information to evaluate significance for the sites in the Town Center and Rural/Residential areas. This information is primarily in our files and in Clark & Kirch (1983) and is not presented in Exhibit 6.

3. Has Significance Been Correctly Assessed? Not really. Significance is very poorly covered by Bonk's report. Here we try and correct this problem.

All the sites are within an extremely significant historic district -- the large Kohala Field System (10-02-6600). The report fails to mention this point. This district extends from Upolu Point to Waimea. (See attached figure.) Briefly, the district includes prehistoric and early historic agricultural fields which were largely watered by rain and where sweet potatoes were the dominant crop. In all the lands of leeward North Kohala, permanent housing predominated along the shore, and trails led inland to the fields, where prehistorically field shelters and perhaps some permanent houses were present. In South Kohala, the high rainfall areas are much farther inland, in Waimea, and a large amount of permanent housing was present inland among the agricultural fields. Here, permanent streams enabled irrigation -- the only such place known in the Kohala Field System. Because of these differences in South Kohala, the Waimea Agricultural System is often treated as a major subdivision of the Kohala Field System.

The Kohala Field System contains hundreds of historic sites within its borders (residences, field areas, boundary walls, trails, shrines, etc.). It is a vast source of vital information on Hawaiian prehistory -- relating to a wide range of research questions. As yet, very little information has been collected. Work has primarily focused at Lapakahi in North Kohala as part of the 1968-70 University of Hawaii field schools and in Waimea as part of the 1980-81 Bishop Museum's work on the Kawaihae-Waimea Road Corridor. These two projects mapped field areas in detail, including habitation sites within the fields; conducted test excavations in agricultural, habitation and other sites; did laboratory work; processed dates; and have prepared interpretations. Much more work is needed, but results so far have shown that initial fields in Lapakahi were built at least by the A.D. 1400s with the fields expanding along with population expansion on the coast. In Waimea, fields also date at least to the A.D. 1400s, with the development of the formal walled fields and irrigation networks perhaps beginning in the A.D. 1700s.

It is important to emphasize that the borders of the district on the figure are approximate. Some areas within the district may have no sites -- due to land alteration by sugar cane, ranching, housing or simply because fields were never present in a certain area. Other areas just outside the borders may be found to have agricultural features.

It is also important to emphasize that while the district is significant, the sites within the district -- once their important information is recorded -- usually can be considered no longer to be significant, unless they are significant for some other criteria and merit preservation. Thus consideration of the significance of individual sites within the district is relevant for actions such as this petition.

The Rural/Residential Area. This area is near what has been called Field Complex 1 by the Bishop Museum and could be an extension of this complex. This complex is very poorly studied. Five sites have been found in this area by Bonk, and he considers more are likely to be present, including agricultural fields (Bonk 1985:17). Existing information on these sites is extremely limited -- lacking measurements, maps and excavated information. Thus, any sites in this entire area must still be considered significant for their information content.

The Town Center Area. This area encompasses nearly all of Field Complex 4, and this complex has received much more archaeological work. There are 10 sites in the area (Bonk's 9, plus 8819). The main sites are two large agricultural field areas (8805 & 8808). Two walls (8809 & 8813) bound them, and the rest of the sites are residential complexes within them. We believe that significant information has been recovered for the 2 walls and 3 residential sites (8803, 8810, 8811). All have been dated. 8803 and 8810 were mapped in detail, and all 3 residential sites were extensively tested. The two other residential sites (8812 & 8819) have yet to be mapped in detail and tested, so these sites still contain significant information. The two agricultural systems (8805 & 8808) have been mapped in detail. Excavation work has been limited, with considerably more excavation in 8808. However, we believe both these systems still contain important information -- particularly chronological information on the age and spread of each system. In brief, we believe sites 8812, 8819, 8805 and 8808 still contain significant information.

These significance assessments do not agree completely with Bonk's. He believes the 8803 and 8810 residential sites, which had earlier dates, need more work, he does not specify his reasons. However, excavation has covered much of both sites and have led to rich and full interpretations, and we do not see how additional excavation will be beneficial. Also, Bonk believes 8808 needs no further work. We disagree, because the prior study of the fields, irrigation canals ('auwai') and dates have been in the north and southwestern parts of this site, and the only acceptable dates have come from the top of the field layer. We believe that other parts of this field system

and other 'auwai need dating and that the base of the agricultural layer needs dating. This is critical for understanding the age and growth of this large field area, and we emphasize that field areas are the critical concern of this historic district and that development will destroy this field area.

4. Have Impacts Been Properly Assessed? Yes. The plans in the Environmental Assessment make it clear that all significant sites in these areas will be "adversely effected".

