

SP88-369 AINAKO RESORT ASSOCIATES AND GROVE FARM
PROPERTIES, INC. (1 of 3)



FOLDER 1 of 3

SP88-369 AINAKO RESORT ASSOCIATES
AND GROVE FARM PROPERTIES,
(KAUAI) INC.

JOHN WAIHEE
Governor

RENTON L.K. NIP
Chairman

LAWRENCE F. CHUN
Vice Chairman

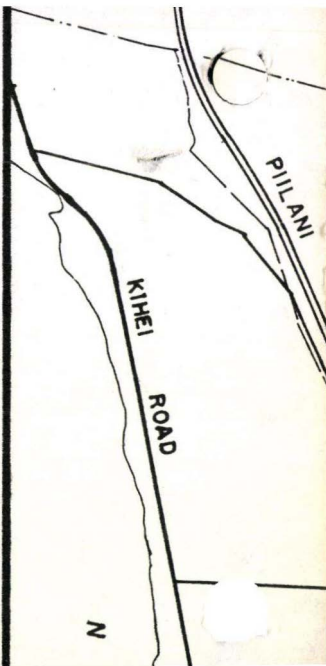
COMMISSION MEMBERS:

Sharon R. Himeno
Teofilo Phil Tacbian
Allen Kajioke
Robert Tamaye
Frederick P. Whittemore
Toru Suzuki
Allen K. Hoe

ESTHER UEDA
Executive Officer

N

District
by the



Item 3 TK:

9110-2, 7, 13, 14

9111-6

9115-1, 3, 4, 5, 6, 9

9116-1, 4, 5, 9, 12, 16, 18, 25, 27

9117-4, 6, 11, 16, 17, 18, 36, 41

9118-1

9120-19, 20, 21, 22

9121-15, 21

9122-3

ITEM #6: TK:

9110-2, 7; 9112-1 & 5)

SOURCE		LOC. & TITLE		DIV.	
BY	DATE	DEED, ETC.	TMB NO.		
RB	1/18/52			29	01 1
NO.	GRANTOR ETC.	AREA OF PARCEL	GRANTEE ETC.		
1		1270.0 ac	To: Koloa Sugar Co		
2	R/S: TMB #79 151 (See: 2607-31)	do	To: Grove Farm Co, Ltd		
3	TMB 155'62 (1403-8 etc) PK/sy 7/5/62 AMEND ARTICLES OF ASSN: Bk 4260 p. 279 4/23/62 4/25/62 Name of Grove Farm Co Ltd changed to Grove Farm Co, Inc by Treas. State/Hawaii	1270.0 ac	Grove Farm Co, Inc		
4	TMB 2755'73-74 (2818-1 etc) WD/en 6/20/74 D: To 2901-2 (New) 30.767 Ac, Por Lt D F/D: Area & bdry	1239.233 Ac	do		
5	TMB M-6'80 FH/ku 4/30/80 R/S: Subd. 1239.233 Ac. into lot 1 & 2, per plan by M Fujishige, approved 3/12/80 F/D: Area, bdry, lot 1 & 2	do	do		
6	Q/D: Margaret N Bertelmann to Edward R Kawai & Ma Keike Oke Anuenuē Bk 14770 p 348 SCT\$00.00 6/3/80 6/3/80; grantor's int unknown; KEYED ONLY (2902-1, etc)	do	do		
7	TMB 1968'80 RK/mm 1/5/81 D: Lot 2 (9.971 Ac) dropped into 2901-2(6) F/D: Area, bdry; Lot 1	1229.262 Ac	do		
NOTE: LAST AREA & GRANTEE FINAL DATA AS SHOWN ON TAX MAP					

RECEIVED
OFFICE OF HAWAII
COUNTY CLERK
TERRITORY OF HAWAII

TAX MAPS BRANCH HISTORY SHEET

DIV.

DATE:

Z

S

PLAT

PAR

LOCATION:

Koloa

TITLE:

Por Lot D

Por Gr 1408 & Gr 1416

2

9

01

2

NO.	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
1	TMB 2755'73-74(2818-1 etc)WD/en 6/20/74 From 2901-1(4) New D: Grove Farm Co Inc Bk 9953 p 326 SCT\$1361.95 6/7/74 6/7/74 DES F/D: New & ownership; Por Lot D	30.767 Ac	Leadership Homes of Hawaii Inc
2	D: Bk 13387 p 244 SCT\$00 12/27/78 12/29/78 DES (TK 2818-1 etc)	do	To: The Housing Group
3	TMB M-51'79 RT/ab 8/2/79 R/S: To 2820-8(7) 30.767 ac. Fr 2820-8(7) 58.719 ac, lot D-23 F/D: Area, bdry, lot D-23	58.719 Ac	do
4	TMB M-145'79 RT/ab 10/26/79 R/S: Subd 9.515 ac into lots 1 to 51 incl tog/E per plan by Portugal, Ibara & Assoc Inc, approved 9/26/79. "LANAI VILLAS MAKAI SUBD, INCREMENT I" Lots 1 to 51 incl to new plat & parcels 2828-1 to 51 incl resp F/D: Area, bdry, por lot D-23	49.204 Ac	do
5	Judgmt-Quiet/Title: Leadership Homes of Hawaii vs Heirs of Kauaihewa, other than Punwaiwai, etal Civ No. 1468, 5th Cir Ct Bk 14505 p 796 2/15/80 2/20/80 DES KEYED ONLY (judgmt to clear title unto The Housing Group) (TK 2818-1 etc)	do	do
CONTINUED			

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

TAX MAPS BRANCH HISTORY SHEET

DIV.

DATE:

Z

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PLAT

PAR

LOCATION:

Koloa

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TITLE:

por Lot D por Gr 1408 & Gr 1416

NO.	Page 2	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
6	TMB 1968'80 RK/mm 1/5/81		59.173 Ac	To: The Housing Group
	D: From 2901-1(7) 9.971 Ac			
	Grove Farm Co., Inc. To: The Housing Group			
	Bk 14764 p 138 SCT\$0 5/20/80 5/30/80 DES			
	F/D: Area, bdry; Lot 2 etc.			
7	TMB M-133'80 RK/mm 1/5/81		do	do
	R/S: Por Lot D-23 & Lot 2 cons & resubd			
	into Lot D-23-A, per survey map by M Fujishige,			
	approved 3/12/80.			
	F/D: Area, bdry; Lot D-23-A			
8	D: Grove Farm Co., Inc. To: The Housing Group	do		do
	Bk 14764 p 144 SCT\$68.60 5/20/80 5/30/80			
	DES KEYED ONLY (clear title unto grantee)			
9	TMB M-15'81 WK/mm 4/8/81		40.229 Ac	do
	R/S: Subd Lot D-23-A (18.944 Ac) into Lots			
	1 thru 49, "LANAI VILLAS II" tog/E per plan			
	by Ching, Kitamura & Assoc., Inc., approved			
	3/11/81. Lots 1 thru 43 to new parcels			
	2828-52 thru 94 resp. Rd Lots 44 thru 49			
	to new parcel 2828-95.			
	F/D: Area, bdry			

CONTINUED

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

TAX MAPS BRANCH HISTORY SHEET

DIV.

DATE:

Z

S

PLAT

PAR

LOCATION:

Koloa

2

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01

2

TITLE:

Lot D-23-A

NO.	Page 3	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
9	As shown on tax maps		40.229 Ac	To: The Housing Group
10	TMB M-24'81 WK/mm 4/9/81		40.235 Ac	do
	R/S: Area revised to 40.235 Ac & designated			
	Lot D-23-A-2 per plan by Ching, Kitamura,			
	& Assoc., Inc., approved 3/11/81.			
	F/D: Area revised; Lot D-23-A-2			
11	Q/D: Walton D Y Hong To: The Housing Group	do		do
	Bk 15535 p 87 SCT\$0 4/16/81 5/8/81 KEYED			
	ONLY (clear title unto grantee)			
12	Grant/of/Esmt: The Housing Group Bk 15848	do		do
	p 415 9/15/81 9/30/81 DES			
	F/D: Tog/Esmt over 2828-95			
13	D: Bk 16040 p 723 SCT\$0 12/10/81 12/16/81	do		To: Adm International Ltd
	DES			
14	D: Bk 17792 p610 SCT\$ 3,500	do		To: M.T.E. Assoc.
	4/10/84 4/11/84			
15	TMB M-75'85 WK/bn 12/21/85			
	R/S: Area & bdry revised per plan dated	39.725 Ac		do
	12/19/84.			
	F/D: Area, bdry, lot D-23-A-2			
16	D: Bk 20658 p149 SCT\$9000.00 5/11/87	do		To: Hawaii Takenaka Development
	5/11/87 DES			Inc
				Toko Development Hawaii Inc. T/C

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

LUC PETITION CONTENTS AND PROCEDURES CHECKLIST
FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP88-369 - AINAKO RESORT ASSOCIATES AND
GROVE FARM PROPERTIES, INC.

DATE FILED: August 18, 1988

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

RECEPTIONIST FL *AB*

- ☒ Time stamp
- ☒ Assign docket number and open file
- ☒ Send acknowledgment letter
- ☒ Gives to Chief Clerk to prepare file
- ☒ After Planner prepares staff report, send report and designated copies of file to LUC
- ☒ Gives copy of report and designated copies of file to Executive Officer and Planner

PLANNER *X*

- ☒ Checks for complete record and conditions
- ☒ Check for notice of public hearing
- ☒ Sends to Drafting Technician for maps, etc.
- ☒ Prepares staff report

DRAFTING TECHNICIAN _____

Confirms petitioner's accuracy with respect to:

- | | |
|--|---|
| ☒ <i>ss</i> ownership | ☒ location and size <i>199 + acres</i> |
| <i>None on</i> ☒ lessees | ☒ land use district <i>Urban, Ag, ind C ?</i> |
| ☒ tax map key | ☒ map and its accuracy w/text |
| | ☒ check acreage of use |

_____ Gives file to Receptionist to send designated copies of file to LUC

KAUAI PLANNING COMMISSION
SPECIAL MEETING
WEDNESDAY, AUGUST 10, 1988

AGENDA

9:00 A.M. Civil Defense Conference Room,
County Building
4396 Rice Street, Lihue

Call to Order

Approval of Agenda

A. COMMUNICATIONS

1. Letter dated (7/13/88) from Jan Tenbruggencate of the Honolulu Advertiser requesting a correction to the record.

B. NEW BUSINESS

1. Final Arguments and Possible Action on Special Permit SP-886, Use Permit U-88-31, Special Management Area Use Permit SMA(U)-88-10 & Class IV Zoning Permit Z-IV-88-39 = Ainako Resort Associates and Grove Farm Properties, Inc.

- a. Applicant's motion to correct the transcripts and memorandum in support of motion.

C. ADJOURNMENT

Aug 18 3 37 PM '88
LAND USE COMMISSION
STATE OF HAWAII

The Honolulu Advertiser

Post Office Box 3110 • Honolulu, Hawaii 96802



July 13, 1988

Kauai Planning Commission
c/o Kauai Planning Department
4280 Rice Street
Lihue, Hawaii
96766

Regarding:
SP 88-6; U-88-31
SMA (U)-88-31;
Z-IV-88-39
Ainako Resort Associates &
Grove Farm, applicants.

Dear Commissioners:

An attorney misstated the contents of a Honolulu Advertiser article in testimony during the hearing on the Ainako-Grove Farm golf course project, and I want to correct that error. It is contained on Page 179 of Volume 1 of the transcript of the contested case hearing.

Teresa Tico said she used my story as the source for this statement, which I take from the transcript: ...on the Big Island...hotels are dumping some dirt on lava rock and they are finding the effect on the quality of water has been quite adverse.

In fact, that is not at all what the story says. The story says experts are testing the waters to ~~be~~ catch any pollution problems before they occur. It does not say such problems have already occurred, as Ms. Tico's statement suggests.

I spoke with Dr. Steven Dollar, during whose testimony Ms. Tico made her statement. He said that while he had hoped to speak to me before the article was printed, there were no errors in the article.

I attach a copy of the article, so you can make your own review.

Sincerely

Jan TenBruggencate
The Honolulu Advertiser
P.O. Box 524
Lihue, HI 96766

cc Teresa Tico, attorney at law;
Jim Richardson, state editor, The Advertiser.

If West Hawaii's water goes bad . . .

The lava fields of the Kona and Kohala coastline of Hawaii are deceiving in two important ways.

- They are made of rock, and look very solid, but they are in fact very porous.

- And they look hot and dry, but just a few feet below much of that coast, cool fresh water flows in relative abundance from mauka to makai, where it enters the sea.

Those things combine to create a situation of some importance to planners who want both to develop the raw lava coast into projects that boost the economy, and to preserve the pristine water quality of the coast. Government officials at the county, state and federal levels are working on a way to do that.

The clear, blue waters of West Hawaii attract people for a variety of reasons.

Visitors and residents alike enjoy water sports in the refreshing, clean ocean water. Developers of resorts like the water because it attracts people. Anglers like the kind of fish production they find there.

Even science and industry have a stake in the water quality. The state's Hawaii Ocean Science and Technology park at Keahole Point depends on the availability of very clean water, free of contaminants, for the onshore production of marine life.

Two of the dangers to the quality of that water come from two of the groups that most benefit from its preservation.

The Keahole facility, seeking a comparatively inexpensive way to rid itself of effluent, uses injection wells that could put contaminants into the very water the HOST park depends on.

The other group having an impact on water quality is the growing band of major resorts along the Kona and South Kohala coastline.

When a hotel dumps some dirt on the lava rock, and plants it with grass for hotel grounds and golf courses, few worry about the impact on what's below. But scientists say irrigation water

flows down past the dirt layer, through the porous lava and into the ground water below.

Alone, water wouldn't be so much a problem, but many resorts use their treated sewage effluent for irrigation, and this could add bacteria to the ground water. The irrigation liquid can also carry down the fertilizers and pesticides that are used on the lawns and gardens of the resorts.

One possible result, if the situation were allowed to get out of hand, would be cloudiness of the water, heavy algae growth due to high levels of nutrients from fertilizer, death and lower production of corals, and a change in

the kinds of fish and other life found in the area, said one scientist.

"There is no question that the geology of the area makes it vulnerable to contamination," said Bruce Anderson, state Department of Health deputy director for environmental health. "In most places there is less than 30 feet of rock between the surface and ground water, and there is very little soil to bind organic chemicals. This area is unique in the state."

While the coastal area receives very little rainfall, the fresh water that falls on the high mountains trickles down through the soil and rock and eventu-

ally flows out toward the shore.

There is a zone near the shore where the fresh and salt water mix, which is a special environment for a range of wildlife, much of it found only in Hawaii. The anchialine ponds, bodies of water that move with the tides, but have no surface connection to the ocean, with a range of salinities from pure ocean water to quite fresh, are windows into this mixing zone.

Some Hawaii scientists are working on a plan to develop a computer model of how the mixing works, using salinity gradients along the shoreline, and to identify contaminants in that water.

"It's a tool to get one step closer to defining in some reasonable fashion what is a reasonable environmental carrying capacity," said John T. Harrison, environmental coordinator of the Environmental Center at the University of Hawaii's Water Resources Research Center.

Scientists here have submitted a \$350,000 request to the Environmental Protection Agency to prepare the plan.

Harrison said he hopes such a system could eventually be used to identify sources of pollution before they reach levels that cause damage to the coastal environment. It could then be used to help, for instance, a resort to alter its irrigation practices in a way that will minimize the flow of contaminants, he said.

Anderson said the Office of State Planning, the Department of Health, the University's Water Resources Research Center and the County of Hawaii have just begun work on something he tentatively entitles, the West Hawaii Water Quality Management Plan.

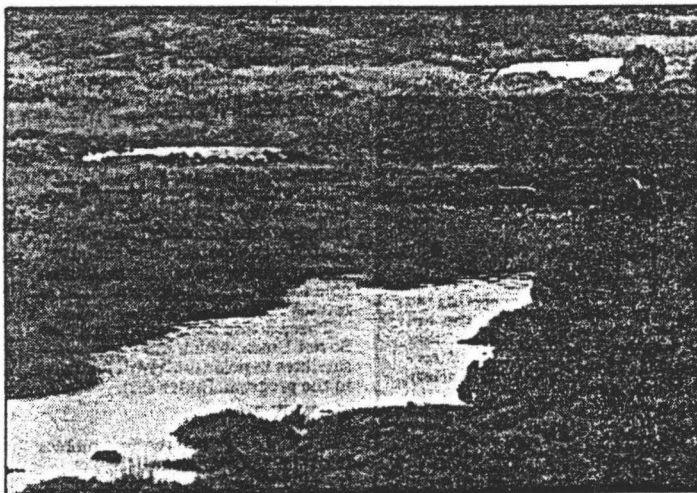
The idea is to be certain the water quality of West Hawaii is maintained as resorts are developed and expand. And while it's only been underway a couple of months, Anderson said he hopes to see a management plan in place within a year.

"I think perhaps the greatest attractions in that area are the pure waters," he said.

SIN JUN 19 1988 AD F



Jan
TenBruggencate
Environment Writer



Advertiser photo

Anchialine ponds in West Hawaii: water pollution is the enemy.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)	
OF)	FOR
AINAKO RESORT ASSOCIATES AND)	Special Permit SP-88-6
GROVE FARM PROPERTIES, INC.)	Use Permit U-88-31
)	Special Management Area
)	Use Permit SMA(U)-88-10
Golf Course & Related)	Class IV Zoning Permit
Facilities, Koloa)	Z-IV-88-39
)	

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 1988, a copy of a letter dated August 2, 1988, regarding the change of meeting date and place for final arguments on the above-entitled matter was served upon the following by hand delivery:

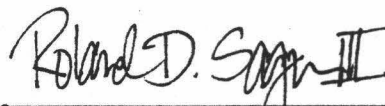
Stephen Levine, Esq.
4365 Kukui Grove, Suite 103
Lihue, Kauai

Teresa S. Tico, Esq.
2959 Umi Street
Lihue, Kauai

Dennis Lombardi, Esq.
Case & Lynch
1st Nationwide Plaza
4334 Rice Street, Ste. 202
Lihue, Kauai

Aug 18 3 08 PM '88
LAND USE COMMISSION
STATE OF HAWAII

DATED: Lihue, Kauai, this 2nd day of August 1988.


TOM H. SHIGEMOTO
Planning Director

Recv'd. By Susan K. Metcalf

Recv'd. By Arthur R. Shimada

Recv'd. By Lenna Victorino

TED AKIRA CHIHARA

ATTORNEY AT LAW
A LAW CORPORATION
SUITE 103
4365 KUKUI GROVE STREET
LIHUE, KAUAI, HAWAII 96766

STEPHEN LEVINE

TELEPHONE:
(808) 245-1855

July 29, 1988

Mrs. Esther Ueda
State Land Use Commission
Old Federal Building
335 Merchant Street, Room 104
Honolulu, Hawaii 96813

LAND USE COMMISSION
STATE OF HAWAII
AUG 1 2 50 PM '88

RE: Ainako Resorts/Grove Farm Request of a
Special Permit.
Statutory Bar of Golf Courses in the Ag.
District on "B" Rated lands.

Dear Mrs. Ueda,

This is just to supplement the discussion we recently had whether or not a special permit can be issued for a portion of the Agricultural District land adjacent to the site of the proposed Hyatt Regency Hotel. HRS 205-2 is a statutory bar to the establishment of a golf course in the Agricultural District on "A" or "B" classified land. The proposed 210 acre golf course in this matter is in the Agricultural district, and almost entirely "B" rated land. I hope the enclosed materials relating to the legislative history of House bill 1063 is useful.

Prior to the passage of Act 218, amending HRS 205-2, golf courses were not a permissible use under HRS 205-4.5. This section stated that golf courses were not a permissible use in the Agricultural district on those lands rated class "A" or "B" under the Land Bureau's Detailed Land Classification. In this situation, prior to Act 298, it might be argued that the Special Permit process under HRS 205-6 could be used to establish a golf course in the Ag district on "A" or "B" rated land.

In the 1985 session of the State Legislature, bill 1063 was introduced (attached). As originally drafted, it sought to amend HRS 205-4.5, and to specifically make a golf course on "A" or "B" classified land a permissible use. The intent was to open the Ag district to golf course use. Had this bill passed as originally submitted, the special permit route would not have been necessary to build golf courses on Ag land classified "A" or "B".

The bill was amended in committee. The committee report (SCREP 442, attached) indicated that the committee was in accord with intent of opening the Ag district to golf course use, but it also specifically indicated that land classified "A" or "B" cannot be used for golf courses. "Your Committees have, therefore, amended the bill to permit golf courses and golf driving ranges in the agricultural districts, ***provided they are not located in A and B classified areas.***" (emphasis added)

The Senate committee report (SCREP 983, attached) likewise concurred that golf courses can be established in the Ag district as long as they are not on "A" or "B" rated land.

The resulting legislation, Act 298 is attached. The legislature has acted to specifically proscribe and prohibit the establishment of golf courses in the Ag district if it is to be built on "B" rated lands. It is no longer just a non-permitted use under HRS 205-4.5, which might have allowed some discretion in the form of a special permit. To argue that the special permit process is still an available route to circumvent the legislative prohibition ignores the intent of Act 298 and the Special Permit process itself.

Special Permits were intended for unanticipated uses of the Ag district beyond those contemplated in HRS 205-4.5. It can no longer be argued that a golf course on "B" rated land in the Ag district is either unanticipated or unusual. In point of fact, the legislature has considered the specific use and statutorially prohibited the establishment of a golf course on "B" land in the Ag district via Act 298.

Please call me if you have any questions about this matter.

Yours truly,


Stephen Levine

enc.

A BILL FOR AN ACT

RELATING TO LAND USE.

LAND USE COMMISSION
STATE OF HAWAII
AUG 1 2 50 PM '88

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Under existing law, public and private open
2 area types of recreational uses are permissible uses within
3 the agricultural districts. Such open area types of
4 recreational uses include day camps, picnic grounds, parks
5 and riding stables, but not dragstrips, airports, drive-in
6 theaters, golf courses, golf driving ranges, country clubs,
7 and overnight camps. Inasmuch as golf course and golf
8 driving range activities are primarily day-time recreational
9 activities, do not generate noise, and do not require
10 extensive permanent improvements on the land so as to render
11 it irretrievably lost for future agricultural uses, the
12 legislature finds that golf course and golf driving range
13 activities are compatible recreational uses in an
14 agricultural district. Certain counties have long
15 recognized that a golf course use is a compatible and
16 permitted use within an agricultural district.
17
18

H. B. NO. 1063

1 SECTION 2. Section 205-4.5, Hawaii Revised Statutes,
2 is hereby amended to read as follows:

3 §205-4.5 Permissible uses within the agricultural
4 districts. (a) Within the agricultural district all lands
5 with soil classified by the Land Study Bureau's Detailed
6 Land Classification as Overall (Master) Productivity Rating
7 Class A or B shall be restricted to the following permitted
8 uses:

- 9 (1) Cultivation of crops, including but not limited to
10 flowers, vegetables, foliage, fruits, forage, and
11 timber;
12 (2) Game and fish propagation;
13 (3) Raising of livestock, including but not limited to
14 poultry, bees, fish, or other animal or aquatic
15 life that are propagated for economic or personal
16 use;
17 (4) Farm dwellings, employee housing, farm buildings,
18 or activity or uses related to farming and animal
19 husbandry; Farm dwelling as used in this paragraph
20 means a single-family dwelling located on and used
21 in connection with a farm or where agricultural
22
23
24
25

H.B. NO. 1063

1 activity provides income to the family occupying
2 the dwelling.

3 (5) Public institutions and buildings which are
4 necessary for agricultural practices;

5 (6) Public and private open area types of recreational
6 uses including day camps, picnic grounds, parks,
7 golf courses, golf driving ranges, and riding
8 stables, but not including dragstrips, airports,
9 drive-in theaters, [golf courses, golf driving
10 ranges,] country clubs, and overnight camps;

11 (7) Public, private, and quasi-public utility lines
12 and roadways, transformer stations, communications
13 equipment building, solid waste transfer stations,
14 major water storage tanks, and appurtenant small
15 buildings such as booster pumping stations, but
16 not including offices or yards for equipment,
17 material, vehicle storage, repair or maintenance,
18 or treatment plants, or corporation yards, or
19 other like structures;

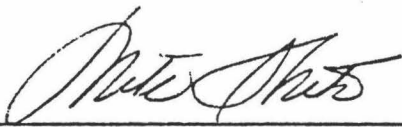
20 (8) Retention, restoration, rehabilitation, or
21 improvement of buildings or sites of historic or
22 scenic interest;

H. B. NO. 1063

- 1 (9) Roadside stands for the sale of agricultural
2 products grown on the premises;
3 (10) Buildings and uses, including but not limited to
4 mills, storage and processing facilities,
5 maintenance facilities that are normally
6 considered direct accessory to the abovementioned
7 uses;
8 (11) Agricultural parks; or
9 (12) Wind energy facilities, including the
10 appurtenances associated with the production and
11 transmission of wind generated energy; provided
12 that such facilities and appurtenances are
13 compatible with agriculture uses and cause minimal
14 adverse impact on agricultural land.

15 SECTION 3. Statutory material to be repealed is
16 bracketed. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its
18 approval.

19
20 INTRODUCED BY: 

AUG 1 2 50 PM '88

Presently, a hearing is required before administrative penalties can be imposed for violation of Part I of Chapter 147, Hawaii Revised Statutes, and any rules adopted pursuant thereto. Your Committee received testimony from the Board of Agriculture favoring the proposed amendment because there may be instances when the proposed penalty is minimal or the alleged violator will admit guilt, making a formal hearing unnecessary or not worth the cost.

Your Committee on Agriculture is in accord with the intent and purpose of H.B. No. 114 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 982 Agriculture on Gov. Msg. No. 214

Recommending that the Senate advise and consent to the nomination of JOHN E. LOOMIS to the Board of Agriculture, for a term ending December 31, 1988.

Signed by all members of the Committee.

SCRep. 983 (Majority) Economic Development on H.B. No. 1063

The purpose of this bill is to permit golf courses and golf driving ranges in agricultural districts, provided that these recreational uses are not located on lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B.

Your Committee supports the intent of this bill and believes that allowing these limited recreational uses on non-prime agricultural lands will protect prime agricultural lands.

Your Committee on Economic Development is in accord with the intent and purpose of H.B. No. 1063, H.D. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Senators Mizuguchi and Soares. Senators Fernandes Salling, Hagino and Young did not concur.

SCRep. 984 Education on S.R. No. 6

The purpose of this resolution is to request the Department of Education (DOE) to encourage the use of school facilities for after-school child care programs.

Presently, many working parents in Hawaii must either depend on child care providers outside the family to supervise their children after school, or they must leave their children at home unsupervised.

Factors contributing to this situation are:

- (1) Hawaii has one of the highest proportions of working mothers in the nation;
- (2) Hawaii is experiencing an increase in the number of single-parent households;
- (3) Hawaii has one of the highest cost-of-living indexes nationally but its average per capita income remains lower than the national average — a situation which oftentimes requires both parents to work to support the family; and
- (4) The end of the school-day for children and the end of the work-day for parents often do not coincide.

Although the DOE had forty schools providing after-school programs in 1984, your Committee finds that the demand for after-school programs is great enough to warrant further expansion and encouragement of the program. Your Committee also finds that a similar demand may exist for before-school child care programs.

Therefore, your Committee has amended the resolution to request the DOE to assess the demand for before-school child care programs and to also conduct a feasibility study of establishing before-school child care programs for school aged children. The title has also been amended accordingly.

Your Committee on Education concurs with the intent and purpose of S.R. No. 6, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 6, S.D. 1.

Signed by all members of the Committee.

[(b)] (c) A person suing in tort, as permitted under this chapter, may enter into any arrangement with an attorney."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1985.)

ACT 298

H.B. NO. 1063

A Bill for an Act Relating to Land Use.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Under existing law, public and private open area types of recreational uses are permissible uses within the agricultural districts. Such open area types of recreational uses include daycamps, picnic grounds, parks and riding stables, but not dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps. Inasmuch as golf course and golf driving range activities are primarily day-time recreational activities, do not generate noise, and do not require extensive permanent improvements on the land so as to render it irretrievably lost for future agricultural uses, the legislative finds that golf course and golf driving range activities are compatible recreational uses in an agricultural district. Certain counties have long recognized that a golf course use is a compatible and permitted use within an agricultural district.

SECTION 2. Section 205-2, Hawaii Revised Statutes, is hereby amended to read as follows:

"§205-2 Districting and classification of lands. There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts. The commission shall set standards for determining the boundaries of each district, provided that:

- (1) In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;
- (2) In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included, except as herein provided;
- (3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and
- (4) In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in section 183-41 are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to section 183-41, shall constitute the boundaries of the conservation districts; provided that thereafter the

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B. NO. 1063

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power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the master plan or general plan of the county.

Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where shall¹ farms are intermixed with the low density residential lots except that within a subdivision, as defined in section 484-1, the commission for good cause may allow one lot of less than one-half acre, but not less than 18,500 square feet, or an equivalent residential density, within a rural subdivision and permit the construction of one dwelling on such lot, provided that all other dwellings in the subdivision shall have a minimum lot size of one-half acre or 21,780 square feet. Such petition for variance may be processed under the Special Permit Procedure. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics.

Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, aquaculture, game and fish propagation; aquaculture, which means the production of aquatic plant and animal life for food and fiber within ponds and other bodies of water; wind generated energy production for public, private and commercial use; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; wind machines and wind farms; agricultural parks; and open area recreational facilities[.], including golf courses and golf driving ranges, provided that they are not located within agricultural district lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B.

These districts may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1985.)

- Note

1. Should probably read "small".

form attached hereto as H.B. No. 29, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Liu and Medeiros.

SCRep. 442 Water, Land Use, Development and Hawaiian Affairs and Planning, Energy and Environmental Protection on H.B. No. 1063

The purpose of this bill is to amend Section 205-4.5, Hawaii Revised Statutes, by allowing the establishment of golf courses and golf driving ranges within the State Agricultural District on lands classified A or B by the Land Study Bureau's Detailed Land Classification System.

Your Committees find that the need for recreational facilities on the Island of Oahu has remained unfulfilled as the State's population continues to increase. The use of land for golf courses and golf driving ranges has been restricted in recent years, not only because there is limited land classified urban where golf courses and golf driving ranges have been developed, but also because other available lands classified non-urban where these golfing recreational areas may be developed have not been easily made available.

Your Committees are of the opinion that the purpose of this bill is generally worthy of serious consideration. However, your Committees are also of the opinion that agricultural lands classified A or B should not be used for the purpose of this bill.

Your Committees have, therefore, amended the bill to permit golf courses and golf driving ranges in agricultural districts, provided that they are not located in A and B classified areas. Section 205-2 has been amended accordingly.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Planning, Energy and Environmental Protection are in accord with the intent and purpose of H.B. No. 1063, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1063, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Crozier, Hagino, Honda, Pfeil and Tam.

SCRep. 443 Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.B. No. 1239

The purpose of this bill is to amend the State district boundary review process in non-controversial cases by reducing the time span allotted to Land Use Commission for decision-making on petitions from one hundred eighty days to forty-five days.

Your Committees find that the Land Use Commission is currently allowed to take up to one hundred eighty days to issue decisions on petitions requesting a district boundary amendment regardless of the level of controversy over a particular request. In this regard, commission decisions regarding uncontested or non-controversial boundary amendment petitions may take as long as six months. Your Committees find that prolonged delays in land use decision-making, especially in cases where all parties recommend approval of the reclassification request, subjects the applicant to an unfair burden.

Your Committees have amended this bill by reducing the commission's post-hearing contested case decision-making period from a maximum of one hundred eighty days to a maximum of ninety days. Your Committees find that a period of ninety days will allow the commission sufficient time to process and expedite decisions regarding contested reclassification requests.

Your Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of H.B. No. 1239, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1239, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Pfeil.



BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)	
OF)	FOR
AINAKO RESORT ASSOCIATES AND)	Special Permit SP-88-6
GROVE FARM PROPERTIES, INC.)	Use Permit U-88-31
)	Special Management Area
)	Use Permit SMA(U)-88-10
Golf Course & Related)	Class IV Zoning Permit
Facilities, Koloa)	Z-IV-88-39
)	

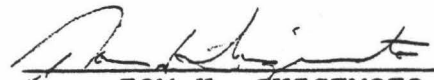
CERTIFICATE OF SERVICE

I hereby certify that on July 14, 1988, copies of the Transcript of Proceedings (Volumes I & II) for the above-entitled matter which came on for a Public Hearing at 10:40 a.m., on Wednesday, May 25, 1988, in the Kauai War Memorial Convention Hall, Lihue were served upon the following by hand delivery:

Stephen Levine, Esq./Teresa S. Tico, Esq.
4365 Kukui Grove, Suite 103
Lihue, Kauai

Dennis Lombardi, Esq.
1st Nationwide Plaza
4334 Rice Street, Suite 202
Lihue, Kauai

DATED: Lihue, Kauai, this 14th day of July 1988.



TOM H. SHIGEMOTO
Planning Director

Received Rose Venegas Date: 7-14-88
Received Dennis Lombardi Date: 7-14-88

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

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RONALD H. W. LUM
DAVID J. REBER
H. MITCHELL D'OLIER
WILLIAM C. MCCORRISTON
JOHN R. LACY
ROBERT F. HIRANO
CLIFFORD J. MILLER
RAYMOND S. IWAMOTO
RONALD K. K. SAKIMURA
THOMAS W. WILLIAMS, JR.
MICHAEL D. TOM

MICHAEL A. SHEA
WILLIAM S. MILLER
JACQUELINE L. S. EARLE
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LANI L. EWART
RANDALL K. STEVERSON
KENNETH K. P. WONG
PATRICIA Y. LEE
BETTINA W. J. LUM
GARY M. SLOVIN
LISA WOODS MUNGER
KENNETH B. HIPPE
ERNEST J. T. LOO
BRUCE L. LAMON
PETER T. KASHIWA
RUSSELL S. KATO
LANT A. JOHNSON
STEVEN M. NAKASHIMA
SHARON R. HIMENO
JAMES J. BICKERTON
VINCENT A. PIEKARSKI
MICHAEL J. O'MALLEY

MARK B. DESMARAIS
LINDA ZICHITTELLA LEONG
SCOTT G. LEONG
SCOTT A. MAKUAKANE
WM. W. RAMOS-SALUNDERS
PAMELA McALLISTER
LEIGHTON J. H. S. YUEN
DAROLYN HATSUKO LENDIO
CYNTHIA M. NOJIMA
RICHARD B. MILLER
MIKI OKUMURA
CRAIG S. HARRISON
MARK F. ITO
WAYNE H. MURAOKA
LYN FLANIGAN ANZAI
AUDREY E. J. NG
CORLIS J. CHANG
DONNA A. TANOUÉ
RICHARD K. MIRIKITANI

LINDA A. NULAND-AMES**
CORINNE S. YEE
ALAN S. FUJIMOTO
DAVID N. KURIYAMA
DAVID W. SHERMAN
BRUCE T. GOTO
R. CLAYTON WELCH**
MATTHEW V. PIETSCH
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GAIL O. AYABE
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WALTER E. BLISS
PAGE M. ANDERSON

JUL 13 1988

DHL COURIER TRANSMITTAL LETTER

To: MR. RICK TSUCHIYA
County of Kauai
Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

Date: July 12, 1988
From: Bruce L. Lamon, Esq.
Re: AINAKO

Copies	Date	Description
1 VOLUME I		Hearing of June 23, 1988 on Kauai Pages 1 through 264
1 VOLUME I		Hearing of June 23, 1988 on Kauai Pages 265 through 462
* 1 VOLUME III		Hearing of June 24, 1988 on Kauai

Copy of 1/3 of the submitted to Lamine 7/13/88

TRANSMITTED FOR:

☒ Your Information
☐ Your Signature and Return
☐ Your Signature and Forwarding
as Noted Below
☐ Per Our Conversation

☐ Your Further Necessary Action
☐ Your Approval
☐ Your Review and Comment
☐ Per Your Request
☐ SEE REMARKS BELOW

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL.

REMARKS: * FOR YOUR CONVENIENCE AND THE COURT'S, THIS TRANSCRIPT COPY WAS PREPARED WITH LEFT MARGIN LINE NUMBERING FOR EASY REFERENCE. IN EVERY OTHER RESPECT, IT REMAINS THE SAME AS THE ORIGINAL SIGNED TRANSCRIPT.

ANNE

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)	
OF)	FOR
AINAKO RESORT ASSOCIATES AND)	Special Permit SP-88-6
GROVE FARM PROPERTIES, INC.)	Use Permit U-88-31
)	Special Management Area
Golf Course & Related)	Use Permit SMA(U)-88-10
Facilities, Koloa)	Class IV Zoning Permit
)	Z-IV-88-39

LAND USE COMMISSION
STATE OF HAWAII

AUG 18 3 10 PM '88

CERTIFICATE OF SERVICE

I hereby certify that On July 11, 1988, a copy of the following Transcript of Proceedings for the above-entitled matter:

- Prehearing motions taken at the Civil Defense Conference Room on June 16, 1988;
- Contested case hearing taken at the Council Chambers on June 23, 1988 (Volume I, pgs. 1-264);
- Contested case hearing taken at the Council Chambers on June 23, 1988 (Volume I, pgs. 265-462);
- Contested case hearing taken at the Council Chambers on June 24, 1988 Volume II, pgs. 1-134);
- Contested case hearing taken at the Council Chambers on June 24, 1988 (Volume III, pgs. 1-61);

was served upon the following by hand delivery:

Stephen Levine, Esq./Teresa S. Tico, Esq.
4365 Kukui Grove St., Suite 103
Lihue, Kauai

Dennis Lombardi
Case & Lynch
Suite 2600 Mauka Tower
Grosvenor Center
737 Bishop Street
Honolulu, Hawaii 96813

Danna Pictorino
7/11/88

DATED: Lihue, Kauai, this 11th day of July 1988.


TOM H. SHIGEMOTO
Planning Director

IN THE MATTER OF THE APPLICATION)		
OF)	FOR	Special Permit SP-88-6
AINAKO RESORT ASSOCIATES AND)		Use Permit U-88-31
GROVE FARM PROPERTIES, INC.)		Special Management Area
)		Use Permit SMA(U)-88-10
Golf Course & Related)		Class IV Zoning Permit
Facilities, Koloa)		Z-IV-88-39
)		

TOM H. SHIGEMOTO
Planning Director

Of Counsel:
CASE & LYNCH

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1600 Bancorp Tower
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Honolulu, HI 96813

Attorneys for
AINAKO RESORTS ASSOCIATES AND
GROVE FARM PROPERTIES, INC.

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 09 PM '88

PLANNING COMMISSION TO THE COUNTY OF KAUAI
STATE OF HAWAII

IN RE AINAKO RESORTS ASSOCIATES	)	SPECIAL PERMIT SP-88-6;
and GROVE FARM PROPERTIES, INC.	)	USE PERMIT U-88-31;
	)	SPECIAL MANAGEMENT AREA
Applicants.	)	USE PERMIT FMA(U)-88-10;
	)	CLASS IV ZONING PERMIT
	)	Z-IV-88-39

DML 2575K(H)0320A(L)6390-9

ORDER GRANTING MOTION FOR
DECLARATORY ORDER AND
GRANTING IN PART AND
DENYING IN PART REQUESTS
FOR PRODUCTION OF DOCUMENTS

~~ORDER GRANTING MOTION FOR
DECLARATORY ORDER AND
GRANTING IN PART AND
DENYING IN PART REQUESTS
FOR PRODUCTION OF DOCUMENTS~~

The Motion For Declaratory Order of Intervenor Malama Mahaulepu and Ohana O Maha'ulepu ("Intervenor") came on before a specially-convened meeting of the Planning Commission on June 16, 1988. Intervenor were represented by Teresa Tico and Stephen Levine. Applicants, Ainako Resorts Associates and Grove Farm Properties, Inc. ("Applicants") were represented by

Dennis M. Lombardi and Bruce L. Lamon. Greg Kamm, a member of Applicant Ainako Resorts Associates' staff, was also present. The Planning Commission of the County of Kauai ("Commission), having read and considered the memoranda submitted by the parties, and having heard, considered, and evaluated the oral arguments of the parties, hereby makes the following findings of facts, conclusions of law and order:

1. The Commission hereby finds that the Intervenors have filed a Motion for Declaratory Order, pursuant to Hawaii Revised Statutes § 91-8, that Section 1-6-13(c), Rules of Practice and Procedure of the Commission is applicable to the discovery sought in this contested case proceeding as listed in Exhibit A to said Motion for Declaratory Order.

2. The Commission hereby concludes as a matter of law that said Section 1-6-13(c) of the Rules of Practice and Procedure of the Commission applies to said discovery.

3. The Commission hereby grants Intervenors' Motion for Declaratory Order and declares, pursuant to Hawaii Revised Statutes § 91-8, that Section 1-6-13(c), Rules of Practice and Procedure of the Commission is applicable to the discovery sought in this contested case proceedings as listed in Exhibit A to said Motion for Declaratory Order.

4. The Commission shall treat the Intervenors' Memorandum in Support of Declaratory Order as a request to the Commission to order the Applicants to produce the 34 categories of documents set forth in Exhibit 1 to Exhibit A to said Motion for Declaratory Order.

5. With regard to Intervenor's requested items 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, and 34, Intervenor's request was and is hereby denied.

6. During the discussion of Intervenor's motion, the Intervenor moved to withdraw Intervenor's requested item 8, which motion was and is hereby granted.

7. With regard to Intervenor's requested item 5, seeking production of the lease for the property on which the Applicant's project is to be constructed, Intervenor's motion is hereby granted, and the Applicants will provide both the Planning Commission and the Intervenor with a copy of that lease, if such an agreement exists, by June 20, 1988.

8. With regard to Intervenor's requested items 7 and 12, Intervenor's motion is hereby granted, and the Applicants shall, by June 20, 1988, produce to the Intervenor any economic, feasibility or other consultant's studies completed for the proposed project, if such studies exist.

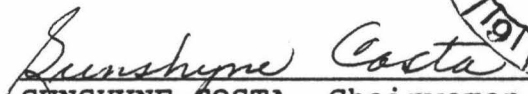
9. With regard to Intervenor's requested item 27, Intervenor's motion is hereby granted insofar as the request seeks depictions, descriptions or other renderings of long-term development plans of property owned by Applicant Grove Farm Properties in the Poipu-Weliweli-Paa-Mahaulepu area of Kauai. To the extent that the requested item seeks any other documents, Intervenor's motion is hereby denied.

10. With regard to Intervenor's requested items 30, 31, 32, and 33, Intervenor's motion is hereby granted, and the Applicants shall, by June 20, 1988, produce to the Intervenor any of the documents there indicated which are part of the public record or on file with the Hawaii State Department of Commerce and Consumer Affairs. To the extent that the requested item seeks any other documents, Intervenor's motion is hereby denied.