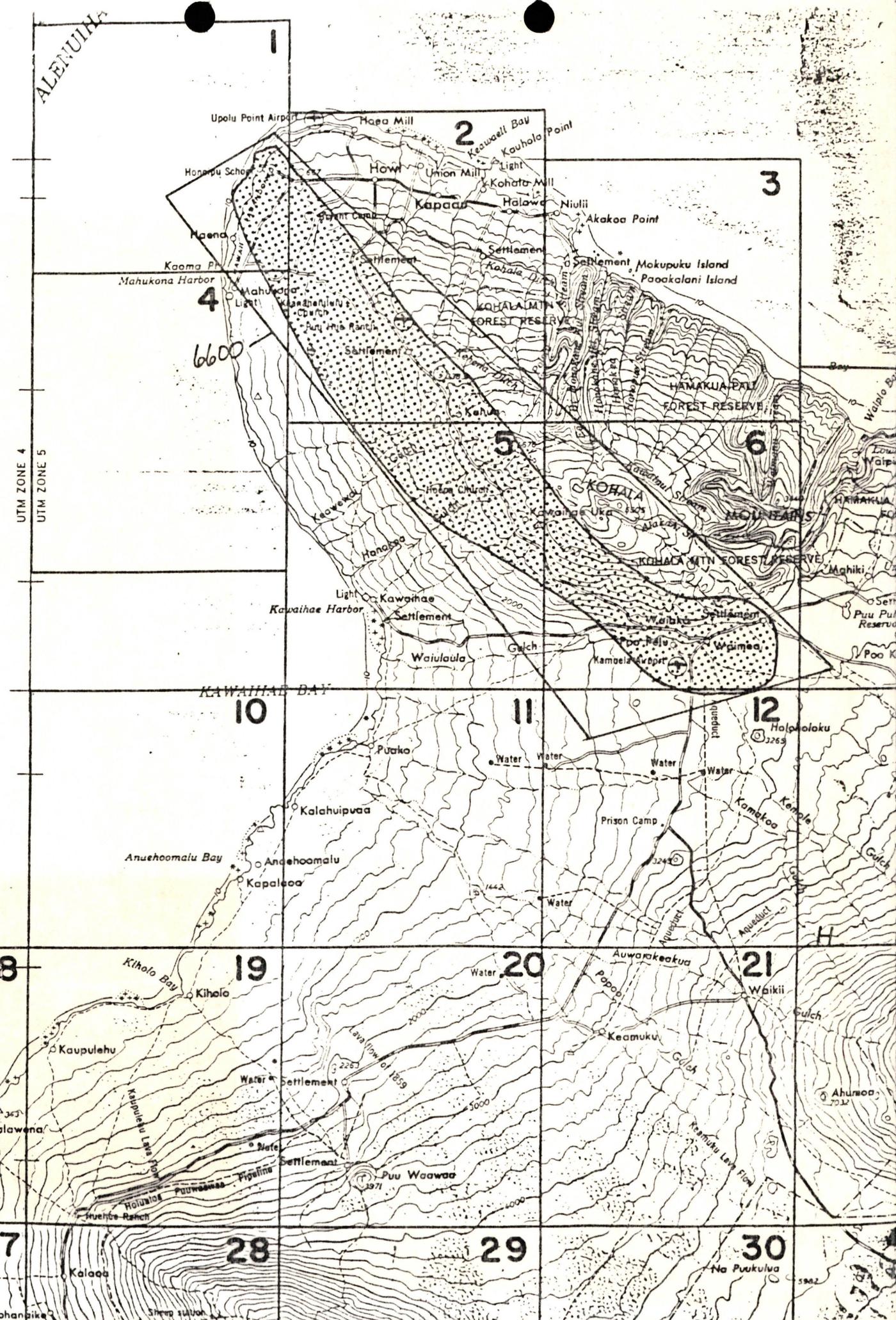
5. Have Acceptable Mitigation Plans Been Prepared? In general yes, but we have some disagreements and concerns. Usually historic preservation mitigation plans call for preservation or archaeological data recovery. Bonk's plan calls only for archaeological data recovery. We agree with his general suggestions of completing survey work at the Rural/Residential area and then conducting more excavation work at this area and some of the Town Center sites. However, clearly we disagree on some of the sites to excavate in the Town Center area, and we are very concerned that there be an adequate scope of work including (1) detailed mapping and (2) excavation, lab, and interpretation work geared to the general problem of understanding the Waimea portions of the Kohala Field System historical district. These latter points are not mentioned by Bonk. Nor, have adequacy checks by our office or the County Planning Department been built into the plan.

Last, we would like to raise a question for the LUC and Parker Ranch's consideration. We believe that it would be desirable to include in general planning for Waimea's growth the preservation of the best examples of the different types of historic sites in Waimea -- both from the historic and prehistoric periods. These could be developed as small historic parks and could enhance the development of Waimea. Along these lines, we suggest that some excellent examples of parts of the Waimea Agricultural System be preserved -- for example, a few nice looking walled fields with irrigation channels and with an associated residential area. The sites in this specific petition do not seem to be the best examples of agricultural fields, so this is perhaps not a pressing concern here. But, unless preservation ideas and a search for the better sites occurs soon, the very good sites could be inadvertently destroyed or inadvertently planned for destruction by development.

Our Recommendations to the LUC. We recommend that the LUC accept the petition with the following historic preservation conditions:

1. Archaeological data recovery will occur before development in the Rural/Residential Area and Waimea Town Center Area, with the following subconditions:

a. Within 2 months, consultation will occur between the applicant, the Historic Sites Section and the County of Hawaii's Planning Department to resolve differing site significance assessments in the Town Center Area.



Jun 18 1 35 PM '86

## AFFIDAVIT OF PUBLICATION

State of Hawaii      )  
                        ) SS:  
County of Hawaii    )

LEILANI K. R. HIGAKI, being first  
duly sworn, deposes and says:

1. That she is the BUSINESS MANAGER of  
HAWAII TRIBUNE-HERALD, LTD., a  
newspaper published in the City of HILO  
State of Hawaii.