11. With respect to each category of document set forth above for which Intervenor's request is hereby denied, the Commission finds that such request seeks discovery of matters irrelevant and immaterial to the issues pertaining to the golf course which are before the Commission.

12. With respect to each category of document set forth above for which Intervenor's request is hereby denied, the Commission concludes as a matter of law that such request is contrary to the policy of the Commission to exclude matter irrelevant and immaterial to the issues pertaining to the golf course which are before this Commission.

SO ORDERED, this 23rd day of June, 1988.


SUNSHYNE COSTA, Chairwoman
Kauai Planning Commission



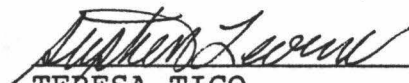
APPROVED AS TO FORM:



TOM SHIGEMOTO
Director
Planning Department
County of Kauai

for 

DENNIS M. LOMBARDI
BRUCE L. LAMON
Attorneys for Applicants



TERESA TICO
STEPHEN LEVINE
Attorneys for Intervenors
Malama Mahaulepu and
Ohana O Maha'ulepu

IN RE AINAKO RESORTS ASSOCIATES and GROVE FARM PROPERTIES,
INC., SPECIAL PERMIT SP-88-6; USE PERMIT U-88-31; SPECIAL
MANAGEMENT AREA USE PERMIT FMA(U)-88-10; CLASS IV ZONING PERMIT
Z-IV-88-39; ORDER GRANTING MOTION FOR DECLARATORY ORDER

OUTLINE OF APPLICANT'S OPPOSITION TO
INTERVENOR'S DISCOVERY REQUESTS

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 11 PM '88

I. THE GENERAL SCOPE OF THE COMMISSION'S INQUIRY

A. The Special Permit

1. Hawaii Rev. Stat. § 204 allows Special Permits to be issued for projects which propose unusual and reasonable use of lands designated for agricultural use. A permit is allowed for only a portion of the land, as the Code allows golf course use on the balance of the property.
2. The proposed golf course satisfies the criteria for determining reasonableness set out under the Hawaii Land Use Regulations. It is compatible with existing uses, will not adversely affect the environment, presents no burden to public services, and is well-suited to the natural characteristics of the land area under consideration.

B. The Use Permit

1. Kauai County Comprehensive Zoning Ordinance requires that the proposed project evidence a compatible use, without proving detrimental to the "health, safety, peace, morals, comfort or general welfare of the surrounding community."
2. The proposed golf course qualifies for a use permit for the aforementioned reasons. In addition, the CZO specifically recognizes that a golf course meets the concerns of the Code, and thus expressly permits golf courses on a portion of the site area and with a use permit for the balance.

C. The SMA Permit

1. The proposed golf course satisfies all the objectives for a special management area permit under Hawaii Rev. Stat. § 205A.
2. The golf course is designed to provide public access to the shoreline, to maintain conservation areas, and to minimize environmental disruption. The project conserves and enhances coastal and open space resources while providing facilities which bolster the State's economy.

II. PROCEDURAL ASPECTS OF THE CONTESTED CASE HEARING

A. Relevance of Materials Presented to the Commission.

Relevance of information placed before the Commission is essentially limited to the objectives stated in the Land Commission Rules, the SMA Rules and the enabling statutes. The Commission should only admit and consider evidence topically related to those issues it is to review in connection with the application.

B. The Role of Cumulative Impacts

1. The Commission's role is to look at potential impacts of the proposal in connection with the existing environment, not to examine the impacts of possible future projects.
2. Any consideration of cumulative impacts of the proposed golf course should be limited to the interaction of the golf course with the existing environment, and to only environmental concerns.

C. Exclusion of Evidence

1. Documentary Evidence

The documents the Intervenors seek compel and to introduce before the Commission are predominantly irrelevant. The request is designed to delay the application process, confuse the Commission in considering the application, and to vex and harrass the Applicant personally.

2. Witnesses

- a. Intervenors seek to present witnesses which are objectionable on three principal grounds: (1) they have already testified, and are thus duplicative; (2) they will testify to matters already to be addressed by other named witnesses, and are thus redundant; (3) they are unqualified to provide probative testimony on the topic designated.
- b. Applicants have no objection to the submission of relevant, non-duplicative testimony from individuals, on relevant environmental topics, whose qualifications are established by Intervenors.

II. D. No Discovery is Allowed by Statute or Regulation

1. There is No Right to Discovery in An Administrative Proceeding

The Hawaii Supreme Court has affirmed that pre-hearing discovery in administrative proceedings is not allowed unless expressly provided for by statute or agency regulation.

2. Neither Statute Nor Regulatory Provision Affords Persons Appearing Before the Planning Commission The Right To Conduct Pre-Hearing Discovery

The Commission rules limit the issuance of subpoenas solely for the purpose of compelling witness testimony at a Commission hearing. There is no statutory provision or other rule or regulation allowing parties a right of discovery in a Planning Commission proceeding.

Aug 18 11 11 PM '88
LAND USE COMMISSION
STATE OF HAWAII

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
1. Communications with any person regarding the development of a golf course as an amenity for the hotel to be built on TMK 2-9-1-2		Irrelevant Privileged	D. Pratt and M. Ventura available for cross to extent determined relevant
2. Communications with any person regarding the lease of any land for use as a golf course		Irrelevant Privileged	D. Pratt and M. Ventura available for cross to extent determined relevant
3. Communications with any person regarding the use or existing golf facilities for use by hotel guests at the proposed Hyatt Hotel		Irrelevant Privileged	D. Pratt and M. Ventura available for cross to extent determined relevant
4. Communications with any person regarding a pre-lease or option agreement for any land for use as a golf course		Irrelevant Privileged	D. Pratt and M. Ventura available for cross to extent determined relevant
5. Any lease agreement of subject property for use as a golf course		Irrelevant	D. Pratt and M. Ventura available to testify re terms

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
6. Any feasibility studies or economic analysis done by any person for use of TMK as a hotel site		Irrelevant	Appraiser can be made available to testify on topics Commission determines revelant
7. Any feasibility or economic analysis done by any person for the proposed golf course	Demand study part of public record	Irrelevant other than study produced	Appraiser can be made available to testify on topics Commission determines relevant
8. Original purchase contract for the portion of property to be used as the hotel site		Irrelevant	Mel Ventura available to testify on issues Commis-sion determines relevant
9. Any communications with any person regarding consultancy studies for the proposed hotel		Irrelevant	Consultants and parties available to testify concerning retention and scope to extent relevant
10. Any communications with any person regarding consultancy studies for the proposed golf course		Irrelevant	Consultants and parties available to testify concerning retention and scope to extent relevant

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
11. Any consultancy studies done for the proposed hotel	Studies relevant to consideration of hotel part of hotel permit record	Irrelevant; part of public record from hotel permit	Mel Ventura available to testify on any relevant issues
12. Any consultancy studies done for the proposed golf course	Relevant studies are or will be produced and be made part of public record	No objection with respect to studies produced at Commission hearing	Consultants will also be available to testify on scope of relevant studies and reports
13. Any consultancy contracts for the proposed hotel		Irrelevant	Consultants and parties available to testify on any relevant issue
14. Any consultancy contracts for the proposed golf course		Irrelevant	Consultants and parties available to testify on any relevant issue
15. Any communications with respect to and/or including a financing agreement for the proposed hotel		Irrelevant	Parties are, and appraiser can be made, available to testify on relevant issues
16. Any communications with respect to and/or including a financing agreement for the proposed golf course		Irrelevant	Parties are, and appraiser can be made, available to testify on relevant issues

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
17. Any communication with any person regarding a management agreement for the proposed hotel		Irrelevant	Ventura will be, and Hyatt representative can be, available to testify on any relevant issues
18. Any management agreement entered into with any person for the hotel		Irrelevant	Ventura will be, and Hyatt representative can be, available to testify on any relevant issues
19. Any communications with any person regarding a management agreement for the proposed golf course		Irrelevant	Ventura will be available to testify on any relevant issues
20. Any management agreement entered into with any person for the proposed golf course		Irrelevant	Ventura will be available to testify on any relevant issues
21. Any partnership agreement entered into with any person for the development of the proposed hotel		Irrelevant	Ventura available to testify on any relevant issue

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
22. Any partnership agreement entered into with any person for the development of the proposed golf course		Irrelevant	Ventura available to testify on any relevant issue
23. Any projections or project prospectus by any person for the proposed hotel		Irrelevant	Ventura available to testify on any relevant issue
24. Any projections or project prospectus by any person for the proposed golf course	Demand study produced and part of public record	No objections to study and reports produced for Commission	Applicant and consultant available; an appraiser (to extent applicable) can be available to testify on relevant issues
25. Any communications with any person regarding any income projections for the proposed hotel		-Irrelevant -Earlier testimony part of public record on Hyatt permit -Privileged	M. Ventura available to testify on any relevant issues
26. Any communications with any person regarding any income projections for the proposed golf course		-Irrelevant -Overly broad -Privileged	M. Ventura available to testify on any relevant issues

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
27. Any communications, depictions, descriptions, or other renderings of the long term development plans of property owned by Grove Farm Properties in the Poipu-Weliweli-Paa-Mahaulepu area of Kauai development		-Irrelevant -Overly broad -Intended to harass and delay	D. Pratt available to testify on any relevant issues
28. Any communications or minutes of any Board of Directors meetings or Stock Holders meetings of Grove Farm Properties describing, dealing with, or in any way discussing the long term development of property owned by Grove Farm Properties in the Poipu-Weliweli-Paa-Mahaulepu area of Kauai		-Irrelevant -Overly broad -Privileged -Intended to harass and delay	D. Pratt available to testify on any relevant issues
29. Any communications with any person concerning the financing of the golf course		Irrelevant	This request is identical to Request No. 16; M. Ventura will be available

<u>DOCUMENT</u>	<u>STATUS OF PRODUCTION</u>	<u>OBJECTIONS</u>	<u>COMMENTS</u>
30. Names and addresses of all officers and directors of Ainako Resorts Association, Ainako Development Corporation, Hawaii Takenaka Development and Tokyo Development Hawaii, Inc.		-Irrelevant -Part of public record	M. Ventura available to testify on any relevant issue
31. Names and addresses of all officers and directors of Grove Farm Properties, Inc.		-Irrelevant -Part of public record	D. Pratt available to testify on any relevant issue
32. Copy of the golf course map submitted to the Planning Commission, County of Kauai	Part of public record on file with Commission	None to items produced	
33. Any partnership agreement establishing Ainako Resorts Association		-Irrelevant -Portion part of public record	M. Ventura available to testify on any relevant issue
34. Any development agreement between Ainako Resorts Associates and Kawaihoa Development, Inc.		-Irrelevant -Designed to harass and delay	M. Ventura available to testify on any relevant issue

A3

Aug 18 3 12 PM '88
LAND USE COMMISSION
STATE OF HAWAII

LIST OF WITNESSES

NAME	EXPERTISE	SUBJECT MATTER	OBJECTIONS
George Cooper <i>Delete (re: not submitted)</i>	Research Historian	History of land acquisition by Grove Farm of subject property	- Failed meet 7 day deadline Rule 1-6-11(e) - Irrelevant
Jimmy Nishida	Agricultural expert	Agricultural classification of the subject property and alternate agricultural uses	- Has already testified - Not qualified
Kawika Kucher	Lay witness	Hawaiian cultural resources of subject property	- Has already testified
Suzanne Kashiwaeda	Spokesperson 1000 Friends	Master plan proposal for subject property	- Has already testified
Charlie Ortega	Golf pro, Kiahuna Golf Course	Negotiations with applicant re: use of Kiahuna Golf Course; Kiahuna Golf Course expansion	- Irrelevant - Not qualified to testify on other issues
Barnes Resnik	Spokesperson, County Historic Preservation Review Comm.	Recommendations of committee re: proposed golf course	- Not qualified - Testimony duplicative of William Kikuchi's - Written testimony against Rule 1-6-11(3) (7 days)
William Kikuchi	Archaeologist	Archeology of subject property	- Testimony duplicative of Barnes Resnik's - Member, Kauai Historic Review Commission, thus has ethical restraints
Mayor Tony Kunimura	Mayor, County of Kauai	County infrastructure and planning	- Public official should not be subjected to subpoena serving no purpose - Others qualified - Already part of public record

NAME	EXPERTISE	SUBJECT MATTER	OBJECTIONS
Avery Youn	Architect	Kalaheo/Poipu/Koloa Regional Plan	- Irrelevant - Redundant, duplicative (equivalent of judicial notice may be taken)
David Boynton	Botanist/ Ornithologist	Natural history of subject property	- Irrelevant - Testimony duplicate of Don Heacock and UH Ag. Chemist - To extent scope varies, no objections/subject to qualification
Trinette Kauai or other A&B representative	Development	A&B's proposed development and 18 hole golf course at Kukuiula	- Irrelevant - Duplicative (P.C. has data)
Andrew Bushnell	Member, 1000 Friends	Grove Farm's master plan for development of Maha'ulepu	- Duplicative (of S. Kashiwaeda's)
Anthony Romo <i>Delete/restrict submit/2</i>	Lay witness	Affidavit	- Has already testified - Written testimony fails to meet 7 day requirement
Dorothy Tao	Botanist	Rare plants situate at subject property	- Has already testified - If different testimony, then no objection to extent scope varies/subject to qualification
Don Heacock	Marine Biologist	Impact of proposed golf course on marine life	- Testifying to same issue as David Boynton and UH Ag. Chemist/to extent scope varies, no objections/subject to qualification
Stanley Griep or Mel Sanehira	Golf course	Golf course	- Not qualified - Only 1 should be allowed to testify

NAME	EXPERTISE	SUBJECT MATTER	OBJECTIONS
UH Ag. Chemist	Agricultural chemicals	Agricultural chemicals	- Testifying to same issues as David Boynton and Don Heacock/to extent scope varies, no objections/subject to qualification
Lee Akina	Lay Witness	Maui golf course analogies	- Has already testified
David Chang	Member, Koloa Comm. Assoc./Ohana	Koloa Community Assoc. position on proposed golf course, etc.	- Has already testified
Representative of Kauai Wind-surfing	Ocean recreation	beach access	- Has already testified - Lacks expert qualifications

Petition No. _____

LIST OF WITNESSES

[illegible]

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
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Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 09 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	ORDER RE: ISSUANCE OF
	)	SUBPOENAS
	)	

ORDER RE: ISSUANCE OF SUBPOENAS

Intervenors requests for Subpoenas having been heard by this Commission on June 16, 1988, and the Intervenors and Applicants having presented their arguments to the Commission with respect to the requests;

NOW, THEREFORE, IT IS HEREBY ORDERED that Subpoenas shall be issued for William Kikuchi whose testimony shall be restricted as an expert and his testimony shall be limited to presentation of facts on the archeological significance of the

subject property; David Boynton; Charlie Ortega; Don Heacock; a representative of Alexander & Baldwin regarding the development at Kukuiula; and a representative of the Real Property Tax Division, County of Kauai.

Written testimony of George Cooper and Tony Romo is hereby denied. All ~~other~~ ^{other} voluntary witnesses listed by Intervenor shall be permitted to testify, subject to objections made by Applicant at the time of hearing in this matter.

DATED: Lihue, Hawaii, _____



Quincyne
CHAIRMAN, PLANNING COMMISSION

APPROVED AS TO FORM ~~& CONTENT~~:

Dennis Lombardi
DENNIS LOMBARDI

Attorney for Applicants

Don Heacock
Don

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Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU



Aug 18 3 09 PM '88
LAND USE COMMISSION
STATE OF HAWAII

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

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GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Ms. Trinette Kauai or other representative of A & B
Lawai, Kauai, HI

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Renehyne Costa, Chairperson Planning Commission

CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

SUITE 2600 MAUKA TOWER
GROSVENOR CENTER

737 BISHOP STREET
HONOLULU, HAWAII 96813

POST OFFICE BOX 494
HONOLULU, HAWAII 96809-0494
(808) 547-5400

INCORPORATING
COOK, CHOI, QUITIQUIT & MATSUKAWA

June 22, 1988

DANIEL H. CASE *
PAUL A. LYNCH *
GARY L. WISOM *
VALTA A. COOK
JAMES M. CRIBLEY *
WESLEY W. ICHIDA *
JOHN R. MYRDAL *
MICHAEL L. BIEHL *
ROBERT E. ROWLAND *
DAVID W. PROUDFOOT *
BRUCE C. BIGELOW *
ARTHUR F. ROECA *

DANTON S. WONG
TOD Z. TANAKA
CATHY LEE SEKIGUCHI
MICHELE Y. MATSUG
CAROLINE P. EGLI
ARNOLD L. LUM
KEITH K. HIRADKA
CANDACE MCCASLIN
DAVID A. FELLER
MATTHEW G. JEWELL
STEVEN S. C. LIM
JOHN B. SIMPSON
NEMAD KREK
SCOTT D. RADOVICH
JOHN Y. YAMANO
J. GREGORY TURNBULL

COUNSEL
HARTWELL H. K. BLAKE
RAY K. KAMIKAWA

OF COUNSEL
VERNON O. BORTZ
ALLEN M. STACK
NORITO KAWAKAMI

* A LAW CORPORATION

W. O. SMITH (1848-1929)
C. DUDLEY PRATT (1900-1970)

1ST NATIONWIDE PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388
(808) 245-4705

THE KAHULUI BUILDING
33 LONO AVENUE, SUITE 470
KAHULUI, MAUI, HAWAII 96732-1681
(808) 871-8351

PONAHAWAI PROFESSIONAL CENTER
275 PONAHAWAI STREET, SUITE 201
HILO, HAWAII 96720-3094
(808) 961-6611

KUAKINI TOWER
75-5722 KUAKINI HIGHWAY, SUITE 108
KAILUA-KONA, HAWAII 96740-1733
(808) 329-4421

HONOLULU OFFICE
CABLE: LOIO
TELEX: 7238523
FACSIMILE: (808) 523-1920

HAND DELIVERED

Teresa Tico, Esq.
Stephen Levine, Esq.
c/o Stephen Levine, Esq.
4365 Kukui Grove Street
Suite 103
Lihue, Kauai, HI 96766

Re: Hyatt Golf Course

Dear Ms. Tico and Mr. Levine:

As you are aware, the Commission has not directed the Applicant to produce any maps or depictions covered by item 27 of your request for production prior to the scheduled hearing on Ainako's golf course application. Nonetheless, we have elected in the spirit of cooperation to provide to you at no cost, prior to the hearing, copies of the various depictions, descriptions and other renderings covered by the Planning Commission's order. Our objections to the production of these maps continue and they are produced subject to and without waiver of our objections. As I explained at the pre-hearing, these maps are preliminary and conceptual in nature only.

Please notice that the maps are the copyrighted property of their drafters. Pursuant to the Federal Copyright Act, they may not be duplicated, reproduced or published in any manner without the express written consent of the copyright

JUN 22

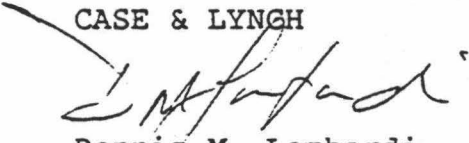
Aug 18 3 09 PM '88
LAND USE COMMISSION
STATE OF HAWAII

Teresa Tico, Esq.
Stephen Levine, Esq.
June 22, 1988
Page 1

owner, which consent is expressly withheld in connection with the delivery of these documents to you. We will not hesitate to recommend enforcement of the remedy provision of 17 U.S.C 505 et. seq., should the copyright be infringed.

Yours truly,

CASE & LYNCH



Dennis M. Lombardi

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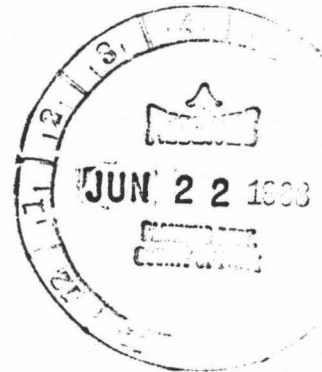
Enclosures

cc Mr. Rick Tsuchiya w/enc. ✓
Lorna Nishimitsu, Esq. w/out enc.
Honorable Sunshyne Costa w/out enc.
Mr. Greg Kamm w/out enc.
Mr. David W. Pratt w/out enc.

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Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU



LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 09 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	MOTION FOR ORDER ALLOWING
	)	WITNESSES TO TESTIFY OUT
	)	OF ORDER; AFFIDAVIT
	)	and CERTIFICATE OF SERVICE

MOTION FOR ORDER ALLOWING WITNESSES
TO TESTIFY OUT OF ORDER

COME NOW the Intervenors, through their undersigned attorneys, and move this Commission for an order allowing certain witnesses to testify out of order at the hearing on June 23, 1988.

This Motion is based upon Rule 1-6-16 of the Rules of Practice and Procedures of the Planning Commission; the attached

affidavit; and the arguments to be presented at the hearing on
this Motion.

DATED: Lihue, Hawaii, June 24, 1988.

Teresa S. Tico
TERESA S. TICO
STEPHEN LEVINE

Attorneys for Intervenors

FURTHER, affiant sayeth naught.

Teresa S. Tico
TERESA S. TICO

Subscribed and sworn to before
me this 22nd day of June, 1988.