2. That the "NOTICE OF HEARING - NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for, etc.,  
1. Docket Number & Petitioner: A86-599-KONA BEACH DEVELOPMENT VENTURE, L.P.  
etc., of which a clipping from the newspaper  
as published is attached hereto, was published in said newspaper on the following  
date(s) June 6, 19 86 (etc.).

Leilani K. R. Higaki

Subscribed and sworn to before me

this 16th day of June, 19 86.  
Amy J. N. Shirono

Notary Public, Third Circuit,  
State of Hawaii

My commission expires October 9, 1988

## NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

### DATE, TIME AND PLACE

July 8, 1986—10:30 a.m.

and July 9, 1986

Endeavor Room

Kona Hilton Hotel

Kailua-Kona, Hawaii

1. Docket Number & Petitioner: A86-599—KONA BEACH DEVELOPMENT VENTURE, L.P.

Tax Map Key: 7-3-09: 3 and 16 (County of Hawaii)

**Change Requested:** To reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii for resort, residential, commercial, golf course, and marina uses.

2. Docket Number & Petitioner: A86-601—RICHARD SMART REVOCABLE PERSONAL TRUST

**Tax Map Key:** 6-7-02: 9, 38 and Portion of 17;

6-7-01: Portion of 25; 6-8-01:

Portion of 1 and Portion of 8;

6-2-01: Portion of 9

(County of Hawaii)

**Change Requested:** To reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii, for residential, commercial, and industrial uses.

Maps showing the proposed district boundaries and copies of the Rules and Regulations governing the above petitions may be inspected at the offices of the Hawaii Planning Department, County of Hawaii, 25 Aupuni Street, Hilo, Hawaii, 96720; and the Land Use Commission, Room 104, Old Federal Building, 335 Merchant Street, Honolulu, Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed changes that their in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding, and (2) the admission of additional parties will render the proceeding inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Part VI, Section 6-7 of the Rules of Practice and Procedure. The petition for intervention with proof of service on all parties shall be filed with the commission by June 23, 1986.

A person or individual may present testimony to the commission as a public witness upon timely submittal of a written request. Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary changes. Such representative shall make written application to be a witness by June 26, 1986 and shall submit written evidence of authorization to represent the citizen or community group.

Any party to the proceeding may retain counsel.

LAND USE COMMISSION

TEOFILO PHIL TACBIAN, Chairman

By ESTHER UEDA, Executive Officer

WHOLE  
COOKED  
TAKO  
\$2.99 LB. REG.

NOW 219  
LB.

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JAPANESE  
WHITE  
CRAB  
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EQUADOR  
FROZEN  
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• \$41.09  
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• 5 LB. BOX  
3399

AMANO  
TEMPURA  
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129



DUNGENESE  
COOKED CRAB  
• \$4.99  
LB. REG.  
269  
LB.



FROZEN ABALONE LIKE  
SHELLFISH

• \$5.85  
REG.  
• TASTY  
PUPU!

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LB.



SAVE  
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\$3.99 LB. REG.  
FRESH OGO

CLUSTERS  
SNOW CRAB

HAYASHI  
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\$6.99 REG. 16 OZ. GOLDEN CROWN  
ABALONE LIKE SHELLFISH

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LB. 249

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JUNE 7, 1986

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LAND USE COMMISSION  
STATE OF HAWAII

JUN 17 11 18 AM '86

IN THE MATTER OF

NOTICE OF HEARING

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

**DATE, TIME AND PLACE**

July 8, 1986 - 10:30 a.m.

and July 9, 1986

Endeavor Room

Kona Hilton Hotel

Kailua-Kona, Hawaii

1. Docket Number & Petitioner: A86-499  
— KONA BEACH DEVELOPMENT  
VENTURE, L.P.

Tax Map Key: 7-3-09: 3 and 16 (County of Hawaii)

Change Requested: To reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii for resort, residential, commercial, golf course, and marina uses.

2. Docket Number & Petitioner: A86-601  
✓ — RICHARD SMART REVOCABLE  
PERSONAL TRUST

Tax Map Key: 6-7-02: 9, 38 and Portion of 17; 6-7-01: Portion of 25; 6-8-01: Portion of 1 and Portion of 8; 6-2-01: Portion of 9 (County of Hawaii)

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Any party to the proceeding may retain counsel.

LAND USE COMMISSION  
TEOFILO PHIL TACBIAN,  
Chairman  
By ESTHER UEDA,  
Executive Officer

(Hon. Adv.: June 6, 1986) (A-62843)

} AFFIDAVIT OF PUBLICATION

STATE OF HAWAII,  
City and County of Honolulu.

} ss.

..... Leatrice Yamane ..... , being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit, of the HAWAII NEWSPAPER AGENCY, INC., agent for HONOLULU ADVERTISER, INC., publisher of THE HONOLULU ADVERTISER and SUNDAY STAR-BULLETIN & ADVERTISER, and agent for GANNETT PACIFIC CORPORATION, publisher of HONOLULU STAR-BULLETIN; that said newspapers are newspapers of general circulation in the state of Hawaii; that the attached notice is a true notice as was published in the afore-referenced newspapers as follows: The Honolulu Advertiser ..... one ..... times, on ..... June 6, 1986

..... Honolulu Star-Bulletin: ..... times, on .....

..... Sunday Star-Bulletin & Advertiser: ..... times, on .....