C. A. Shimada
Notary Public, State of Hawaii

My commission expires: 5/8/91

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served on June 22, 1988, by depositing a copy of same in the the Court folders of the following:

DENNIS M. LOMBARDI, ESQ.
Case & Lynch
Suites 2500 & 2600
Grosvenor Center, Mauka Tower
737 Bishop Street
Honolulu, HI 96813

Attorney for Ainako Resorts Associates
and Grove Farm Properties, Inc.

LORNA A. NISHIMITSU, ESQ.
Deputy County Attorney
4396 Rice Street
Lihue, HI 96766

Attorney for the Planning Commission
County of Kauai

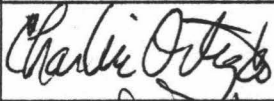
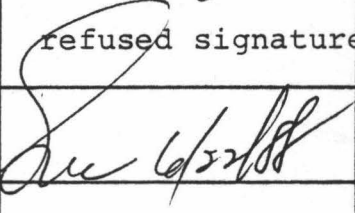
DATED: Lihue, Hawaii, June 22, 1988.



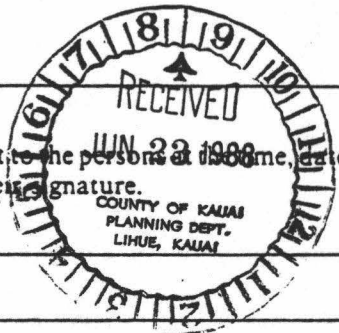
TERESA S. TICO
STEPHEN LEVINE

Attorneys for Intervenors

TERESA S. TICO 1952(
STEPHEN LEVINE 2160

STATE OF HAWAII Planning Commission of the COUNTY OF KAUAI		RETURN AND ACKNOWLEDGMENT OF SERVICE			Special Management Area Use Permit SMA(U) 88-10; Class IV Zoning Permit Z-IV-88-39; Use Permit U-88-31; Special Permit SP-88-6
AINAKO RESORTS ASSOCIATES and GROVE FARM COMPANY INCORPORATED					
I certify that I served the documents listed below by delivering a certified copy of each document to the persons at the time, date and place shown. Receipt of the documents has been acknowledged by those persons by their signature. Subpoena					
NAME OF PERSON SERVED	TIME SERVED	DATE SERVED	PLACE SERVED	ACKNOWLEDGEMENT OF PERSON SERVED (Signature)	
Charlie Ortega Kiahuna Golf Club Poipu, Kauai, Hawaii					
David Boynton c/o The Garden Island 3137 Kuhio Hwy, Lihue, HI					
Don Heacock DLNR, State Building 3060 Eiwa St., Lihue, HI				refused signature	
Michael Hahn or Other Representative Real Property Tax Div. 4280A Rice St., Lihue, HI					
DATE COMPLETED				SIGNATURE	
6/22/88					
SHERIFF POLICE OFFICER				Allyson A. Duncan	
Allyson A. Duncan					

TERESA S. TICO	1952
STEPHEN LEVINE	2160

STATE OF HAWAII Planning Commission of the COUNTY OF KAUAI	RETURN AND ACKNOWLEDGMENT OF SERVICE	Special Management Area Use Permit SMA(U) 88-10; Class IV Zoning Permit Z-IV-88-39; Use Permit U-88-31; Special Permit SP-88-6		
AINAKO RESORTS ASSOCIATES and GROVE FARM COMPANY INCORPORATED				
I certify that I served the documents listed below by delivering a certified copy of each document to the persons at the time, date and place shown. Receipt of the documents has been acknowledged by those persons by their signature. <u>Subpoena</u>				
NAME OF PERSON SERVED	TIME SERVED	DATE SERVED	PLACE SERVED	ACKNOWLEDGEMENT OF PERSON SERVED (Signature)
Trinette Kauai A & B Properties Group Eleele, Kauai, HI	3:36 p.	6/22/88	A+B Office	<i>Trinette Kauai</i>
DATE COMPLETED <i>6/22/88</i>				SHERIFF POLICE OFFICER <i>Arlo M. Shimada</i>
SIGNATURE <i>Arlo M. Shimada</i>				

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STEPHEN LEVINE 2160
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Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
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GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. Charlie Ortega
c/o Kiahuna Golf Club
Poipu, HI 96756

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Bushyue Costa, Chairperson, Planning Commission

JUN 16 1988

TERESA S. TICO 1952
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Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

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Attorneys for Intervenor
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
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	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. David Boynton
c/o The Garden Island Newspaper
3137 Kuhio Highway
Lihue, HI 96766

You are hereby commanded as indicated below to testify
on behalf of Intervenor MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Quashyne Costa, Chairperson, Planning Commission

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Telephone: 245-9696

STEPHEN LEVINE 2160
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Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

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	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. Michael Hahn or other representative of Tax Office
c/o Real Property Tax Division
4280A Rice Street
Lihue, HI 96766

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: *Dunshyne Costa*, Chairperson, Planning Commission

JUN 16 1988

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Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
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	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Don Heacock
Lihue, Kauai, HI

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Leunshyne Costa, Chairperson, Planning Commission

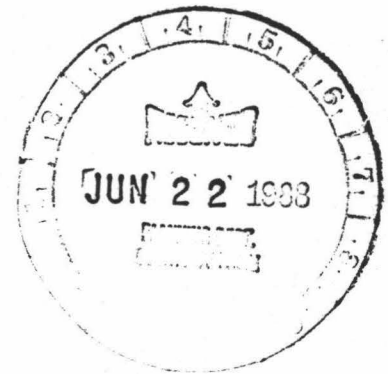
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Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII



Aug 18 3 09 PM '88
LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	MOTION TO CONTINUE
	)	TESTIMONY OF SUBPOENAED
	)	WITNESSES; AFFIDAVIT
	)	and CERTIFICATE OF SERVICE
	)	

MOTION TO CONTINUE TESTIMONY OF SUBPOENAED WITNESSES

COME NOW the Intervenors in the above entitled action, through their undersigned attorneys, and move this Commission for an order allowing the continuance of the testimony of Michael Hahn from June 23, 1988, to June 28, 1988.

This Motion is based upon Rule 1-6-16 and 1-6-17, Rules of Practice and Procedure of the Planning Commission, the attached affidavit and the arguments to be presented at the

hearing on this Motion.

DATED: Lihue, Hawaii, June 14, 1988.

Teresa S. Tico

TERESA S. TICO
STEPHEN LEVINE

Attorneys for Intervenors

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	AFFIDAVIT
	)	
	)	

AFFIDAVIT

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

TERESA S. TICO, being first duly sworn upon oath,
deposes and states as follows:

1. I am the attorney for OHANA O MAHA'ULEPU, an
Intervenor in the above captioned proceeding.

2. On June 16, 1988, this Commission authorized the
issuance of a Subpoena to Mike Hahn or any other representative
of the County of Kauai Tax Division.

3. I have learned that Mr. Hahn and all other
appraisers for the County of Kauai are presently attending a tax
conference on Maui and will be unavailable to testify on June
23, 1988.

4. I have been informed that Mr. Hahn, who appraises
properties on the south side of Kauai and would be the appraiser

for the subject development, will be able to testify on June 28, 1988.

5. Mr. Hahn's testimony is relevant and material inasmuch as he can provide information regarding the tax revenues which would be generated from the proposed golf course versus the tax revenues presently generated from the subject property under sugar cane cultivation.

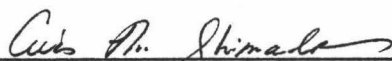
6. It is respectfully requested that this Commission allow Mr. Hahn to testify on June 28, 1988, or on any other date convenient to the Commission thereafter.

FURTHER, affiant sayeth naught.



TERESA S. TICO

Subscribed and sworn to before
me this 22nd day of June, 1988.



Notary Public, State of Hawaii

My commission expires: 5/8/91

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served on June 22, 1988, by depositing a copy of same in the the Court folders of the following:

DENNIS M. LOMBARDI, ESQ.
Case & Lynch
Suites 2500 & 2600
Grosvenor Center, Mauka Tower
737 Bishop Street
Honolulu, HI 96813

Attorney for Ainako Resorts Associates
and Grove Farm Properties, Inc.

LORNA A. NISHIMITSU, ESQ.
Deputy County Attorney
4396 Rice Street
Lihue, HI 96766

Attorney for the Planning Commission
County of Kauai

DATED: Lihue, Hawaii, June 22, 1988.



TERESA S. TICO
STEPHEN LEVINE

Attorneys for Intervenors

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 11 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. Charlie Ortega
c/o Kiahuna Golf Club
Poipu, HI 96756

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Bushyn Costa, Chairperson, Planning Commission

JUN 16 1988

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED:	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Ms. Trinette Kauai or other representative of A & B
Lawai, Kauai, HI

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Lynchynne Costa, Chairperson Planning Commission

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Dr. William Kikuchi
c/o Kauai Community College
Puihi, Kauai, HI

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: *Dunhyne Costa*, Chairperson, Planning Commission

JUN 16

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
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Telephone: 245-1855

Attorneys for Intervenor
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. David Boynton
c/o The Garden Island Newspaper
3137 Kuhio Highway
Lihue, HI 96766

You are hereby commanded as indicated below to testify
on behalf of Intervenor MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Bushyne Costa, Chairperson, Planning Commission

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenors
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Mr. Michael Hahn or other representative of Tax Office
c/o Real Property Tax Division
4280A Rice Street
Lihue, HI 96766

You are hereby commanded as indicated below to testify
on behalf of Intervenors MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Quashyne Costa, Chairperson, Planning Commission JUN 16 1988

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenor
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	SUBPOENA
	)	
	)	

SUBPOENA

TO: Don Heacock
Lihue, Kauai, HI

You are hereby commanded as indicated below to testify
on behalf of Intervenor MALAMA MAHAULEPU and OHANA O MAHA'ULEPU
on Thursday, June 23, 1988, in the County Council Chambers,
County Building, Lihue, Hawaii, at 8:30 a.m.

DATE ISSUED : _____

BY: Penelope Costa, Chairperson, Planning Commission

JUN 16 1988

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, Kauai, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenor
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU



AUG 18 3 09 PM '88

LAND USE COMMISSION
STATE OF HAWAII

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management Area
OF	)	Use Permit SMA(U) 88-10;
AINAKO RESORTS ASSOCIATES and	)	Class IV Zoning Permit
GROVE FARM COMPANY, INCORPORATED.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	REQUEST FOR ISSUANCE OF
	)	SUBPOENA AND SUBPOENA
	)	DUCES TECUM; AFFIDAVIT;
	)	CERTIFICATE OF SERVICE
	)	

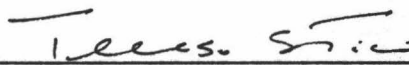
REQUEST FOR ISSUANCE OF SUBPOENA AND SUBPOENA DUCES TECUM

COME NOW the Intervenor in the above entitled action, through their undersigned attorneys, and request this Commission for the issuance of a Subpoena to Ken Uyeda and a Subpoena Duces Tecum for that certain letter dated October 10, 1987, from Mr. Uyeda to Sports Shinko.

This Request is based upon the attached affidavit, Rule 1-6-13 of the Rules of Practice and Procedures of the

Planning Commission, and the arguments to be presented at the hearing on this request.

DATED: Lihue, Hawaii, June 12, 1988.



TERESA S. TICO
STEPHEN LEVINE

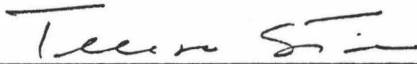
Attorneys for Intervenors

4. I have further learned that Mr. Ken Uyeda at Kiahuna was approached by Mel Ventura regarding tee off times for the "Hyatt Hotel" in October, 1987.

5. I am informed and believe that Mr. Uyeda wrote a letter to Sports Shinko on October 10, 1987, specifically stating that the requested tee off times were for the "Hyatt Hotel" guests.

6. Inasmuch as this testimony directly contradicts Mr. Lombardi's representations, and inasmuch as it is relevant and material, it is respectfully requested that a Subpoena commanding the appearance of Mr. Uyeda at the hearing on June 23, 1988, and a Subpoena Duces Tecum for the aforesaid letter, be issued by this Commission.

FURTHER, affiant sayeth naught.


TERESA S. TICO

Subscribed and sworn to before
me this 2nd day of June, 1988.


Notary Public, State of Hawaii

My commission expires: 8-10-91

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served on June 17, 1988, by depositing a copy of same in the the Court folders of the following:

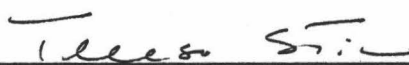
DENNIS M. LOMBARDI, ESQ.
Case & Lynch
Suites 2500 & 2600
Grosvenor Center, Mauka Tower
737 Bishop Street
Honolulu, HI 96813

Attorney for Ainako Resorts Associates
and Grove Farm Properties, Inc.

LORNA A. NISHIMITSU, ESQ.
Deputy County Attorney
4396 Rice Street
Lihue, HI 96766

Attorney for the Planning Commission
County of Kauai

DATED: Lihue, Hawaii, June , 1988.



TERESA S. TICO
STEPHEN LEVINE

Attorneys for Intervenors

CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

1ST NATIONWIDE PLAZA

4334 RICE STREET, SUITE 202

LIHUE, KAUAI, HAWAII 96766-1388

(808) 245-4705

LETTER OF TRANSMITTAL

June 22, 1988

TO: Mr. Rick Tsuchiya
Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

RE: Ainako Resorts

We are sending you (x) attached () under separate cover the following:

Twelve (12) copies of the PRE-HEARING MOTIONS transcript held on June 16, 1988.

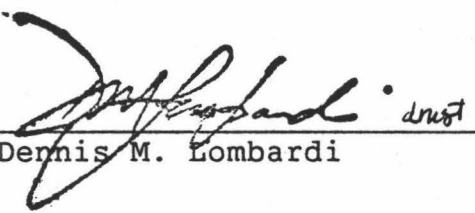
- () For your information
- (X) For your files
- () For review and comment
- () For correction
- () For distribution
- () Per your request
- () Per our agreement
- () Per our conversation
- () For payment

- () For necessary action
- () For signature in BLACK INK and RETURN
- () For signature in BLACK INK and FORWARD TO

- (X) For filing or recording
- (X) See remarks below

REMARKS: The original transcript will be pouched to our Kauai office and delivered to you tomorrow.

By


Dennis M. Lombardi

cc: Mr. David Pratt w/encl.
Mr. Greg Kamm w/encl.

MAUI OFFICE:

THE KAHULUI BUILDING
33 LONO AVENUE, SUITE 470
KAHULUI, MAUI, HAWAII 96732-1681
(808) 871-8351

HILO OFFICE:

PONAHAWAI PROFESSIONAL CENTER
275 PONAHAWAI STREET, SUITE 201
HILO, HAWAII 96720-3094
(808) 961-6611

KONA OFFICE:

KUAKINI TOWER
75-5722 KUAKINI HIGHWAY, SUITE 108
KAILUA-KONA, HAWAII 96740-1733
(808) 329-4421

AND USE COMMISSION
STATE OF HAWAII

JUN 22 1988

AUG 18 3 07 PM '88

KAUAI PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, JUNE 16, 1988

AGENDA

8:30 A.M. Civil Defense Conference Room
4396 Rice Street, Lihue

Call to Order

Approval of Agenda

A. NEW BUSINESS

1. Pre-hearing Requests or Motions for Special Permit
SP-886, Use Permit U-88-31, Special Management Area
Use Permit SMA(U)-88-10 & Class IV Zoning Permit
Z-IV-88-39 = Ainako Resort Associates and Grove Farm
Properties, Inc.
2. ADJOURNMENT

Aug 18 3 12 PM '88
LAND USE COMMISSION
STATE OF HAWAII

TERESA S. TICO 1952
3016 Umi Street
Suite 211-B
Lihue, HI 96766
Telephone: 245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, HI 96766
Telephone: 245-1855

Attorneys for Intervenor
OHANA O MAHA'ULEPU and
MALAMA MAHAULEPU

LANI USE COMMISSION
STATE OF HAWAII
AUG 18 3 11 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management
OF	)	Area Use Permit SMA(U)
Ainako Resorts Associates and	)	88-10; Class IV Zoning
Grove Farm Properties, Inc.	)	Permit Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	

REQUESTS FOR SUBPOENAS → OK 4-0

Come now the Intervenor in the above-entitled
action and request the Planning Commission of the County
of Kauai for the issuance of subpoenas requiring the
attendance of the following named witnesses at the hearing
scheduled on this matter on June 23, 1988:

Charlie Ortega, Kiahuna Golf Pro

Dr. William Kikuchi, Archaeologist OK 4-0

David Boynton, Botanist/ornithologist

Avery Youn, Architect, past Planning Director DENIED 4-0

Trinette Kaui, Alexander & Baldwin
(or other representative)

Michael Hahn, County Real Property Tax
Division (or other representative)

Representative of State Unemployment Office

David Pratt, Applicant

Paul Rosendahl, Archaeologist

stipulate or

Joe Vierra, Applicants' engineer stipulate or

Mel Ventura, Developer stipulate or

Don Heacock, Marine Biologist

This request is made pursuant to Rule 1-6-13(a) of the Rules of Practice and Procedures of the Planning Commission. The subpoenas have been prepared pursuant to Rule 1-6-13(b); however, according to the Rules, they must be filed in the proceeding. Thus, copies of the requested subpoenas are attached hereto and incorporated herein. Intervenors respectfully request that the Chairperson or any Commissioner grant the issuance of the subpoenas.

The request for issuance of subpoena for Charlie Ortega is material and relevant in that Mr. Ortega is the golf pro at Kiahuna Golf Course, which is several miles away from the proposed golf course. Mr. Ortega will not testify voluntarily. His testimony will relate the negotiations between Applicants and Kiahuna for use of the Kiahuna course by Applicants' guests. He will also testify that Kiahuna is adding an additional nine holes to its eighteen hole course,

that with the additional holes, he can accommodate Applicants' guests who desire to golf. The relevancy of his testimony is with respect to the need, or rather the lack of need, for another golf course in the subject area.

Dr. William Kikuchi will testify as to the archaeology of the subject area, the significant sites, need for further studies, and preservation of specific areas. His testimony is relevant because it bears on the cultural and historical resources of the subject area and focuses on the need for preservation of significant archaeological sites within the subject area.

David Boynton will testify as to the bird and plant life in and around the subject area. He is a botanist who has engaged in extensive studies of the particular area and is one of the most knowledgeable people with respect to the natural history of the subject area. He will not testify voluntarily. His testimony is relevant because it addresses the adverse impact the proposed golf course will have on the bird life within the subject area.

Avery Youn is the former Director of the County of Kauai Planning Department and headed that Department during the drafting of the Koloa/Kalaheo regional plan. His testimony is relevant because he is one of the most knowledgeable people with respect to the plan which has designated the subject area for no development. It is the Intervenor's belief that he will not testify voluntarily.

A representative of Alexander & Baldwin will testify as to the plans for development of an eighteen hole golf course at Poipu as part of A & B's larger development at Kukuiula. The testimony is relevant because it bears on the need, or lack of need, for the subject golf course.

A representative of the County of Kauai Real Property Tax Division will testify as to the taxation of the subject parcel in agriculture versus urban use. The testimony is relevant because it bears on the revenues the County would realize with or without the proposed development.

A representative of the State Unemployment Office will testify that the State of Hawaii is enjoying the lowest unemployment rate in history according to the most recent statistics compiled. The testimony is relevant because it contradicts the majority of public testimony in favor of the proposed golf course because it will "provide needed jobs."

The Applicant has represented that David Pratt, Mel Ventura, Joe Vierra and Paul Rosendahl will be present at the contested case hearing for cross-examination by Intervenor. If the Applicant will enter into such a stipulation, then Intervenor will withdraw their subpoena requests for these witnesses. The relevancy of their testimony is evident and based on their testimony at the public hearing.

Don Heacock is a marine biologist who will testify as to the adverse impact of siltation from the proposed development on the marine life in the surrounding ocean waters. He will also address the adverse impact of the fertilizers, chemicals, and pesticides most commonly used in golf courses on marine life. He will not testify voluntarily. His testimony is relevant because it addresses the fragile ocean eco-system of Mahaulepu and the adverse effects the proposed development will have on it.

For the foregoing reasons, Intervenor respectfully request that the requested subpoenas be issued by the Chairperson or any Commissioner prior to the scheduled hearing herein.

DATED: Lihue, Hawaii, June 15, 1988.

TERESA TICO
TERESA TICO and STEPHEN LEVINE,
Attorneys for Intervenor

TED AKIRA CHIHARA
A Law Corporation
Attorney & Counselor of Law
Suite 103
4365 Kukui Grove Street
Lihue, Kauai, Hawaii 96766
Telephone No: (808) 245-1855

JUN 14 1988

LETTER OF TRANSMITTAL

TO: Sunshyne Costa, Chairperson DATE: June 14, 1988

Planning Dept.

Lihue, HI 96766

We are sending you enclosed the following items:

Original + 11 copies of the MOTION FOR DECLARATORY ORDER, MEMORANDUM
IN SUPPORT OF DECLARATORY ORDER, EXHIBITS " AND B, CERTIFICATE OF
SERVICE.

THESE ARE TRANSMITTED as checked below:

- () For your information/file.
- () As requested.
- () For your review and call.
- () Sign your name in BLACK ink. Return promptly.
- () Please forward to _____

() _____

REMARKS: _____

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 12 PM '88

TAC
TED AKIRA CHIHARA

TERESA TICO 1952
3016 Umi Street
Suite 211B
Lihue, HI 96766
Telephone No: (808)245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, Hawaii 96766
Telephone No: (808)245-1855

Attorneys for the Intervenor
MALAMA MAHAULEPU and
OHANA MAHA'ULEPU

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 09 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)	
OF)	
AINAKO RESORTS ASSOCIATES and)	MOTION FOR DECLARATORY
GROVE FARM COMPANY INCORPORATED)	ORDER; MEMORANDUM IN
for)	SUPPORT OF DECLARATORY
Special Management Area Use)	ORDER; EXHIBITS "A"
Permit SMA(U)88-10; Class IV)	AND "B"; CERTIFICATE
Zoning Permit Z-IV-88-39; Use)	OF SERVICE
Permit U-88-31; Special Permit)	
SP-88-6)	
_____)	

MOTION FOR DECLARATORY ORDER

COMES now the Malama Maha`ulepu and Ohana Maha`ulepu,
hereinafter the "Intervenor", by their counsel, and
requests the Planning Commission of the County of Kauai to
declare, pursuant to Hawaii Revised Statutes, 91-8, that
section 1-6-13(c), Rules of Practice and Procedures of the
Planning Commission, County of Kauai, is applicable to the
discovery sought in this contested case proceeding as listed

in Exhibit "A", attached to the Memorandum submitted in support of this motion.

DATED: Lihue, Kauai, Hawaii, 14 June, 1988.

Stephen Levine
TERESA TICO
STEPHEN LEVINE
Attorneys for Intervenors

TERESA TICO 1952
3016 Umi Street
Suite 211B
Lihue, HI 96766
Telephone No: (808)245-9696

STEPHEN LEVINE 2160
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Suite 103
Lihue, Hawaii 96766
Telephone No: (808)245-1855

Attorneys for the Intervenor
MALAMA MAHAULEPU and
OHANA MAHA'ULEPU

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management
OF	)	Area Use Permit SMA(U)
AINAKO RESORTS ASSOCIATES and	)	88-10; Class IV Zoning
GROVE FARM COMPANY INCORPORATED	)	Permit Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6

MEMORANDUM IN SUPPORT OF MOTION FOR DECLARATORY ORDER

INTRODUCTION

The Rules of Practice and Procedure of the Planning Commission, County of Kauai, (hereinafter "Planning rules"), were adopted on September 2, 1987. Section 1-6-13(c)¹ of the Planning rules allows the Planning Commission to issue a subpoena duces tecum upon written request. Such request must include a description of the document or documents

1. Planning rule 1-6-13(c) reads as follows:

"Requests for the issuance of subpoenas for the production of documents or records shall be in writing; shall specify the particular document of record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved."

sought and a statement of the materiality and relevancy of such request to the issues before the Planning Commission.

Section 91-8, Hawaii Revised Statutes permits the Intervenor to seek a declaratory order from the Planning Commission concerning the applicability of the above cited rule to the documents sought in this instance.²

I. DOCUMENTS SOUGHT

Malama Maha'ulepu and Ohana Maha'ulepu have been permitted to intervene in this matter, establishing a contested case proceeding. In order to proceed in this matter, a list of the documents sought by the Intervenor is attached to this memo as exhibits "A" and "1". The list is long and exhaustive, but the goal is thoroughness. The documents the Intervenor seek to subpoena fall into several broad categories:

(1) Economic feasibility studies, plans or projections done for the hotel site (Exhibit "1", #1,7,10,12,14,16,22,24,26,27);

(2) Planning and projections for the physical plant of the hotel site (Exhibit "1", #1,10,12,14,19,20,22,24);

(3) Negotiations and agreements with potential and the actual hotel operator and potential and the actual financial backers for the hotel (Exhibit "1", #1,10,12,14,15,16,17,18,19,20,22,25,26,27,30,31,33,34);

2. HRS 91-8 reads in relevant part:

"Any interested person may petition an agency for a declaratory order as to the applicability of any statutory provision or of any rule or order of the agency."

(4) Economic feasibility studies or projections for the proposed golf course (Exhibit "1", #3,8, 11,13,15,16,19,20,23,24,27,30);

(5) Planning and projections for the physical lay-out for the golf course (Exhibit "1", #15, 20,21,23,32);

(6) Negotiations for leasing of the subject property as a golf course (Exhibit "1", #2,4, 6,28,29); and

(7) Planning and projections by Grove Farm Properties for the remainder of the subject parcel and adjacent land (Exhibit "1", #28,29,32).

II. STANDARDS FOR ISSUANCE OF SUBPOENAS

The scope of discovery permissible under 1-6-13(c) of the Planning rules is as yet undefined. The rules themselves are of quite recent vintage. Case law in Hawaii provides no guidance in establishing a standard for administrative agencies either.

A reasonable starting point would be the basic rules of discovery used by the judiciary of the State of Hawaii, and a review of the rules used by administrative agencies in other states. Rule 26(b)1 of the Hawaii Rules of Civil Procedure provides:

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action...It is *not ground for objection* that the information sought will be inadmissible at the trial *if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.*" (emphasis added).

The criteria is not only whether the documents sought are themselves relevant, but will the items sought possibly lead to admissible evidence.

The rules of discovery practice before an administrative agency are much broader and not as stringent as the rules of the judiciary. In reviewing the standards established for agency discovery in other states, the general standards are:

- 1) the inquiry must be one the agency is permitted to undertake;
- 2) the demand of items sought must not be too indefinite; and
- 3) the documents sought must be reasonably relevant.

See for example State ex. rel. Wolgast v. Schurle,³ and Atchison, Topeka, & Santa Fe Railway Co. v. Lopez.⁴ The fact that the search might be a broad one is not a limiting factor.

III. RELEVANCY

The burden of proof rests clearly on the shoulders of the applicants, Grove Farm Properties and Ainako Resorts Associates. Each of the permits they have applied for carries with it certain standards and requirements. The applicants must meet each and every one of them.

A. APPLICANTS MUST SHOW THAT GOLF COURSE IS NEEDED

Under the Land Use Commission Rules governing the issuance of a Use Permit, Grove Farm Properties and Ainako Resorts must demonstrate that there is a need for a golf

3. 722 P.2d 585, 11 Kan. App.2d 390

4. 531 P.2d 455, 216 Kan. 120 (1974)

course, which is an "unusual" use for this agricultural parcel.⁵

Mr. Ventura has made presentations for the hotel development on the parcel adjacent to the proposed golf course site (referred to hereinafter as the "hotel site") to this Commission on two previous occasions. On both occasions, at the hearings on Zoning Amendment 85-8⁶ and the hearings for SMA(U)-88-1/Z-IV-88-10⁷, Mr. Ventura stated that studies had been done to assure the economic feasibility of the proposed hotel. The need for a golf course was never raised.

Mr. Ventura also appeared before the County Council of the County of Kauai, seeking approval for the rezoning of the hotel site.⁸ He again described the amenities to be offered by the proposed hotel, and again no mention was made of the need or intent to build a golf course as a hotel amenity. As stated, the presentation to the council was likewise, the result of extensive feasibility studies. See Exhibit "B", attached hereto.

5. Land Use Commission Rule 15-15-95(b)4 reads in pertinent part as follows:

"The following guidelines are established in determining an "unusual and reasonable use":

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;"

6. "We have done extensive studies on this because no one's going to come in and invest \$80 million on a whim." July 24, 1985

7. October 14, 1987

8. October 8, 1985

At SMA hearing for the Hyatt Hotel in October 1987, Mr. Ventura stated that the proposal he was presenting was the result of an extensive one year study process. He specifically assured the Planning Commission that the hotel *as presented that day* would be an economic success. There was no mention of the need for a golf course nor plans for golf course. He described with particularity the amenities the hotel proposed to provide to its guests. A golf course was never mentioned, and it was never stated that a golf course was necessary for the operation or success of the proposed development of the site as a Hyatt operated hotel.

Appearing before this commission on May 25, 1988, only 7 months later, Mr. Ventura described the proposed golf course as the "cornerstone of the proposed Hyatt operation."⁹ Never mentioned to the commission before, suddenly "[t]he course is needed in order to allow the Hyatt Regency Kauai to compete successfully in the resort marketplace for which it is designed. An offsite course will not do it."¹⁰ Suddenly a golf course "...is essential to the economic success of the Hyatt Hotel."¹¹ "[T]he golf course is mandatory."¹²

9. Transcript, May 25, 1988, page 41, line 9-12

10. Ibid, page 41, line 17-20.

11. Ibid, page 42, line 11-13.

12. Ibid, page 49, line 21.

It is not enough for the Applicants to state that the course is needed, such need must be substantiated and proven, particularly in light of the direct contradictions with previous hearings for the hotel. The Applicant has previously indicated to this Commission that studies for the hotel project have been undertaken by Pannell Kerr Forster, Wimberly, Whisenand, Howard Donnelly and Associates, Allison, Tong & Goo, Hyatt Hotels, and Ainako Associates themselves. Clearly for a hotel project of this magnitude, an economic analysis of the development of the hotel site had to have been undertaken. In addition negotiations were admittedly held with both the Hyatt organization and the financial backers of this project, analyzing the necessary components of the hotels success.

When specifically asked by Commissioner Matsumura if the hotel can operate without the proposed golf course, Mr. Ventura did not answer yes or no. He indicated that this depended on the financier and the operator of the hotel adjacent to the proposed golf course.¹³ This information will be contained in any partnership and financing agreements for the hotel or the same documents for the golf course.

13. Ibid, page 51, line 7-13.

Hence the documents the Intervenor seek in items 1-4 above, that relate to the hotel site are necessary and relevant components in this hearing. They are directly relevant to issues raised by the Applicants themselves in direct testimony in this matter. The information bearing on these matters are in their control. In order to permit the Intervenor's to cross-examine the Applicant on these matters, the documents listed are necessary.

These documents are necessary to determine whether or not the proposed hotel, for which this golf course is an adjunct, can operate without a golf course. If it can, the golf course is not needed, and will fail to meet the threshold for a Special Permit, under the LUC rules. This is why the items listed above pertaining to the hotel are relevant to the proceedings for the golf course.

**B. THE SMA RULES REQUIRE THE CONSIDERATION OF
REASONABLY FORESEEABLE PROJECTS**

The golf course itself is only a small portion of a 1,220 acre parcel. As agreed by both the Applicants¹⁴ and the Intervenor¹⁵, the SMA rules require this commission to consider the cumulative impact of all reasonably foreseeable future development in the area of the proposed golf course.

14. Applicants Memorandum Re: Exclusion of Irrelevant Evidence, page 4.

15. Intervenor's Memorandum in Support of the Review of the Grove Farm Master Development Plan as Required by Statute, Page 3-4

As established by sworn affidavit¹⁶, Mr. David Pratt, President of the Applicant Grove Farm, presented a master development plan for the entire coast including the parcel before this commission. As indicated in the affidavit, this golf course is the first increment of the plan Mr. Pratt presented in November, 1987. He also stated that the intended development schedule for this master development plan was for four years from now. He was clear as to type and magnitude of his master plan.

Discovery as requested in items enumerated in items 6 and 7 above, are relevant to this issue. As such discovery by the Intervenors should be permitted.

CONCLUSION

The items sought by the Intervenors are relevant to the issue before this commission, and are necessary for their substantive participation in the contested case. They concern matters raised by the Applicants themselves.

DATED: Lihue, Hawaii, 14 June, 1988.


TERESA S. TICO
STEPHEN LEVINE
Attorneys for Intervenors

16. Affidavit of Andrew Bushnell, attached to Memorandum

1. The term "document" or "documents and other things" as used herein shall mean and include each and every item and thing described in Exhibit "A" attached hereto and by reference made a part hereof which is in the possession, custody or control of the custodian of records.

2. Unless otherwise specified, the Subpoena Duces Tecum relates to the period commencing from the purchase by MTE Associates of that portion of land to be developed as a hotel, TMK 2-9-1-2, to the present (hereinafter referred to as "relevant period")

3. The term "person" shall include natural persons or person, corporations, partnerships, limited partnerships, joint ventures, trusts, estates, other unincorporated business entities or associations, and any all other legal entities or other entity's officers, directors, shareholders, partners (general or limited), joint ventures, employees, agents, trustees, receivers, trustee in bankruptcy, attorneys, experts, consultants, parent company, subsidiary and/or other representatives or associates, including but not limited to MTE Associates, Ainako Resorts Association, Grove Farm Properties, Inc., Hawaii Takenaka Development, Inc., Tokyo Development Hawaii, Inc., Kawaihoa Development, Takenaka Komuten Co., and Tokyo Kosan Co..

EXHIBIT A

4. The term "communication" shall mean and include meetings, discussions, negotiations, conversations, interviews, statements, correspondence, telegrams, telephone conversations, memoranda, or any other form of communication, whether written, oral or otherwise.

1. Communications with any person regarding the development of a golf course as an amenity for the hotel to be built on TMK 2-9-1-2.

2. Communications with any person regarding the lease of any land for use as a golf course.

3. Communications with any person regarding the use of existing golf facilities for use by hotel guests at the proposed Hyatt Hotel.

4. Communications with any person regarding a pre-lease or option agreement for any land for use as a golf course.

5. Any lease agreement of subject property for use as a golf course.

6. Any feasibility studies or economic analysis done by any person for use of TMK as a hotel site.

7. Any feasibility or economic analysis done by any person for the proposed golf course.

8. Original purchase contract for the portion of property to be used as the hotel site.

EXHIBIT "1"

9. Any communications with any person regarding consultancy studies for the proposed hotel.

10. Any communications with any person regarding consultancy studies for the proposed golf course.

11. Any consultancy studies done for the proposed hotel.

12. Any consultancy studies done for the proposed golf course.

13. Any consultancy contracts for the proposed hotel.

14. Any consultancy contracts for the proposed golf course.

15. Any communications with respect to and/or including a financing agreement for the proposed hotel.

16. Any communications with respect to and/or including a financing agreement for the proposed golf course.

17. Any communications with any person regarding a management agreement for the proposed hotel.

18. Any management agreement entered into with any person for the hotel.

19. Any communications with any person regarding a management agreement for the proposed golf course.

20. Any management agreement entered into with any person for the proposed golf course.

21. Any partnership agreement entered into with any person for the development of the proposed hotel.

22. Any partnership agreement entered into with any person for the development of the proposed golf course.

23. Any projections or project prospectus by any person for the proposed hotel.

24. Any projections or project prospectus by any person for the proposed golf course.

25. Any communications with any person regarding any income projections for the proposed hotel.

26. Any communications with any person regarding any income projections for the proposed golf course.

27. Any communications, depictions, descriptions, or other renderings of the long term development plans of property owned by Grove Farm Properties in the Poipu-Weliweli-Paa-Mahaulepu area of Kauai.development

28. Any communications or minutes of any Board of Directors meetings or Stock Holders meetings of Grove Farm Properties describing, dealing with, or in any way discussing the long term development of property owned by

Grove Farm Properties in the Poipu-Weliweli-Paa-Mahaulepu area of Kauai.

29. Any communications with any person concerning the financing of the golf course.

30. Names and addresses of all officers and directors of Ainako Resorts Association, Ainako Development Corporation, Hawaii Takenaka Development, and Tokyo Development Hawaii, Inc.

31. Names and addresses of all officers and directors of Grove Farm Properties, Inc.

32. Copy of the golf course map submitted to the Planning Commission, County of Kauai.

33. Any partnership agreement establishing Ainako Resorts Association.

34. Any development agreement between Ainako Resorts Associates and Kawaihoa Development Inc.

PUBLIC HEARING

OCTOBER 8, 1985

A public hearing of the Council of the County of Kauai was called to order by Councilwoman Maxine Correa, Chairman of the Planning Committee, at the County Building, Lihue, Kauai, on October 8, 1985, at 3:20 p.m., after which the following members answered the call of the roll:

Honorable Maxine Correa, Chairwoman
Honorable Norman Akita
Honorable Bill Kaipo Asing
Honorable John F. Barretto, Jr.
Honorable Jesse Fukushima
Honorable Ronald Kouchi
Honorable JoAnn A. Yukimura

The Chair announced that the hearing had been called to hear the views and comments of those present on Bill No. 1037, Draft 1, entitled AN ORDINANCE AMENDING ORDINANCE NO. 164, COMPREHENSIVE ZONING ORDINANCE OF THE COUNTY OF KAUAI, M.T.E. ASSOCIATES; TMK: 2-9-01:2, Poipu, Kauai, from "Residential District (R-4)" to "Resort District (RR-10)", which was passed on first reading and ordered to print on September 10, 1985, and published in The Garden Island newspaper on September 13, 1985.

The hearing proceeded as follows:

Mr. M. C. Ventura: Members of the County Council, for the record my name is Mel Ventura. My company, Ventura Associates, Ltd. is the managing general partner for the applicant, M.T.E. Associates. In 1984 we acquired the subject property which is in the State Urban District, General Planned Resort. The parcel is currently zoned with an SMA permit for 179 units resort condominium project including commercial facilities. After about a year of study, we have determined that while resort uses are appropriate on this site, we feel that there is an adequate supply of resort condominiums. We have studied alternatives and determined that a luxury hotel is a suitable and appropriate use for this property, and more importantly, that there is a need for a hotel. Our next step was to confirm our opinion independently. We hired Pannell Kerr Forster, CPAs who specialize in tourist related research. All of the banks and major hotel operators rely on Pannell Kerr Forster's judgment prior to getting involved in any hotel project in Hawaii. They, Pannell Kerr Forster, determined that there was need for such a facility. The hotel market is segmented or divided into classes. The bulk of the tourism is and will continue to be the affordable family vacation in a modestly-priced facility. This market segment has adequate facilities statewide. Slightly more expensive rooms are classified as Luxury 2 and represent an upscale market with an average room rate of \$100 per night and up. These facilities provide a quality experience, but are not at the very top of the scale in terms of service or room rate. Above this is the market segment known as Luxury 1. The Kahala Hilton and the Halekulani represent well-known Luxury 1 facilities on Oahu. Room rates are \$150 per night and up and these hotels cater to the upper-end market which is able to stay longer and spend more money. It was Pannell Kerr Forster's judgement that this is the market segment that we should target and we have, therefore, begun our design work with this goal

in mind. We will not be drawing guests from existing hotels because we address a market segment not currently well served or identified on Kauai.

Kauai has a need to meet competition statewide and indeed, worldwide in order to maintain our market share. According to the 1984 Kauai Statistical Review published by the Office of Economic Development, Kauai's market share of visitors to the state has been steadily declining since 1970 from 30.9% to 21.8% in 1984. This means that out of all the tourists who choose Hawaii, a smaller and smaller percentage are choosing Kauai. We believe part of the reason for the decline is our past inability to provide the facilities and vacation experiences for the full range of market segments. We feel our project will help make Kauai more competitive with all islands.

The hotel proposed is a Luxury 1 class with the first increment of 350 to 400 rooms. We propose a theme of quality throughout with an emphasis on service and guest satisfaction. The amenities will include tennis, lawn bowling, health facilities, fine restaurants, a modest amount of shopping within the hotel, extensive lagoons and gardens and one or more large lagoon-like swimming pools. The hotel is sited to maximize views. Its structure is set back approximately 300 feet from the ocean. The project includes 28 beach cottages which will function as a buffer or transition between the existing condominiums and single family homes and the new hotel. These units are planned to be run as part of the hotel. Public access is provided on the east end of the property to a dedicated beach park. We will construct restrooms, a parking lot, showers and 1200 feet of County standard road beyond our needs only to service the public park.

As far as hotel operations are concerned, we are interviewing several operators who have extensive experience in Luxury 1 class. We have retained Howard Donnelly and Associates, one of Hawaii's prominent hotel consultants, whose experience in hotel development and operations is extensive. Howard has been the General Manager of many of Hawaii's top hotels including the Royal Hawaiian, Waikiki Outrigger, Moana and the Ilikai. He is helping us evaluate operators and plan for efficient operations.

I would like to now call on the architects to provide you with more details on our project. For this project, we have retained Wimberly, Whisenand, Allison, Tong & Goo who are among the premier resort hotel architects in the world. They have been involved in the design of over 100 hotels in 25 countries and specialize in luxury resort facilities. They were responsible for the design of many of Hawaii's finest hotels including the Hyatt Regencys on Oahu and Maui, Mauna Kea Beach Hotel New Addition and South Wing, Sheraton Waikiki, Hilton Hawaiian Village Tapa Room, Coco Palms and many more. Representing the architects today are Sidney Char, Don Lee, and Sharon Ching.

Mr. Sidney Char: Honorable Members of the City Council, interested members of the community. I am one of the principals of Wimberly, Whisenand, Allison, Tong & Goo, Architects. Also with me here today is my partner, Mr. George Beilin, and our staff architect, Sharon Ching. We are really excited about the potential of this project and would like to demonstrate through a series of slides the design character and the ambience of the type of project we are proposing for

Poipu. Our office has accomplished numerous quality hotel projects here on the islands and throughout the Pacific. We will try to illustrate the type of quality for this project by showing examples of past projects of ours. Being that Kauai is the Garden Island, we envision this project would best fit the site by integrating extensive landscaping into our design and have already commissioned the landscape architect firm to work with us in our concepts. Let me start with the magnificent views of the site. This first view (slide) is along the southeast at Shipwreck Beach and this is the view in the opposite direction (slide) at Makahuena Point and Keoniloa Bay. For this site, we have designed a project which is represented here (slide) in artist conception in what the project may look like from a birds' eye view. As you can see, the project we envision (slide) is low rising in character and steps down with the terrain. As you approach the project from the entry road (slide) the buildings appear to be no more than one or two stories in height because the step down, with the topography and our maximum of four stories in height at the lowest grade. In addition to stepping with the terrain from the entry elevation (slide) the guest wing also traverses in the opposite direction with the slope of the land. The structures have also been arranged to form a courtyard to help shelter the site from the steady prevailing breezes. The view you see (slide) represented here shows the full hotel development of approximately 550 guest rooms. The bay cottages on the left are also very low rise and with all beach front units limited to a single story in height. We go the site plan which you see on the wall which will show the major elements of our plan. At the top is the parking, the main hotel structure which has a meeting room in the lobby, the guest wing which will cross, fingers and point to the ocean, which form the courtyards, the water features that fill the courtyard, the bay cottages; we have several tennis courts, some for the bay cottages and others shown next to the hotel. We have a horseback riding area which is in the uppermost right corner, luau areas near the ocean, and the major swimming pool. I would also like to point out in the west side is a large, wide green belt to respect the view corner of the neighboring property -- the Poipu Sands project. Also as Mel Ventura mentioned, on the right side of the site plan, is the fully-dedicated park to include the beach access road, public parking, showers and toilet facilities for the public. Also recognized is the lateral access along the beach on the front side of the project. Note that the structures are approximately 200 feet back from the shoreline and we are respecting the tsunami inundation level. I'd like to walk you through the project to give you a sense of the ambience that we are trying to create in this project.