..... and that affiant is not a party to or in any way interested in the above entitled matter.

Leatrice Yamane

Subscribed and sworn to before me this 6th day of June, A.D. 1986.

Notary Public of the First Judicial Circuit,  
State of Hawaii

My commission expires .....

March 27, 1987

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

DATE, TIME AND PLACE

July 8, 1986 - 10:30 a.m.  
and July 9, 1986  
Endeavor Room  
Kona Hilton Hotel  
Kailua-Kona, Hawaii

REC'D. BY

1986 JUN 2 PM 3 36  
Lt. GOVERNOR'S OFFICE

1. Docket Number & Petitioner: A86-599 - KONA BEACH DEVELOPMENT VENTURE, L.P.

Tax Map Key: 7-3-09: 3 and 16  
(County of Hawaii)

Change Requested: To reclassify approximately 470.13 acres of land currently in the Conservation District into the Urban District at Kohanaiki, North Kona, Hawaii for resort, residential, commercial, golf course, and marina uses.

2. Docket Number & Petitioner: A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

Tax Map Key: 6-7-02: 9, 38 and Portion of 17;  
6-7-01: Portion of 25; 6-8-01:  
Portion of 1 and Portion of 8;  
6-2-01: Portion of 9  
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Any party to the proceeding may retain counsel.

LAND USE COMMISSION

TEOFILO PHIL TACBIAN, Chairman

By ESTHER UEDA, Executive  
Officer

(Legal Ad - 2 col w/border )  
(to appear June 6, 1986 )  
(Hawaii Tribune Herald and )  
(Honolulu Advertiser )

6/2/86 - A copy of this Notice of Hearing was mailed to all persons and organizations on the following mailing lists:

1. STATEWIDE
2. HAWAII

P 601 826 321

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

S Form 3800, Feb. 1982

A86-601 Richard Smart

Sent to	
Frank Vierra	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .39
Certified Fee	.75
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Return Receipt Showing to whom and Date Delivered	.70
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Postmark or Date	



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1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## ● SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

## 3. Article Addressed to:

Frank B. Vierra

## 4. Type of Service: Article Number

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 Certified       COD  
 Express Mail

P 601 826 321

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X

17

## 6. Signature - Agent

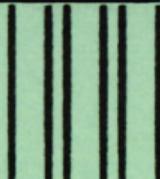
X *Glenda Apo*

## 7. Date of Delivery

6/6/86

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State of Hawaii (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

**LAND USE COMMISSION**

Room 104, Old Federal Building

(City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813



P 601 826 319

## RECEIPT FOR CERTIFIED MAIL

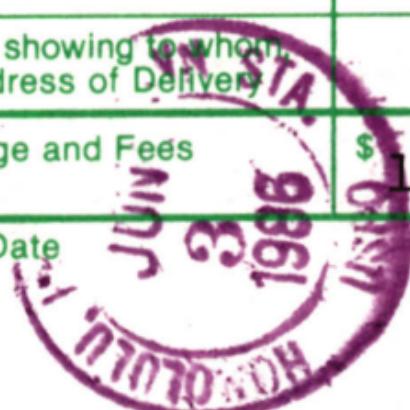
NO INSURANCE COVERAGE PROVIDED  
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(See Reverse)

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

A86-601 Richard Smart

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Street and No.	Service Inc.	
P.O., State and ZIP Code		
Postage	\$	.39
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.84
Postmark or Date		

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

A86-601 Richard Smart

**● SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

**3. Article Addressed to:**

Gary's Automotive Service  
Inc.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 601 826 319

Always obtain signature of addressee or agent and  
DATE DELIVERED.

**5. Signature - Addressee**

X

**6. Signature - Agent**

X

**7. Date of Delivery**

6/5/86

**8. Addressee's Address (*ONLY if requested and fee paid*)**

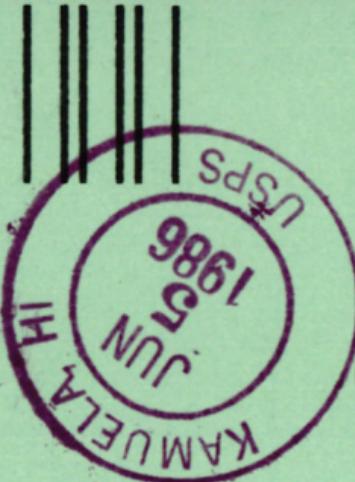
UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



PENALTY FOR PRIVATE  
USE, \$300

(Name of Sender)

State of Hawaii

LAND USE COMMISSION

Room 104, Old Federal Building

335 Merchant Street

Honolulu, Hawaii 96813

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

P 601 826 311

A85-599 Kona Beach &amp; A86-601 Richard Smart

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

Sent to Ronald Ibarra, Esq	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .39
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.84
Postmark or Date	

## SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Ronald Ibarra, Esq.

4. Type of Service:	Article Number:
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 601 826 311

Always obtain signature of addressee or agent and  
DATE DELIVERED.