As you enter the project area, on the left will be the parking area, on the right will be the entry to the beach cottages. To create this sense of arrival for the project, we have created a man-made water feature and a bridge that you cross over as you enter the project site (view of prospective area). As you enter the entry area, you will be in a tree-lined boulevard with dense tropical foliage on both sides of the entry road with flowering plants helping to conceal the parking area. The parking areas are also well landscaped with large wide canopy shaped trees. Here's a plan of the bay cottages (slide) and entry road. Here's a view of the bay cottages, again note the low-rise nature of the single story along the beach. From the bay cottages, we link directly to the

hotel complex with what we are calling our Kauai Garden path (slide) with dense foliage with real pleasant shade trees and flowers as you go from the cottages to the main hotel complex. Now (slide) this is the main entry of the hotel in the porte cochere area - on entering on your left side will be the meeting facilities and on the right, the main lobby. As you enter this main lobby (slide) you have a dynamite view looking out to the central courtyard towards the ocean. There is a meeting complex on the left of the porte cochere and the main lobby building. Here is a view (slide) of a typical meeting room; this happens to be one of our meeting rooms from the Hilton Tapa Tower in Honolulu. Here is the kind of view (slide) you get entering the lobby looking through the lobby over the water pools and over out to the ocean. This happens to be a view from our Hyatt Maui project. Surrounding this first level, which is the lobby level, there will be many features around you; we have areas of casual lobby areas with a limited amount of quality shops, restaurants overlooking a wide extensive view to the ocean; we will have specialty dining like a sushi bar. When you get down to the next level, (slide) this will be like the type situated in the central court area. Here's a perspective of that area and you can see the water cascades down from the center portion towards the lowest level where the swimming pool is. Here is a view of the partial portion of the site plan (slide) showing the restaurants that surround the water features and the main swimming pool near Keoniloa Bay. We have additional setback lines for conservation which is 150 feet back. Then you see the type of waterfalls (slide) which happens to be from our Hyatt project which traverses down the terrace and the courtyard. We will have cocktail seating along the water and edges of the hotel; garden type restaurants along the landscaped area and a major waterfall which cascades down to the swimming pool level. This is the swimming pool from the Hyatt. Once you are down to the swimming pool level which is the lowest terrace level, we feature a grotto where you can go out behind the waterfall and look out to the swimming pool; we have a grotto bar where you can climb out of the water and have a cool drink and areas with jaccuzis. On the westside courtyard (slide) what we want to create here is an Asian Garden with pavilions within it for dining and private parties, etc. The pools will be fresh water and recirculated and separate water systems between swimming pool and landscaped area water. Here is a view of the Asian Garden Court (slide) and a view of the Garden with that same type of theme which happens to be that of our Honolulu International Airport. On the East Court, we have the Polynesian Garden Theme (slide) which is one of our earliest projects on Kauai, Coco Palms. Also within this Polynesian Garden we will have those little intimate bridges, with waterways, etc. There will be luau gardens (slide) along the waterfront looking out to the ocean with torches with coconut shade trees. There will be recreational facilities, lawn bowling, a health club, tennis courts to be nestled among landscaping in a lush type of garden. In addition to all the landscaping that goes on around you, the guests who will be walking to their rooms will be treated to landscaped atriums open to the sky such as this (slide) so it is a real garden experience for all the guests. Here is a floor plan of a typical suite (slide), a large luxurious unit with a living room, bedroom, dressing area, separate bath and powder room and a very spacious lanai. The key element is the artist's rendition of a view from a guest room (slide) but the key element is that we are trying to capture this view

and sparkling water of Keoniloa Bay, so all the rooms will have an ocean view.

I would just like to sum up how we feel the project would be a first-quality resort; it will offer a multitude of amenities and facilities that we feel would attract guests from the top segment of the tourist market. In our opinion, we think that this project that Mr. Ventura is proposing would be a fine addition to the hotel accommodations available here on Kauai.

Mr. Ventura: Now that you have seen our plans, I would like to address the benefits of the plan from the public perspective. The first and most obvious benefit is employment. While Kauai does not currently have a major unemployment problem, the uncertain fate of sugar can create severe unemployment. Sugar industry spokesmen indicate the major impact of declining sugar demand will possibly occur in the 1988/1989 time frame. Our hotel is expected to open in 1989, providing employment for approximately 500 to 600 people at a minimum. The hotel will, of course, provide many jobs during construction. It is our intention to run the job here using local contractors and subcontractors and Kauai union labor. The third benefit of the plan is that it will directly address the existing gap in the market for the Luxury 1 segment. This will round out the range of visitor facilities on Kauai and not hurt existing projects. Our hotel will provide an environment and experience more like the Kahala Hilton and quite different than the proposed Westin Kauai. Finally, our hotel will assist in positioning Kauai to compete statewide. We believe that this hotel will help reverse the trend of Kauai's declining market share and will attract higher-spending, longer-staying visitors. Public costs, on the other hand, will be minimal, if any, with this project. We will pay for road and park facilities as was indicated above and dedicate them to the public at no cost. We are also required to pay a substantial water participation fee and environmental impact fee. In closing, I would just like to point out that our track record on Kauai has been one of quality development which is well designed and blends into the environment. We will insist that this high level of quality is achieved at Poipu. This fine track record is why we believe we have received support on this project; there are letters on file with the Planning Commission. The Koloa Community Association is supporting the project, the Poipu Resort Association and Poipu-Kai Association and the HVB. Finally and most importantly, we have a perfectly open record of keeping the jobs we created on Kauai for Kauai people. I give you my personal assurance that I will continue this policy on this project.

Mr. Asing: Have you any proposal that you have made or looked into or made contact with local contractors in this area?

Mr. Ventura: Yes, but it is premature to go out and bid on it because we have a long way to go on design. Our thinking is to possibly bring in someone to help but to use the contractor-manager approach to segment it as much as possible to insure that the jobs are kept here for the local contractors. I think that if you look at every one of our past jobs, you will find that this is so.

Ms. Yukimura: It seems that everytime you hear about a hotel these days, it is going to a luxury-

quality hotel and you are right about your track record. And if anybody is capable of pulling it off, you are. I'd like to know exactly what you are talking about in terms of this quality tourist and this quality visitor; you mentioned as an example Halekulani and Kahala Hilton. Now, what strikes me is that they are on calm, swimmable beaches and that Keoniloa Bay is quite treacherous actually. Can you comment on this.

Mr. Ventura: I'll give you examples of what I consider a luxury hotel. There are two of them in Honolulu and a third that I have experienced is the Ritz Carlton in Laguna Regal. They are the same class and designed by Wimberly. It is designed so that all of the activity occurs around the pool. You have to compensate on that; what you point out is the biggest problem with the site; I'd like to have a nice swimmable beach but with the type of hotel that we are doing, again if you go to the Maunalani you will get the same situation - there is no ocean activity, it is all around the pool. We have done a lot of research on this, but if we don't put in a first-class pool facilities and compensate for that, we will be in trouble.

Ms. Yukimura: The water that you are getting in is going to be County water, is that it?

Mr. Ventura: I'm not sure that Sid answered the total question. We need to do some more research on some of those lagoons, because I think some of those lagoons could be brackish water and some of it fresh water. But I think all those entry lagoons and water effects can be brackish water.

Ms. Yukimura: I was just interested in how much water would be used.

Mr. Ventura: Whatever we use, we circulate, so I don't know at this time.

Ms. Yukimura: In the market today, what are the hotels in the State that are of the quality that you are talking about.

Mr. Ventura: There are just a few; none on Kauai. I think initially there was talk on the Nukolii site that it would be a luxury hotel, but it is not. If we were to take that approach, we wouldn't be able to interest this particular architectural firm. The class hotels that we are talking about are the Halekulani and the Kahala Hilton, which I think is the best example, and you are talking about \$150 a night and up.

Ms. Yukimura: How many visitors of that nature are you talking about that are potentially attracted to Hawaii?

Mr. Ventura: You are right, that is a Statewide market, it is not just Kauai; you just cannot analyze Kauai and say, we don't have this type of hotel on Kauai; you must take the whole State, the whole market for that State and see how Kauai fits in. They have taken a position that there is a need and they are projecting it to 1989.

Mr. Barretto: How far is it from that swimming pool from the conservation district to the high water mark - the maps don't show it.

Mr. Ventura: The distance from the high water mark to the building varies from 300 to almost 400 feet. We proposed, on that site plan putting the pool in the conservation district. We talked to the Land Board to get their reaction and they don't seem to have any problem with it. Everything else proposed in the Conservation District has already been approved by the Land Board, the restroom facilities, the parking for the public -- all those things have been approved. We are not real sure about the location of the pool. We may pull it back within the structure, but we do plan to provide lateral access for the public from the public park across the property in one of two forms either dedication of land or easement, a strip of about 20 feet wide roughly to provide lateral access.

Mr. Barretto: In view of the fact that many of the contractors, some of the contractors in Koloa, have failed to stay with their agreements to do certain things down there, I've had some questions from people in Koloa about your timing and when would you be looking into putting in the public facility and the road.

Mr. Ventura: Well, I'm going to put the road in when I'm going to put the road in, but you do it all the same time as when we start the project. I think we would have to start with the park before that so I think again when you go back to our track record, when we commit to providing public access and sidewalks to the beach we put them in.

Mr. Barretto: Tell me about the dedication of 2 1/2 acres of park land. When I spoke to you and representatives, there was a possibility of you maintaining the park site in the public interest of an easement and now I see your plan provides for the granting of 2 1/2 acres.

Mr. Ventura: I think these are two different things. I think we went before the Planning Commission with a different proposal when we were talking about building condominiums and we were proposing a different option of having the whole front available to the public and we would maintain it and not dedicate the land and dedicate cash in lieu of. I don't think that proposal would fit this project, so we are going back to the original scheme of dedicating the park and we will be building facilities.

Ms. Yukimura: Would there be any objections to a condition that would require building of the comfort stations prior to your getting a certificate of occupancy, in that kind of time frame?

Mr. Ventura: No problem.

Ms. Yukimura: Because it has been a real sore point for people in Koloa and Poipu that other developers have not kept their word and gotten permits and permission based on promises. I'd like to hear the explanation for the rationale for the number of rooms or units because going from 179 units to 550 is quite a big jump -- like if you go 2 people per unit, that's quite a few more people in the Poipu area adjacent to Mahalepu -- you would have all kinds of impacts from that number of people. What is the rationale for the 550 units?

Mr. Ventura: Well, we have 4 operators that we are talking to -- two operators are of the larger

hotel, the 550 range; two of them are the 375 to 400. I don't know which one I am going to end up with. I think that even with the 400 room operator, you look at the record of all these hotels, they all try to come back and build 100 units later which they hadn't planned for. I think that we are going to end up with is an operator in the upper level.

Ms. Yukimura: So that's the reason for wanting 500 rooms?

Mr. Ventura: We asked for RR10 which gives you 605, if the final study and the operator wants to build 480, we will build only 480; that's the upper limit. They cannot approve more than you approve in the zoning; they can certainly build less and if you go back to some of our projects, we have built less than the approved zoning.

Ms. Yukimura: So your understanding is that if we approve this that you would have the potential of making 650 units.

Mr. Ventura: No, I think the maximum is 600; I think 605 and for every cottage you put in there, you reduce two hotel rooms.

Ms. Yukimura: Is it because they are considered a condo, of that nature?

Mr. Ventura: I think that is the way the Planning Department treated it.

Ms. Yukimura: I just want to be clear about the process. You chose your operator and that sets the number of rooms?

Mr. Ventura: Not totally, but the number of rooms varies from operator to operator. Kahala and Hilton is typically about 400 rooms. If we end up with Hilton International, we end up with about 400 to 550; to some degree it is the operator, to some degree it is the market. The operator is not going to come in if the market is not there.

Ms. Yukimura: And the sewage capacity of the plant that you will be tying into is the Poipu-Kai Plant, I guess.

Mr. Ventura: Yes, that will require some expansion which will be part of our cost.

Ms. Yukimura: How much of an expansion?

Mr. Ventura: I think we estimated about \$130,000.

Ms. Yukimura: Regarding the public park and facilities there - it includes a sewage lift station, is that correct?

Mr. Ventura: The old scheme did, it probably will require but how we design that as to whether it is going to be there in the park, we haven't gotten the level design yet.

Ms. Yukimura: How do you see the cost of operating that sewage lift station; who would pay for that?

Mr. Ventura: I don't think anybody has asked that question and I don't think you are talking about anything significant anyway; you are talking about a

sewer station for a couple of restrooms, that's not a big deal.

Ms. Yukimura: Would you have objections to a stipulation that objects to the hotel or the development to also maintain the park area?

Mr. Ventura: Yes, I would have a problem with that because I'm dedicating the park.

Ms. Yukimura: How much traffic do you anticipate being generated out of your development or has calculations been made of that.

Mr. Ventura: Very rough; we did it on parking spaces and if it is the full-blown 549 rooms and 28 cottages, I think we came up with 471 parking spaces and the existing approval was for 408 parking spaces.

Ms. Yukimura: Is it the philosophy of the hotels you talking about to have activities on site?

Mr. Ventura: Yes.

Ms. Yukimura: What exactly are the plans of a horseback riding facility.

Mr. Ventura: Very sketchy at the moment, as you notice, we have had some preliminary discussions about possibly having that as another activity of the hotel; certainly not for stables on the property; a pick-up point to go down to the stables via vehicle or horse but no details are final yet.

Mr. William Crozier: Mr. Chairman, members of the Board, I am Chairman of the Kauai Chapter of the Hawaii Visitors Bureau. I am here today at the direction of the Board of Directors to testify in behalf of the proposed hotel at Shipwreck Beach in Poipu. Yearly, since 1970, Kauai has lost more and more of its market share to the other Counties of Hawaii. If we are to reverse this trend, we must be able to have a product in each segment of the market. That prestigious firm of Pannell Kerr Forster has identified the Luxury 1 hotel as a segment of the market that Kauai does not satisfy. We believe that a Luxury 1 hotel on Kauai would be most desirable in helping Kauai regain its market share of the visitor that comes to Hawaii. We also believe that the advertising dollars spent by a Luxury 1 hotel would help all phases of visitor industry on Kauai. Because of these elements, the Kauai Chapter of the Hawaii Visitors Bureau fully supports this project.

Mr. Pat Nagao: I represent Local 745, Carpenters Union and I am speaking in behalf of this project. After the Kauai Surf, we don't have anything on the drawing board and that will help us with our high unemployment. As you know, Kauai Surf will be completed sometime in early 1987. Besides the military expansion, we do not see any more big projects coming along after 1987.

Mr. David Pratt: I am President of Grove Farm and I would like to speak in favor of this project. I think this is the type of project that we need on Kauai and I would also like to ask you to support a local quality development which is the kind of people we should support.

Mr. Lelan Nishek: I am President of the Contractors Association of Kauai. We support this project; we need jobs coming up for our contractor members and employees that work for us. I think Mr. Ventura has a good track record and we would like to see you support him.

Mrs. Correa: I would like to know whether there are certain kinds of trees that you can plant on the project that will be beneficial and not uproot roads like some trees do.

Mr. Nishek: Yes, I think there are trees that won't be any problem to the roadways and I think that some of the trees that are uplifting some of the parking lots and roadways just requires some maintenance; they cut the roots and they continue to grow, you don't have to remove the trees; so some of the problems can be handled by on-going maintenance programs.

Mr. Eric K. Honma: ^{Development} I am the Executive Director of the Kauai Economic Board and I would like to take this opportunity to provide testimony in favor of the proposed project. I would just like to touch on several areas which I feel are relevant to this project and from an economic development and job standpoint.

The proposed project will employ from 500 to 600 Kauai people at the present size of the project. I think that it is very critical at this point in time, we do recognize that four of the five sugar plantations are from Koloa west, on the south and west side of Kauai. As the sugar plantations continue their efforts towards attaining profitability, and efficiency, they will continue to instill such practices as 32-hour per week and mechanization and automatization of their particular plantations to whatever degree that they can attain. This will ultimately reduce and in some cases not create any more jobs within the plantation structure. Again, I would like to put this into context that four of the five plantations on this island are on the west side. This particular project will again provide 500 to 600 jobs within that very critical area of the south and west side of Kauai. An opportunity such as this to provide and create this amount of jobs should not be missed for Kauai. Again, it is tremendously critical that we do address the south and west side of Kauai as well as Kauai as a whole. The proposed amount of visitors that will be visiting this particular hotel will also provide a very essential critical mass for the Koloa and Poipu area. Don't misunderstand me in this particular sense; critical mass is a very positive effect for businesses and retail industries in the Koloa area. Each business has a profitability range; one range makes profit, one range breaks even and one where it goes bankrupt. Those three areas are attained by basically one particular item which is volume. The more volume you have, the greater possibility of profitability and economic stableness the business has. In this particular instance, the number of visitors that will be coming to the Koloa and Poipu area will be adding to that very essential critical mass to help support the businesses in Koloa Town, along Koloa Road, the new Kiahuna Shopping Village, as well as other eateries, retail outlets and gift shops within the Koloa area. So in that sense, the amount of visitors there will be a very positive one, for the local retail activity there. I cannot overstate from an economic standpoint the amount of jobs that will be created by the hotel and how essential it is for Kauai's people as we try to

CERTIFICATE OF SERVICE

I hereby certify that a copy of the MOTION FOR DECLARATORY ORDER; MEMORANDUM IN SUPPORT OF DECLARATORY ORDER; EXHIBITS "A" AND "B", was duly served upon the following parties by mail or hand delivery:

DENNIS M. LOMBARDI
Case & Lynch
Suites 2500 and 2600
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737 Bishop Street
Honolulu, HI 96813

Deposit in Court Jacket
Fifth Circuit Court

Attorney for Ainako Resorts Associates
and Grove Farm Properties, Inc.

LORNA NISHIMITSU, ESQ.
Deputy County Attorney
4396 Rice Street
Lihue, Hawaii 96766

Hand delivery

Attorney for the Planning Commission
County of Kauai

DATED: Lihue, Hawaii 14 June, 1988.