## 5. Signature - Addressee.

X A. Nelson

## 6. Signature - Agent

X

## 7. Date of Delivery

6/4/86

8. Addressee's Address (ONLY if requested and fee paid)

P 601 826 315

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

\* U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to <b>Barbara Koi</b>	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .39
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
<b>TOTAL Postage and Fees</b>	<b>\$ 1.84</b>
Postmark or Date	

A85-599 Kona Beach & A86-601 R. Smart

## 1 SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Barbara A. Koi, Chairperson

## 4. Type of Service: Article Number

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	

P 601 826 315

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X A. Nielsen

## 6. Signature - Agent

X

## 7. Date of Delivery

6/11/84

## 8. Addressee's Address (ONLY if requested and fee paid)

P 601 826 310  
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to		Albert Lono Lyman
Street and No.		
P.O., State and ZIP Code		
Postage	\$	.39
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.84
Postmark or Date		

PS Form 3800, Feb. 1982

A85-599 Kona Beach & A86-601 Richard Smart

A85-599 Kona Beach &amp; A86-601 Richard Smart

## SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Albert Lono Lyman

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD P 601 826 310

Always obtain signature of addressee or agent and DATE DELIVERED.

## 5. Signature - Addressee

X a. nelson

## 6. Signature - Agent

X

## 7. Date of Delivery

6/4/86

## 8. Addressee's Address (ONLY if requested and fee paid)

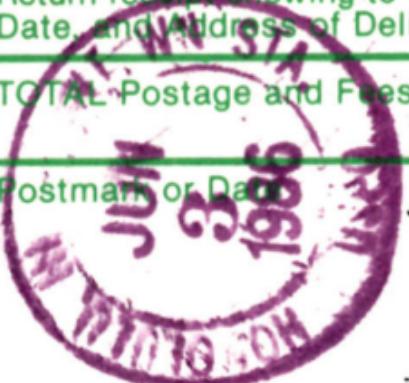
P 601 826 312

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

\* U.S.G.P.O. 1983-403-517

Sent to Ben Kudo	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .39
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.84
Postmark or Date 	

PS Form 3800, Feb. 1982

A86-601 Richard Smart Revocable Personal Trust

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## ● SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.

## 3. Article Addressed to:

Benjamin Kudo, Esq.  
Kobayashi, Watanabe, Sugita  
and Kawashima

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD

Always obtain signature of addressee or agent and  
DATE DELIVERED.

## 5. Signature — Addressee

X

## 6. Signature — Agent

X

## 7. Date of Delivery

6/4/86

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



\_\_\_\_\_  
(Name of Sender)

State of Hawaii

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

**LAND USE COMMISSION**

Room 104, Old Federal Building

\_\_\_\_\_  
(City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

PENALTY FOR PRIVATE  
USE, \$300

P 601 826 318

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to		Hawaii Elec. Light Co
Street and No.		
P.O., State and ZIP Code		
Postage	\$	.39
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.84
Postmark or Date		

A86-601 Richard Smart

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

A86-601 Richard Smart

**● SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Hawaii Electric Light Co.,  
Inc.

4. Type of Service:	Article Number	
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	P 601 826 318

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X *JKew*

*JUN 4 1986*

6. Signature - Agent

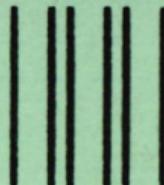
X *Ray Bautista*

7. Date of Delivery

*6/4/86*

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



\_\_\_\_\_

(Name of Sender)

State of Hawaii

\_\_\_\_\_ (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

LAND USE COMMISSION

Room 104, Old Federal Building

\_\_\_\_\_ (City, State, and ZIP Code)

335 Merchant Street

Honolulu, Hawaii 96813

PENALTY FOR PRIVATE  
USE, \$300

P 601 826 320

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

\* U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

A86-601 Richard Smart

Sent to	Thos. H. Yamamoto
Street and No.	
P.O., State and ZIP Code	
Postage	\$ .39
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.84
Postmark or Date	

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

## ● SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

THOMAS H. YAMAMOTO, P.E.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN  
TO**



\_\_\_\_\_ (Name of Sender)

State of Hawaii

(Name of Sender)

**LAND USE COMMISSION**

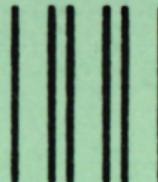
\_\_\_\_\_ (No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Room 104, Old Federal Building

335 Merchant Street

\_\_\_\_\_ (City, State, and ZIP Code)

Honolulu, Hawaii 96813



PENALTY FOR PRIVATE  
USE, \$300

P 601 826 309

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to		Everett Kaneshige, Esq
Street and No.		
P.O., State and ZIP Code		
Postage	\$	.56
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	2.01
Postmark or Date		R. Smart

A85-599 Kona Beach &amp; A86-601

## SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1.  Show to whom, date and address of delivery.
2.  Restricted Delivery.
3. Article Addressed to:

Everett Kaneshige, Esq.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD
	P 601 826 309

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

Lorna A. Kona

7. Date of Delivery

4/16

8. Addressee's Address (ONLY if requested and fee paid)

Smart

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of )  
RICHARD SMART REVOCABLE PERSONAL ) DOCKET NO: A86-601  
TRUST )  
To amend the Agricultural )  
Land Use District Boundary into )  
the Urban Land Use District for )  
approximately 470.13 acres at )  
Waimea, South Kohala, Hawaii, )  
Tax Map Key: 6-7-02: 9, 38 and )  
Portion of 17; 6-7-01: Portion )  
of 25; 6-8-01: Portion of 1 and )  
Portion of 8; 6-2-01: Portion of 9 )

---

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing 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  
Dept. of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

EVERETT KANESHIGE, Deputy Attorney General  
465 South King Street, Room 200  
Honolulu, Hawaii 96813

ALBERT LONO LYMAN, Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

RONALD IBARRA, ESQ.  
Deputy Corporation Counsel  
Office of the Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

BARBARA A. KOI, Chairperson  
Planning Commission  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

BENJAMIN A. KUDO, ESQ.  
GARY G.N. WONG, ESQ.  
Kobayashi, Watanabe, Sugita & Kawashima  
745 Fort Street, 8th Floor  
Honolulu, HI 96813

THOMAS H. YAMAMOTO P.E.  
Senior Vice President  
Mauna Lani Resort, Inc.  
P.O. Box 4959  
Kawaihae, HI 96743-4959

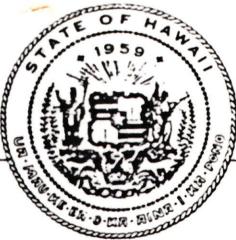
GARY'S AUTOMOTIVE SERVICE, INC.  
P.O. Box 1114  
Kamuela, HI 96743

FRANK B. VIERRA  
P.O. Box 126  
Kamuela, HI 96743

HAWAII ELECTRIC LIGHT CO., INC.  
1200 Kilauea Ave.  
Hilo, HI 96720

Dated: Honolulu, Hawaii, this 3rd day of June, 1986.

esther ueda  
ESTHER UEDA, Executive Officer



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

GEORGE R. ARIYOSHI  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona E. Rubin  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

May 30, 1986

HAWAII TRIBUNE-HERALD  
Legal Advertising Department  
P. O. Box 767  
Hilo, HI 96720

ATTENTION: Mrs. Thelma Lee

Gentlemen:

We are enclosing herewith a copy of the Notice of Hearing which we wish to have published in the Hawaii Tribune-Herald on June 6, 1986. A purchase order will follow shortly.

We would appreciate immediate confirmation of the receipt of this notice. Please call Darlene at 548-3039.

Very truly yours,

*esther ueda*

ESTHER UEDA  
Executive Officer

EU:dk

Enc.

KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

ATTORNEYS AT LAW  
HAWAII BUILDING 8th FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3889

TELEPHONE (808) 544-8300

Alan M. Goda\*  
J. Douglas Ing\*  
James Kawashima\*  
Bert T. Kobayashi, Jr.\*  
John T. Komeiji\*  
Wray H. Kondo\*  
Benjamin A. Kudo\*  
Dale W. Lee\*  
Ronald Y.K. Leong\*  
Kenneth Y. Sugita\*  
Robert T. Takamatsu\*  
Jeffrey N. Watanabe\*

\*A Law Corporation

Ferdinand G. Aranza  
Kevin S.C. Chang  
David G. Ego  
Byron C. Feldman  
Lyle Y. Harada  
Cheryl K. Kakazu  
Pamela J. Larson  
Michael A. Lorusso  
Bruce Y. Matsui  
Kyle T. Sakumoto  
Lex R. Smith  
Lynn Y. Wakatsuki  
Cynthia Winegar  
Gary G.N. Wong  
Randall Y. Yamamoto  
Richard A. Yanagi

OF COUNSEL:  
Bert T. Kobayashi, Sr.  
Russell K. Kono

Telecopier (808) 524-3193  
Telex 6502396585 MCI  
MCI Mail 2396585  
ABA/Net ABA2281

May 6, 1986

MAY 7 1 29 PM '86

LAND USE COMMISSION  
STATE OF HAWAII

Ms. Esther Ueda  
Land Use Commission  
Old Federal Building  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

Re: Parker Ranch Boundary Amendment Petition  
Docket No. A86-601(WH)

Dear Ms. Ueda:

On behalf of the Richard Smart Personal Revocable Trust, we request that the hearing for the Parker Ranch Boundary Amendment Petition be scheduled during the month of September, 1986. Several key members in the Smart Trust organization will be out of the State during the summer, and we believe their presence during the hearing will facilitate the process.

Thank you for your assistance in this matter.  
Please feel free to contact the undersigned if you should have any questions.

Very truly yours,

  
GARY G. N. WONG  
for  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

GGNW:pl  
cc: Mr. Frederick Riecker



STATE OF HAWAII  
DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

## LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

MAY 1 1986

NOTIFICATION OF RECEIPT OF BOUNDARY AMENDMENT PETITION

This is to advise you that a petition to amend the State Land Use Boundaries with the following general information has been received by the State Land Use Commission:

DOCKET NO./PETITIONER : A86-601(WH)/RICHARD SMART REVOCABLE  
PERSONAL TRUST  
OWNER : RICHARD SMART TRUST AND FRANK B. VIERRA  
TAX MAP KEY : 6-7-02: 9, 38 AND PORTION OF 17; 6-7-01  
PORTION OF 25; 6-8-01: PORTION OF 1 AND  
PORTION OF 8; 6-2-01: PORTION OF 9  
LOCATION : WAIMEA, SOUTH KOHALA, HAWAII  
REQUESTED RECLASSIFICATION : AGRICULTURAL TO URBAN  
ACREAGE : APPROXIMATELY 404.34 ACRES  
PROPOSED USE : RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL  
RECEIVED : APRIL 15, 1986

More detailed information on this request may be obtained by reviewing the petition and maps on file at the Land Use Commission office or the County of Hawaii Planning Department.

Land Use Commission office hours are from 7:45 a.m. to 4:30 p.m., Mondays through Fridays.