Stephen Levine
TERESA S. TICO
STEPHEN LEVINE

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 09 PM '88

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	
OF	)	
AINAKO RESORT ASSOCIATES AND	)	FOR Special Permit SP-88-6
GROVE FARM PROPERTIES, INC.	)	Use Permit U-88-31
	)	Special Management Area
	)	Use Permit SMA(U)-88-10
Golf Course & Related	)	Class IV Zoning Permit
Facilities, Koloa	)	Z-IV-88-39
	)	

I hereby certify that on June 9, 1988, a list of persons testifying at the May 25, 1988 public hearing and copies of their presented written testimony (*previously distributed in person on June 7, 1988), copies of written testimony submitted to Planning Commission within the 7 day limitation after the public hearing, and copies of written testimony submitted prior to public hearing were served upon the following by hand delivery:

Teresa S. Tico, Esq.
2959 Umi Street
Lihue, Kauai

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 11 PM '88

Tom H. Shigemoto
TOM H. SHIGEMOTO
Planning Director

Received: Donna Victorino

Date: 6-9-88

Received: C. Dr. Stimala

Date: 6/9/88

STATE OF HAWAII

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LAND USE COMMISSION
STATE OF HAWAII
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TOM H. SHIGEMOTO
Planning Director

TONY T. KUNIMURA
MAYOR



TOM H. SHIGEMOTO
Planning Director

ROLAND D. SAGUM, III
Deputy Planning Director

Telephone (808)245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

June 7, 1988

COPY

Mr. Mel Ventura
Ainako Resort Associates, Inc.
4334 Rice Street, Ste. 203
Lihue, Hawaii 96766

Subject: Archaeological Study
Ainako Golf Course
Poipu, Kauai

Aug 18 3 12 PM '88
LAND USE COMMISSION
STATE OF HAWAII

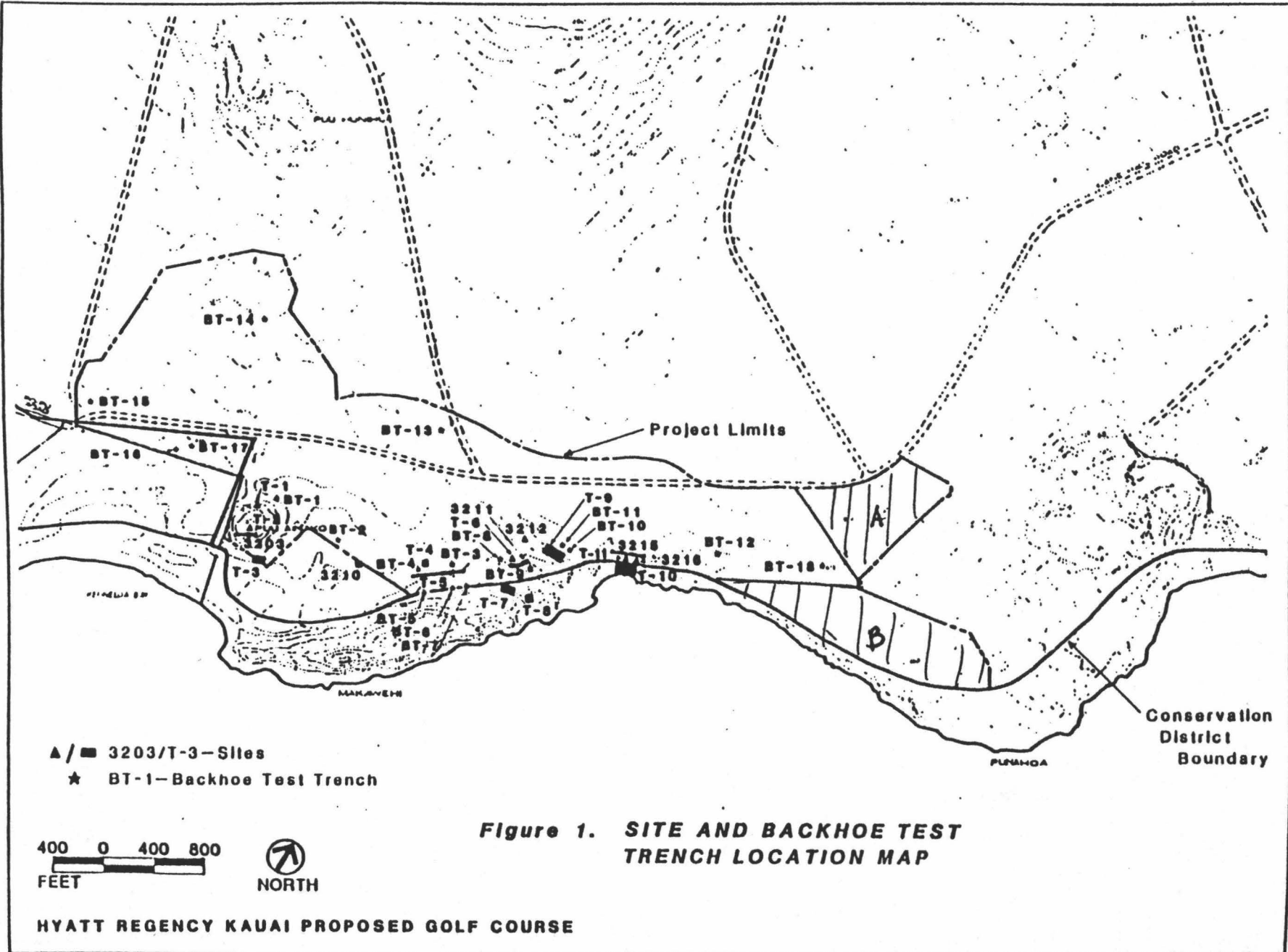
Pursuant to the County of Kauai's Historic Preservation Review Commission's (KHPRC) May 27, 1988 meeting relative to the subject study, the following two items are being requested prior to the Planning Commission's action:

1. Four more test pits be explored at the north end of the proposed golf course, two in the west wing labeled "A" on the attached map and two in the east wing labeled "B" on the same map.
2. Specific recommendations for the preservation of the sites identified in the survey.

Your consideration and cooperation in authorizing your archaeologist to respond to this request in a timely manner will be appreciated. It is important to us all that any significant historical/archaeological sites be discovered, identified and preserved.

A handwritten signature in cursive script, appearing to read "Tom H. Shigemoto".
TOM H. SHIGEMOTO
Planning Director

cc: Kauai Historic Preservation Commission



CASE & LYNCH

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Carl Stepath
3470 Paena Loop
Lihue, HI 96766

Re: Ainako Golf Course Permit Application/
Kauai Windsurfing Association

Dear Mr. Stepath:

I have enclosed for your review a copy of an article entitled "Golf course factions make their stands" which appeared in the May 27, 1988, edition of The Garden Island. Upon reading the article, I was disturbed to find it contains what appears to be various inaccuracies relating to the actions of the Kauai Windsurfing Association at the public hearing on Ainako Resort Associates' application in respect of the Hyatt golf course. For your convenience, I have marked the significant portions of the article and would appreciate learning whether, from your perspective, the report is accurate.

In Ainako's view, no agreement was reached with the Association concerning most of the issues described in the article. At the hearing, Ainako clarified for the Association the fact that Ainako intended to make (and will make) available 30 parking stalls at the Hyatt park site and 40 parking stalls adjacent to the sand dune area. In addition to these parking areas, 5 parking stalls each will be made available at a nursery-maintenance site planned at the approximate mid-point of the course and at the course's east end. At no time did Ainako or Grove Farm Properties, Inc., promise to lease to the Association a road or unloading/turn around area as indicated in the article.

JUN 6 1988

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 12 PM '88
Hironaka
Yamashiro

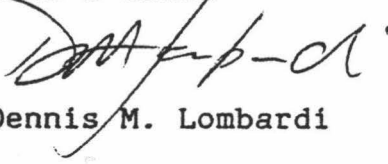
Mr. Carl Stepath
June 2, 1988
Page 2

If you have a different understanding or believe that an agreement was reached requiring Ainako and Grove Farm to act in a manner other than that which I have indicated, I must know immediately. Obviously, if you do and you withdrew the Association's petition for intervention on that basis, we will not object to your reinstatement of the petition so that it may be ruled on by the Planning Commission. The Commission has already heard and evaluated our respective positions on the merits of the proposed intervention by the Association and was prepared at the last hearing to rule on the question. Under these circumstances, a ruling could be issued at the Commission's next scheduled meeting on this agenda item.

If that is to occur, however, Rick Tsuchiya, the hearing officer, should be advised of that fact prior to the pre-hearing scheduled for June 7. Accordingly, I would appreciate it if you would contact me immediately about this matter.

Yours truly,

CASE & LYNCH


Dennis M. Lombardi

DML:smc/2545K(6390-9)

Enclosure

cc Honorable Sunshyne Costa,
Chairman, Kauai Planning Commission
✓Kauai Planning Commission
Mr. Rick Tsuchiya, Hearing Officer
Lorna Nishimitsu, Deputy County Attorney
Teresa S. Tico, Esq.
Stephen Levine, Esq.

The Garden Island

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TV WEEK
 SEARS

Golf course factions make their stands

Maha'ulepu groups intervene

by Julia Neal

The application for a golf course on agriculture land adjacent to the planned Hyatt Regency Hotel at Shipwreck Beach has become a contested case and the developers will meet representatives of the 'Ohana o Maha'ulepu and Malama Maha'ulepu in a courtlike setting on June 23.

The Planning Commission approved the intervention on Wednesday after attorney Dennis Lombardi, representing developer Alnako Resort Associates and landowner Grove Farm Co., asked that intervention be denied. Lombardi said none of the applicants for intervention have shown a direct enough interest to become an intervenor. Noting that opponents want the planners to take into consideration future plans for Grove Farm's 22,000 acres, Lombardi said that the Planning Commission should not be put in the position of speculating on what might happen with land other than the golf course site under consideration.

'Ohana o Maha'ulepu and Malama Maha'ulepu representatives said they want a master plan for the entire Maha'ulepu Coast. They said they are concerned with public access to the shoreline, preservation of archaeological sites and preservation of natural features in the area. The in-

tervention will allow their attorney to question the applicants, in an attempt to ensure that any promises to create public parks, parking, pathways, and the preservation of archaeological sites and other features, would be in writing, should the golf course be approved.

Both groups said their aim is to preserve the Maha'ulepu coastline from future development and pointed out that the Koloa-Po'ipu-Kalahou Development Plan calls for development to stop at the site of the Hyatt Regency Hotel.

The Kona Windsurfing Association, which also asked to intervene, withdrew its application during the meeting after representative Carl Stepath met with the developers. He said the developers promised four accesses to the coastline, with 50 parking stalls at Shipwreck's Beach, 40 by the sand dunes, 20 near the planned golf course nursery, and 20 at the east end of the golf course.

According to Stepath, the developers also promised to leave the windsurfers an easement to maintain a dirt road that would allow them to unload their equipment 500 feet from the windsurfing launch site near the sand dune. Stepath said the agreement would prohibit vehicles from encroaching on the sand dunes.

According to the Kona

(Please turn to page 3)



OVER 400 PEOPLE showed up at Wednesday's public hearing on the proposed golf course next to the soon-to-be-built Hyatt Regency Hotel at Keonelo, on Kauai's south shore. A second "contested case hearing" will be held June 23 in the Council Chambers for witnesses to be

called by the Malama Maha'ulepu and 'Ohana o Maha'ulepu, two groups who were granted intervenor status. The applicants and Planning Commission can also call on expert witnesses at that future hearing.

(Photo by Dennis Fujimoto)

Planning Department. People signed up to speak for the golf course and 46 signed up to speak for it. While the public hearing was scheduled to begin at 1:30 p.m., the first public speaker was allowed to go to the microphone at 5:05 p.m.. Many speakers left before their turn came up. The last speaker finished at 10:30 p.m.

Testimony was mixed, with the majority of those supporting the golf course involved in the construction industry or businesses that service resorts or developers.

Several speakers supporting the golf course, however, claimed no personal interest in the development and said they believed it would be the best way to preserve open space along the coast.

Many speakers, whether for or against the golf course, described Grove Farm and Ventura as quality developers who also contribute much in the way of community service.

Those against the golf course concentrated their arguments on the natural beauty of the area, with several people suggesting that it be made into a park. Opponents also claimed it could increase traffic and deepen the housing problem, contending that workers would have to be imported for the golf course and adjacent hotel.

The hotel has already won approval and the site has been zoned for a resort for many years.

Before the hearing began, the developers made a presentation, with Ventura calling the golf course the "cornerstone" of the resort. He said Hyatt guests would use 70 percent of the start times.

Ventura presented a petition signed by 1,500 people supporting his application. He also pointed to more than eight development and tourism-related associations that have lent their support.

When planning commissioner Betty Matsumura asked Ventura why the golf course wasn't brought up when he applied for permits to build the hotel, he said that he had not yet signed with a hotelier to run the resort. After the contract with Hyatt was signed, Hyatt informed him that a golf course would make the hotel more successful and he arranged to lease the property from Grove Farm and applied

for permits for the golf course.

"If the golf course does not exist, will you still build" the Hyatt? Matsumura asked.

The applicants "don't have a final word on that," Ventura replied.

Planning commissioner Art Fujita asked who the principals are in the golf course and Ventura said Ventura Development Co. is the general partner and Tokyu Kosan and Takenaka Komuten are the other investors.

Fujita talked about the slow erosion of Kaua'i land out of agriculture. He said that each development does not mean much, but altogether land going out of ag is substantial. He said land should be preserved for agricultural products besides sugar.

Joe Vierra, representing the developers, pointed out that agricultural technology is developing so that farmers can get higher yields from less land.

Grove Farm president David Pratt was questioned about who would maintain and control the public accesses to the coast. Pratt said agreements would have to be worked out between Hyatt, his company and McBryde Sugar Co., which farms the land near the golf course site.

Commissioner Gerald Dela Cruz said, "If McBryde would want to put up a gate, where would we be?"

During the public testimony, Margy Parker, of the Po'ipu Beach Resort Association said her organization supports the golf course and believes it will relieve the congestion of other golf courses on the island and provide increased access to the coast, provide appealing open space.

Richard Lopez, president of the Kaua'i Business Council, said his organization also supports it and asked the commission to be aware that turning down the golf course could send out a "negative message" about Kaua'i's business climate.

Helen Christian, a visitor from Colorado, drew both applause and boos when she said Maha'ulepu should be developed as a park rather than resort. Christian claimed a park would draw more visitors than a golf course.

Fred Jaeger, of Koloa, said there is only one golf course in Waikiki - he opposes the one at Shipwreck.

Rka Akina, of Malama Maha'ulepu said she lived on Maui for seven years and saw several resorts begin with only a golf course. She said local residents were driven out of their homes by high rents and high property taxes and said some visitors on Maui now say, "Where have all the locals gone?" Akina turned in a petition with 432 signatures against the golf course.

Chuck Malley said he approved of the debate, but supports the golf course, noting that the area has been abused by the public who leaves trash and tears up the sand dunes with 4-wheel drive vehicles.

Bruce Sakimae said he has testified against resorts in the past but now supports them because of the job opportunity they bring. "When you try to stop development you're out of a job."

Conrad Murashige, of the Contractors Association, said the hotel and golf course will bring 24 months of employment.

Linda Oshiro, of the Conservation Council and Malama Maha'ulepu, said the golf course is a beginning to additional development at Maha'ulepu. She said a golf is not an agricultural endeavor despite "a special interest law" that was passed by the legislature in 1985 that allows golf courses on ag land. She claimed that the state Department of Agriculture recognizes more than half the golf course site as good ag land.

Thomas Cassidy, a Kiahuna Golf Village Resident, said Maha'ulepu should be a national park and preserved like Waimea Canyon and Na Pali. He asked commissioners to imagine 18 holes around Old Faithful. "Any developer would like a golf course on four-star land."

Annette Cassidy asked commissioners to "listen to your heart." She said the golf course violates the General Plan. "How clear do we need it?"

Ron Harker, of the Koloa Community Association, said the board of directors supports the golf course now that the developers have agreed to public access and more parking stalls for the public.

Robert Rask, owner of R Electric, gave a booming sermon that drew cheers from construction workers. He said he's tired of people talking about every place on Kaua'i being special. He

said he and his wife have a place that's special, and they bought it.

He lauded Ventura for helping him to build his business. Rask supported the golf course and the jobs it would create.

Steve Smith said the golf course would provide a greenbelt and ensure access to the coastline.

When asked by Dela Cruz whether he considered using Maha'ulepu a right or privilege, Smith said the public has been very lucky for a very long time that the landowners have allowed them the privilege to use it.

Linda Kauffman, an elementary school teacher, said that more jobs are not needed on the island and that few tourists play golf. "I don't want to lose Maha'ulepu to a golf course no matter how manicured."

Dorothy Tao said she is disturbed about people trashing the Maha'ulepu coast and sand dunes. "If you buggahs had enough muscle to carry in the beer bottles," then you should bring them out, she said.

Diane Jaeger called Maha'ulepu the last wilderness on the southside and that developing it would rob children of their heritage.

Herbert Kaopua, of the Hawai'i Building Trades Council, said the hotel and golf course is a \$136 million job opportunity.

Germain Brown, a restaurant owner, said the golf course should be embraced as a "perfect tool" for preserving open space.

A representative of the ILWU said that the golf course would help take the place of sugar.

Elizabeth Scamahorn, quoted the magazine "The Economist" which says there is a rebellion against growth sweeping California and that in Orange County, CA, a developer has to promise measures to handle traffic before gaining approvals. Last year, in California, 17 growth restrictions were on the ballot and 15 passed.

Gabriel Tennberg, a 15-year old, said there is already a golf course less than a mile away and that beaches are so crowded you "can hardly catch a wave."

Barbara Jo Rego said tourists have all the good beaches. "Please

keep one open for Kauaians." She said not to make Maha'ulepu a "baby Waikiki."

Johnny Francisco, ILWU chair for Olokele Sugar, said more jobs are needed for westsiders who drive to Wailua and Kapa'a. He said jobs in the sugar industry are in dramatic decline.

Kawika Cutcher called Maha'ulepu a special area for Hawaiian plans and called for preservation.

Edwin Holmer pointed to a recent media poll showing 63 percent of the people in Hawai'i support a law opposing Japanese investment in golf courses in Hawai'i. He said the golf course is a bogus issue since the development plan doesn't allow it.

Jack Lundgren told the commissioners "The community wants you to look at the future" and urged them not to "turn their backs" on the General Plan.

Suzanne Kashiwaeda, of 1000 Friends of Kaua'i, said her organization wants the planners to hold up on a decision until a long-range plan is developed for the area. She suggested the golf course be moved closer to Weliweli.

John Ono said Maha'ulepu should be kept "as is."

A representative of Hawaiian Dredging & Construction claimed that no off-island workers would have to be brought in to build the

golf course.

Holla Crozier, of the Kaua'i Chapter of the Hawai'i Visitors Bureau, called golf an excellent use of land, providing open space and access. He said it will help the Hyatt market its resort.

Another speaker called the golf course "short-term thinking," which could lead to long-term suffering.

Taira Leone, a fourth grader, said "Please don't take Maha'ulepu away from our people."

Mark Phillips, of the Sierra Club, said the group opposes it until a master plan for the entire area is made. He turned in a petition with 675 signatures in opposition.

Mike Dooley, Project Engineer for Hawaiian Dredging said he's "never seen a golf course ruin a good piece of land."

A poem by Kaikilani Oyama was read, bemoaning the loss of Maha'ulepu should it be developed.

Arthur Defries, representing the laborers' union said the General Plan calls for Po'ipu to be a major resort destination area.

Hilda Canon, a Kaua'i business owner, argued that Grove Farm has the right to do what it wants with its private property.

About 400 people came to the hearing.

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TED AKIRA CHIHARA
A Law Corporation
Attorney & Counselor of Law
Suite 103
4365 Kukui Grove Street
Lihue, Kauai, Hawaii 96766
Telephone No: (808) 245-1855

JUN 3 1988

He
6/8/88

L E T T E R O F T R A N S M I T T A L

TO: Sunshyne Costa DATE: June 3, 1988
Planning Commission
Lihue, HI 96766

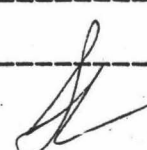
We are sending you enclosed the following items:
Original + 11 copies of the MEMORANDUM IN SUPPORT OF THE REVIEW
OF THE GROVE FARM MASTER DEVELOPMENT PLAN AS REQUIRED BY
STATUTE, AFFIDAVIT OF ANDREW BUSHNELL.

THESE ARE TRANSMITTED as checked below:

- () For your information/file.
- () As requested.
- () For your review and call.
- () Sign your name in BLACK ink. Return promptly
- () Please forward to _____

Aug 18 3 12 PM '88
LAND USE COMMISSION
STATE OF HAWAII

REMARKS: _____



TED AKIRA CHIHARA

TERESA S. TICO 1952
3016 Umi Street
Suite 211B
Lihue, HI 96766
Telephone No: (808)245-9696

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, Hawaii 96766
Telephone No: (808)245-1855

Attorneys for the Intervenors
MALAMA MAHAULEPU and
OHANA MAHA'ULEPU

JUN 3 1988

LAND USE COMMISSION
STATE OF HAWAII
Aug 29 12 31 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management
OF	)	Area Use Permit SMA(U)
AINAKO RESORTS ASSOCIATES and	)	88-10; Class IV Zoning
GROVE FARM COMPANY INCORPORATED	)	Permit Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
		MEMORANDUM IN SUPPORT
		OF THE REVIEW OF THE
		GROVE FARM MASTER
		DEVELOPMENT PLAN
		AS REQUIRED BY STATUTE;
		AFFIDAVIT OF ANDREW
		BUSHNELL

MEMORANDUM IN SUPPORT OF THE REVIEW OF THE GROVE
FARM MASTER DEVELOPMENT PLAN AS REQUIRED BY STATUTE

INTRODUCTION

This memorandum is in response to and in opposition to
that filed Grove Farm Properties, Inc., and Ainako Resorts,
Association, to exclude certain evidence as irrelevant. The
Malama Maha'ulepu and Ohana Maha'ulepu, hereinafter the

(CERTIFICATE OF SERVICE ATTACHED)

"Intervenors" intend to raise as part of the contested case proceedings and review of this application, the master development plan for Maha'ulepu, which includes the parcel before the Planning Commission.¹ As discussed below, this is required by both statute and the County rules. The Grove Farm master development plan for this parcel and the entire southern coastline from Keoniloa Bay to Haula Bay has been presented to the public by its' president, Mr. David Pratt as recently as November, 1987. It has to date proven absolutely accurate.

Ainako Resorts Associates and Grove Farm Properties, Inc. (the "Applicants") are seeking to bar such review as being irrelevant and speculative. Review of this master plan is required by both statute and rule. While the Applicants cited the correct legal standard concerning "cumulative impact" to this Commission, their conclusion that review of the existing plan should not occur is incorrect.

HRS 205A AND SMA RULES REQUIRE CONSIDERATION OF CUMULATIVE IMPACTS BEFORE GRANTING AN SMA PERMIT

The Coastal Zone Management statute and the Special Management Area Rules and Regulations of the County of Kauai similarly state:

"No development shall be approved unless the authority has first found:
(A) That the development will not have any

1. See Intervenor Malama Maha'ulepu Motion to Intervene.

substantial adverse environmental or ecological effect....Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options." Hawaii Revised Statutes 205A-26(2), also Special Management Area Rules and Regulations of the County of Kauai, 4.0(B)1. Emphasis added.

**CUMULATIVE IMPACTS TO BE CONSIDERED INCLUDES REASONABLY
FORESEEABLE FUTURE PROJECTS**

The Applicants cite a California case that establishes what "cumulative impacts" includes within its scope. In Citizens to Preserve the Ojai v. Ventura County,² the California court defined "cumulative impact" as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and *reasonably foreseeable probable future projects*."³ Grove Farm and Ainako Resorts specifically concur that "cumulative impacts" include reasonably anticipated future projects.⁴ What the Applicants try and deny to this Commission is the existence of a master plan for this parcel and the entire Maha'ulepu coast, although this application is part of the implementation of that development plan.