A hearing on this matter will be scheduled within not less than sixty (60) and not more than one hundred eighty (180) days after receipt of this petition. You will be notified of the time, date and place of the hearing on this matter at a later date.

If you are interested in participating in the hearing and require information on how to proceed, please write or call the Commission staff. The telephone number is 548-3039.

ESTHER UEDA  
Executive Officer

EDWARD F. TAYLOR  
Chairman  
FREDERICK P. WHITTEMORE  
Vice Chairman

#### COMMISSION MEMBERS

Richard B. F. Choy  
Lawrence F. Chung  
Everett L. Cuskader  
Minona E. Rubin  
Toru Suzuki  
Robert S. Tamayose  
William W. L. Yuen

ESTHER UEDA  
Executive Office

**LOCATION MAP**

**NORTH**

**PETITION AREA**

MK NOS. 6-7-02:9,38 AND Por. 17  
 6-7-01: Por. 25  
 6-8-01: Por. 1 AND Por. 8  
 6-2-01: Por. 9

WAIMEA, SOUTH KOHALA, HAWAII

Scale: 1" = ± 3500'

**PETITION AREA**

TO KALUA-KONA  
 WAIMEA-KOHALA  
 AIRPORT

LAALAMO  
 FARM LOTS

MANALAMOA

HIGHWAY

PARKER RANCH  
 RACE TRACK

SHOAL  
 GEYSER  
 KUHIO  
 VILLAGE

5/2/86 - A copy of this Notification of Receipt of Boundary Amendment Petition was mailed to all persons and organizations on the attached mailing lists:

1. Statewide 2. Hawaii



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*ESTHER UEDA*  
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Executive Officer

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Governor  
TEOFILO PHIL TACBIAN  
Chairman  
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Toru Suzuki  
Robert S. Tamayo  
William W. L. Yuen  
ESTHER UEDA  
Executive Officer

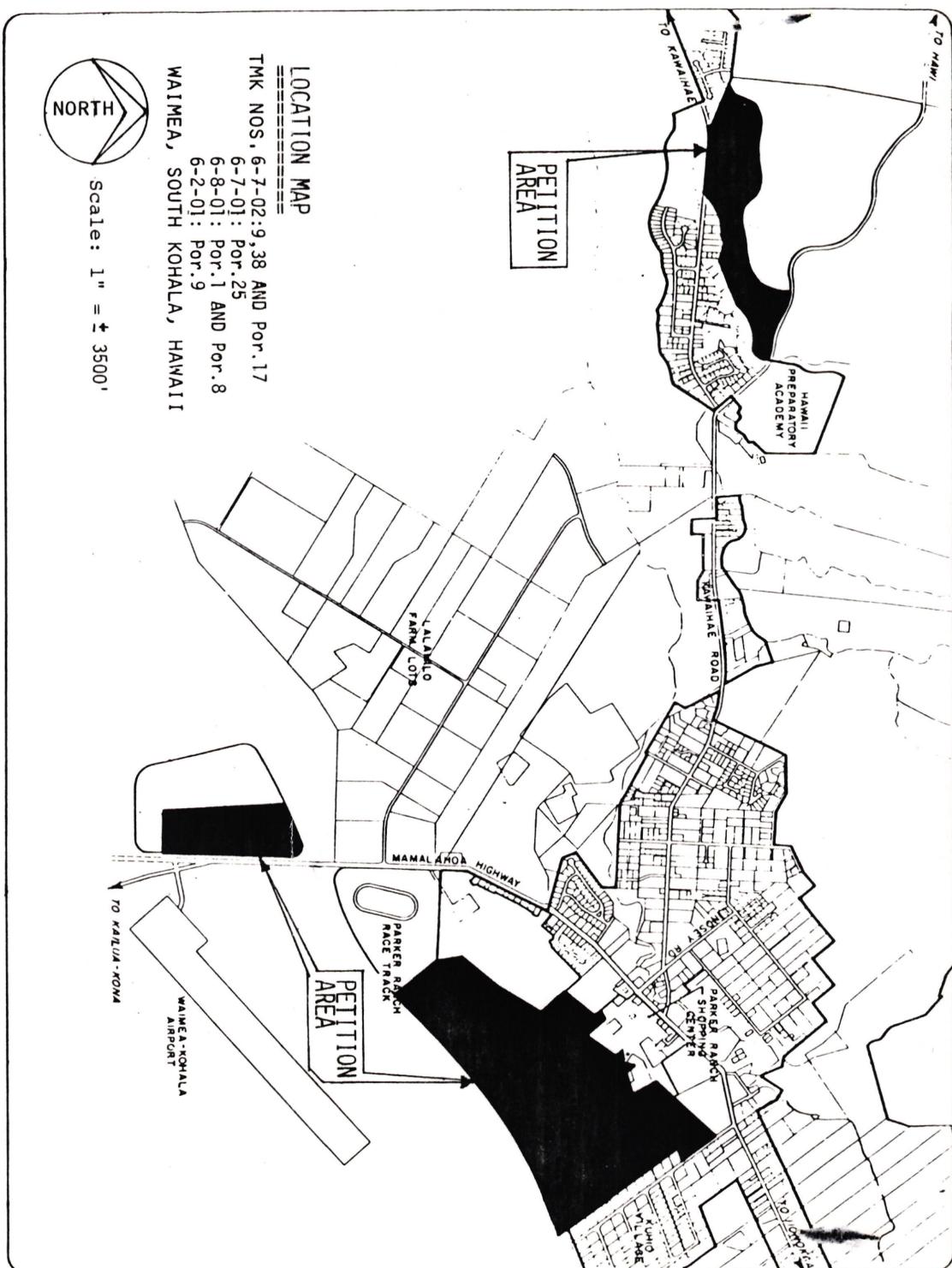
NORTH

Scale: 1" = 1 3500'

LOCATION MAP

TMK NOS. 6-7-02:9,38 AND POR. 17  
6-7-01: POR. 25  
6-8-01: POR. 1 AND POR. 8  
6-2-01: POR. 9

WAIMEA, SOUTH KOHALA, HAWAII





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Winona E. Rubin  
Toru Suzuki  
Robert S. Tanaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

Gary G.N. Wong, Esq.  
Attorney at Law  
Kobayashi, Watanabe, Sugita & Kawashima  
Hawaii Building, 8th Floor  
745 Fort Street  
Honolulu, HI 96813

Dear Mr. Wong:

This is to acknowledge receipt of your \$50 for the following petition:

Docket No./Petition: A86-601 (WH) Richard Smart Revocable Personal Trust

Tax Map Key: 6-7-02: 9, 38, Por. 17; 6-7-01: Por. 25;

Location: 6-8-01: Por. 1 & 8; 6-2-01: Por. 9  
Waimea, Hawaii

Date Filed: April 15, 1986

In accordance with Chapter 205, Hawaii Revised Statutes, this Commission must conduct a public hearing on your petition no sooner than 60 days and no more than 180 days after the filing date. Within 120 days following the public hearing, the Land Use Commission will render a decision on your petition.

If you should have any questions, please feel free to contact us.

Very truly yours,

ESTHER UEDA  
Executive Officer

KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

ATTORNEYS AT LAW  
HAWAII BUILDING 8th FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3889

Alan M. Goda\*  
J. Douglas Ing\*  
James Kawashima\*  
Bert T. Kobayashi, Jr.\*  
John T. Komeiji\*  
Wray H. Kondo\*

Benjamin A. Kudo\*  
Dale W. Lee\*  
Ronald Y.K. Leong\*  
Kenneth Y. Sugita\*  
Robert T. Takamatsu\*  
Jeffrey N. Watanabe\*

\*A Law Corporation

Ferdinand G. Aranza  
Kevin S.C. Chang  
Gilbert C. Doles  
David G. Ego  
Byron C. Feldman  
Lyle Y. Harada  
Cheryl K. Kakazu  
Pamela J. Larson  
Michael A. Lorusso  
Bruce Y. Matsui

Stanford H. Nakamoto  
Kyle T. Sakamoto  
Lex R. Smith  
Lynn Y. Wakatsuki  
Cynthia Winegar  
Colleen I. Wong  
Gary G.N. Wong  
Randall Y. Yamamoto  
Richard A. Yanagi

TELEPHONE (808) 544-8300

OF COUNSEL:  
Bert T. Kobayashi, Sr.  
Russell K. Kono

Telecopier (808) 524-3193  
Telex 6502396585 MCI  
MCI Mail 2396585  
ABA/Net ABA2281

April 15, 1986

LAND USE COMMISSION  
STATE OF HAWAII

APR 15 3 46 PM '86

HAND DELIVERED

Ms. Esther Ueda  
Land Use Commission  
335 Merchant Street  
Room 104  
Honolulu, Hawaii 96813

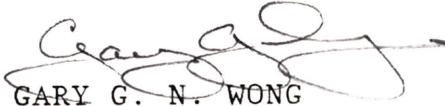
Re: Richard Smart Revocable Personal Trust  
Petition for Land Use District Boundary  
Amendment

Dear Ms. Ueda:

Enclosed herewith for filing with your office is an original and fifteen (15) copies of the above-referenced Petition for Land Use District Boundary Amendment. Please also find attached a check in the amount of \$50 to cover the necessary filing fees.

Should you have any questions regarding the above, please feel free to contact the undersigned.

Very truly yours,

  
GARY G. N. WONG  
for  
KOBAYASHI, WATANABE,  
SUGITA & KAWASHIMA

GGNW:pl

Enclosures

cc: Richard Smart Revocable  
Personal Trust  
Mr. Roger Harris  
(w/ enclosure)

STATE OF HAWAII  
OFFICIAL RECEIPT

Nº 3783

Department of Planning & Economic Development

Department or Agency

DATE: April 16, 1986

RECEIVED from

Land Use Commission

Fifty and no/100

DOLLARS

Filing fee for boundary amendment petition on Docket no.  
A86-601 (WH) - Richard Smail Revocable Personal Trust

\$ 50.00

S. Dugaski

Authorized Signature

State of Hawaii  
LAND USE COMMISSION

STATE OF HAWAII  
OFFICIAL RECEIPT

Nº 3809

**Department of Planning & Economic Development**

Department or Agency

DATE: April 15, 1986

RECEIVED from Kobayashi, Watanabe, Sugita & Kawashima  
Fifty and no/100

DOLLARS

Filing Fee for boundary Amendment Petition on  
Docket No. A86-601 (WH) - Richard Smart <sup>Personal</sup> Personal Trust

\$ 50.00

CK. No. 9789

Dalene Y. Kurohita

Authorized Signature