2. 176 Cal. App.3d 430, 222 Cal. Rptr. 247 (Cal. App.2 Dist., 1985)

3. Id., at page 428, at page 251. Emphasis added.

4. Applicants Memorandum Re: Exclusion of Irrelevant Evidence, page 4.

**THE CURRENT APPLICATION IS A PORTION OF THE GROVE FARM
MASTER PLAN, MAKING IT REASONABLY FORESEEABLE**

On or about November 9, 1987, a bit more than six months ago, Mr. David Pratt, the President of Grove Farm Properties, Inc. presented a master plan for the entire Maha'ulepu area to a meeting of 1000 Friends of Kauai.⁵ The Grove Farm master plan included the parcel currently before this Commission.

This master plan for Maha'ulepu included three hotels containing 350 to 400 rooms each, a total of 4,000 condominiums and residences, a shopping center, a marina, and a park with a restaurant centered around an ancient Hawaiian hei'au. Mr. Pratt indicated that the development timetable for this master plan was 1992 to 1994.⁶

In an effort to keep these plans from being considered by this Commission as required by statute, the Applicants cast the Intervenor's concerns as "tenuous future possible uses" and "the manufacture of theoretical cumulative impacts."⁷ In fact Grove Farm has already sought to implement a portion of their master plan.

In his presentation to 1000 Friends of Kauai, Mr. Pratt indicated that Grove Farm intended to build two golf courses. Three of the fairways of one of them would extend

5. See Affidavit of Andrew Bushnell, attached hereto as Exhibit "A".

6. Ibid.

7. Applicants Memorandum Re: Exclusion of Irrelevant Evidence, page 5.

into the Conservation District.⁸ Sure enough, three fairways were in the Conservation District as part of the previous application for a golf course on the same parcel of land subject of this application.⁹ There certainly is no basis to conclude that any other portion of the presentation by Mr. Pratt to 1000 Friends of Kauai was inaccurate. Although this development plan extends beyond the boundaries of the tax department delineation of this application, the SMA statute and rules do not limit such inquiry. Indeed, in the case cited by the Applicants themselves,¹⁰ off-shore oil wells on the continental shelf, done by others were deemed necessary components for the consideration of "cumulative impacts".

CONCLUSION

Clearly the Grove Farm Properties, Inc. master plan for this parcel and the entirety of Maha'ulepu is neither speculative nor theoretical. It is actively being pursued in this matter, and it is neither immaterial, irrelevant nor prejudicial. In fact the presentation of this master development plan is specifically required by statute and the County's SMA rules. It must be presented by Grove Farm Properties, Inc. and Ainako Resorts Associates and the cumulative environmental impact of the development to the entire coastline pursuant to the Grove Farm development plan

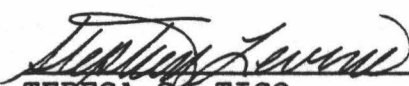
8. Affidavit of Andrew Bushnell, attached as Exhibit "A".

9. Special Permit SP-88-5; SMA Use Permit (U) 88-8; Class IV Zoning Permit Z-IV-88-33; and Use Permit U88-27.

10. Citizens to Preserve the Ojai v. Ventura County, supra. footnote 2.

must be considered by the Planning Commission as part of this application. A full environmental impact statement encompassing the entire Grove Farm development plan, under HRS Chapter 343, should also be required.

DATED: Lihue, Hawaii, 3 June, 1988.


TERESA S. TICO
STEPHEN LEVINE
Attorneys for Intervenors

AFFIDAVIT OF ANDREW F. BUSHNELL

STATE OF HAWAII)
) ss.
COUNTY OF KAUAI)

ANDREW F. BUSHNELL, being first duly sworn on
oath, deposes and says:

1. That he is a resident of the County of Kauai.
2. That he attended a meeting of 1000 Friends of Kauai
on or about November, 1987.
3. That David Pratt, President of Grove Farm, Inc.
attended this meeting and presented plans that Grove Farm,
Inc. had to develop its' property along the southern coast
line of Kauai known as Mahaulepu.
4. The area that the plans concerned went from
Keoniloa Bay or Shipwrecks past the area known as Gillians
Beach, to Haulu Bay.
5. Mr. Pratt called the planned development of
Mahaulepu the "Kawailoa Bay Resort".
6. He stated that the development plans for the area
includes three hotels near the areas beaches, each
containing 350 to 400 rooms.
7. He stated that the development of Mahaulepu would
also include two golf courses, and that three of the
fairways would extend into the Conservation district on the
property.

8. He further stated that Grove Farm intended to build condominium and residential units with a density of approximately 4 per acre.

9. Mr. Pratt also stated that Grove Farm Inc. planned to build a marina as part of the ^{Kawaihoa} ~~Keeniloa~~ Bay Resort, ^{G.F.R.} cutting a channel through the reef to accommodate such a facility.

10. He stated further that four to five charter boats would operate out of the marina, and the marina would include a launching ramp.

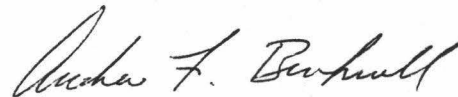
11. According to Mr. Pratt a shopping center and beach front restaurant would be built as part of the Kawaihoa Bay Resort in the Mahaulepu area.

12. He stated that Grove Farm intended to restore an ancient heiau within the project area, creating a tourist attraction that includes a restaurant.

13. Mr. Pratt stated that the anticipated time frame for this development of the Mahaulepu area to be 1992 to 1994.

13. That he has read the above stated facts and they are true to the best of his belief, knowledge and information.

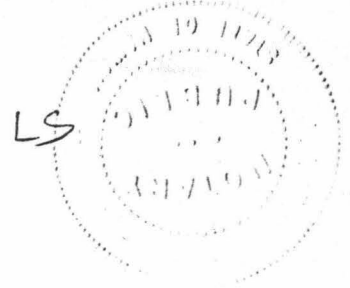
FURTHER THE AFFIANT SAYETH NAUGHT.



ANDREW F. BUSHNELL

Subscribed and sworn to before me
this 24th day of May, 1988.

Juliette S. Victorino
Notary Public, State of Hawaii
My Commission expires: 10/20/91



CERTIFICATE OF SERVICE

I hereby certify that a copy of the MEMORANDUM IN SUPPORT OF THE REVIEW OF THE GROVE FARM MASTER DEVELOPMENT PLAN AS REQUIRED BY STATUTE; EXHIBIT "A", was duly served upon the following parties by U.S. Mail, postage prepaid, to their last known address:

DENNIS M. LOMBARDI
Case & Lynch
Suites 2500 and 2600
Grosvenor Center, Mauka Tower
737 Bishop Street
Honolulu, HI 96813

Attorney for Ainako Resorts Associates
and Grove Farm Properties, Inc.

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 13 PM '88

DATED: Lihue, Hawaii 3 June, 1988.

Stephen Levine
TERESA S. TICO
STEPHEN LEVINE

TONY T. KUNIMURA
MAYOR



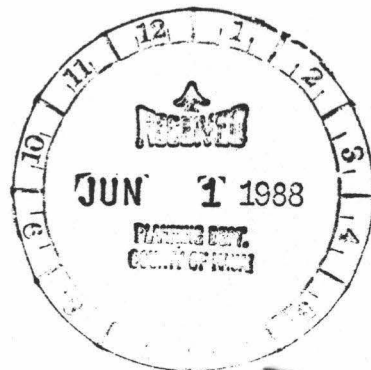
TOM H. SHIGEMOTO
Planning Director

ROLAND D. SAGUM, III
Deputy Planning Director

Telephone (808)245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

June 1, 1988



Mrs. Sunshyne Costa, Chairman
& Members of the Planning Commission
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

Subject: Ainako Resort Association & Grove Farm Co., Inc.
(Golf Course)

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 13 PM '88

As you know the Kauai Historic Preservation Review Commission (KHPRC) was established for Kauai County as part of a nationwide effort to get local government to become directly involved in protecting and preserving its historic resources. Kauai County has the distinction of being the first to achieve "Certified Local Government" status.

As one of the primary purposes of the KHPRC is to protect and preserve our historic and archaeological resources, we feel it is our responsibility to comment on the 210-acre golf course proposed by Grove Farm Properties, Inc. and Ainako Resort Association.

Our Commission has reviewed the recently completed archaeological study by Dr. Paul Rosendahl and at our May 27, 1988 meeting voted to approve the following recommendations:

1. That additional subsurface testing be conducted on the two areas shown on the enclosed map "A". It is further recommended that at least two test sites be conducted in each of the two areas (a & b).
2. That an explicit proposal of protective measures be submitted for the sites identified on Table 4, pages 13 & 14, of Dr. Rosendahl's report.

Mrs. Sunshyne Costa, Chairman
& Members of the Planning Commission
Page 2
June 1, 1988

3. That Dr. Rosendahl's recommendations regarding field work tasks as outlined in Table 1, pages 5 & 6 of his report, be supported and that all excavation phases of the project be monitored by a qualified archaeologist.

Based on the findings and recommendations of Dr. Rosendahl along with input from KHPRC Commissioner Dr. William Kikuchi, our Commission recommends that the permit requests not be approved until recommendations 1 & 2 above are met.

We are very concerned with the potential negative impact of the project on significant cultural and paleontological remains (Olson, 1973), in the Pa'a and Maha'ulepu area. The KHPRC feels that a Cultural Resource Management Plan for the region is needed. Such a plan would include an inventory of existing resources and enable the Commission to evaluate future development projects in the area based on their cumulative impact to these resources.

Michael H. Kido

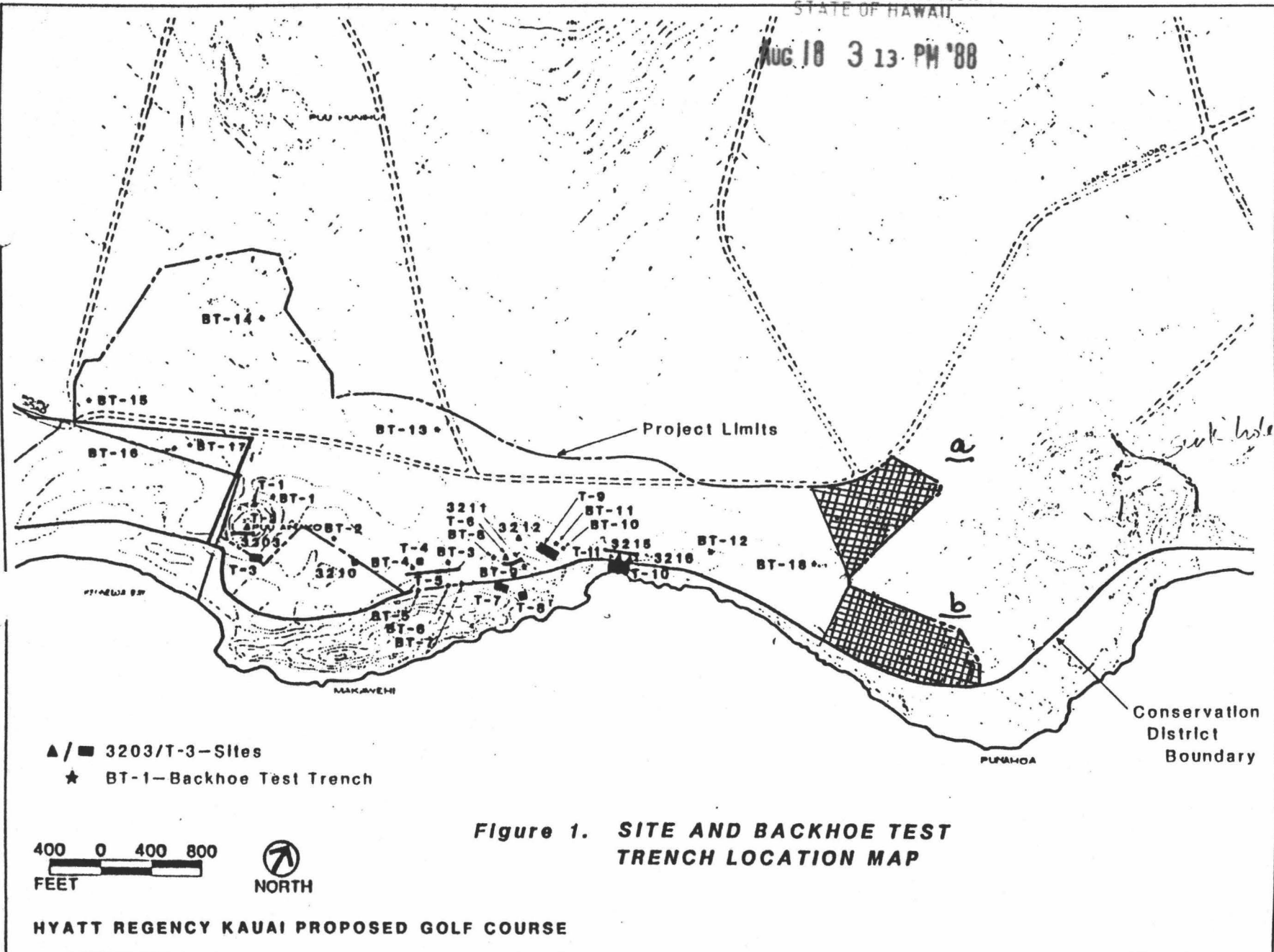
Michael H. Kido, Chairman
Kauai Historic Preservation
Review Commission

Enclosure

LAND USE COMMISSION
STATE OF HAWAII

AUG 18 3 13 PM '88

447-051888



MAP "A"

■ - AREAS REQUIRING
FURTHER SUBSURFACE
TESTING

Grove Farm Properties, Inc.

May 27, 1988

Planning Commission
County of Kauai
4280 Rice Street
Lihue, HI 96766



Ladies and Gentlemen:

The following addresses the issues questioned in Suzanne D. Peterson's letter of March 17, 1988 to Tom Shigemoto regarding the impact of the proposed golf course on McBryde Sugar Company, Limited and the agricultural resources of the area:

- What alternate sites were considered for the golf course, especially those with less agronomic suitability than the subject site?

The golf course was designed and planned as an amenity to the Hyatt Regency Hotel. All available lands in close proximity to the hotel site were evaluated. The proposed layout of the golf course utilizes the least suitable sugarcane lands based upon the closeness to the ocean and the resulting sea spray. Due to public concerns, the course was moved inland of the shoreline conservation zone, therefore, using more cane land.

- What is the full impact of the economic viability of McBryde Sugar Company resulting from the cessation of sugarcane production on approximately 195 acres? This would include the loss in tons sugar per acre, lost revenues, location and cost of replacement field preparation and cane haul roads (if any) and any other indicators of adverse impact.

McBryde Sugar Company employs about 440 workers and has 12,379 acres in sugarcane cultivation. More than half of McBryde's cane land is leased, and of the 7,061 leased acres, Grove Farm Company, Incorporated is the lessor of approximately 5,000 acres.

In 1974, Grove Farm Company went out of the sugar production business. There were strong possibilities of the 5,000 acres being converted into pasture or fallowed. Instead, Grove Farm Company worked closely with McBryde Sugar Company and negotiated a lease of the Koloa Factory Complex and the 5,000 acres of growing sugarcane fields. This lease arrangement strengthened McBryde Sugar Company's operations. The 21-year lease which expires in

A subsidiary of



1994 includes provisions that allow Grove Farm Company to withdraw 650 acres of cane land. Approximately 100 acres have been withdrawn to-date not including land for the proposed golf course. An additional 195 acres will be withdrawn for the golf course. The total is less than 50 percent of the acres agreed upon for withdrawal. More importantly, we have coordinated our withdrawals from McBryde Sugar Company to prevent undue hardships.

The sugar industry has experienced a decrease in acreage over the years. In 1981, there were 217,000 acres in sugarcane. In 1986, sugarcane acres totaled 184,000, a 14.6 percent decrease over five years. In the meantime, sugar production was maintained at over 1,040,000 tons due to productivity gains from drip irrigation, better varieties, improved processing techniques, etc. The following table from the Hawaiian Sugar Industry: Perspectives on Current Issues - February 1988 summarizes the productivity improvements:

	<u>1981</u>	<u>1986</u>	<u>(%) Change</u>
Sugarcane Acreage (000's)	216.9	184.2	-14.6%
Sugar Production (000's, tons)	1,048	1,042	-0.57
Yield Sugar Per Acre (tons)	10.74	12.47	+16.11
Rate of Inflation (1981=0%)	0.0	15.4	+15.4

The level of McBryde Sugar Company's production has been maintained in spite of the removal of considerable acreage of sugarcane land to experiment with diversified agricultural products such as macadamia, tea, coffee, heliconia, protea, cocoa, petule and norfolk pine.

The loss in sugar production as a result of reduced acreage should be minimal if not fully recoverable with new, innovative and more effective techniques in field and factory operations. Replacing acreage for those withdrawn is not planned but roads, irrigation systems and other infrastructure will be maintained.

- What are the broader economic and resource impacts on the State from the irrevocable loss of prime agricultural lands?

As of 1986, there are 184,181 acres of land in sugar cultivation and a total of 1,404,572 acres in agriculture in Hawaii. On Kauai, there are 43,900 acres of cane-fields and a total of 80,965 acres in agricultural uses.

A study made by Bruce Plasch, "Hawaii's Sugar Industry: Problems, Outlook and Urban Growth Issues," states that 34,600 sugarcane acres were removed from cultivation

during 1980 to 1986 in Hawaii. There were and are difficulties in finding alternate crops to fill those acres. In many cases the physical characteristics of the areas were good for cane use only. The larger problem was the lack of markets for products grown on former cane lands.

- What is the conformity to the State Agriculture Functional Plan and its objectives and policies, particularly, "Implementing Action B(5)(c) until standards and criteria to conserve and protect important agricultural lands are enacted by the Legislature, important agricultural lands should be classified in the State Agricultural District and zoned for agricultural use, except where, by the preponderance of the evidence presented, injustice or inequity will result or overriding public interest exists to provide such lands for other objectives of the Hawaii State Plan?"

The project is to remain in the district zone for agricultural use. No zoning changes are being sought.

- What is the relationship to the following Hawaii State Plan objectives, policies and priority guidelines?

226-7(b)(6) "Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs."

Of the approximately 22,000 acres owned by Grove Farm Company, Incorporated, 7,500 acres will continue to be in sugarcane production, over 3,200 acres in other agriculture and most of the balance of the area in conservation. The areas in agriculture will continue to be serviced by the present infrastructure which has been in place for over 100 years.

226-7(c)(1) "Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries."

Except for some small fresh fruit operations, the pineapple industry has been non-existent on this island for almost 20 years.

Grove Farm Company continues to work with its lessees, Lihue Plantation Co., Ltd. and McBryde Sugar Company, Limited, to minimize the impact of land withdrawals of cane land. Production results to-date show no negative affects on their respective operations due to a lack of cane land.

226-103(d)(1) "Identify, conserve and protect agricultural and aquacultural lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquacultural uses of such lands."

Most of Grove Farm Company's good agricultural cropland will continue to be utilized in sugar production under its present lease agreements. There are more than 3,200 acres in "other" agriculture and immediate plans are to keep these acres in their present use.

226-104(b)(2) "Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

Most of the 210 acres of this project is marginal agricultural land. Its close proximity to the coast and susceptibility to sea spray has made this tract a low-yielding, higher cost area. A small portion, 11 acres, is prime agricultural land.

Sincerely,

GROVE FARM PROPERTIES, INC.



David W. Pratt, President
and Chief Executive Officer

DWP/rc

cc: Mr. Tom Shigemoto
Mr. M. C. Ventura
Mr. Dennis M. Lombardi

FACSIMILE MEMORANDUM

DATE: May 24, 1988

ROBERT TRENT JONES II INTERNATIONAL
A Golf Course Design and Recreational Planning Corporation

705 Forest Avenue
Palo Alto, California 94301-2198 USA
Telephone: 415/326-3833 FAX: 415/326-3877
Telex: 345-514 TRENJONES PLA

TO: KAUAI PLANNING COMMISSION RE:
Attention: Sunshyne Costa, Chairman



TELECOPIER (FAX) NUMBER:

NUMBER OF PAGES (INCLUDING THIS SHEET):

I am very sorry that I am personally unable to attend the Public Hearing tomorrow because of a prior engagement of long standing in Washington, D.C. My vice president and senior design association Don Knott will be there, however, and I am confident that he will be able to address any of your design concerns about the plan quite satisfactorily.

Thank you for your understanding and for your acceptance of Mr. Knott as my personal representative.

Kind regards,

Robert Trent Jones, Jr.

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 14 PM '88

ROBERT TRENT JONES II INTERNATIONAL

BY

Robert Trent Jones Jr.

TONY T. KUNIMURA
MAYOR



TOM H. SHIGEMOTO
Planning Director

ROLAND D. SAGUM, III
Deputy Planning Director

Telephone (808)245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

May 24, 1988

Honorable Sunshyne Costa, Chairperson
& Members
Kauai Planning Commission
4280 Rice Street
Lihue, Hawaii 96766

Subject: Proposed Golf Course by Ainako Resort Associates and
Grove Farm Properties, Inc.

This is to inform you that the Kauai Historic Preservation Review
Commission (HPRC) will present its recommendations on the subject project
within seven (7) days from the May 25, 1988, public hearing.

While the HPRC received an informal verbal presentation from Dr. Rosenthal,
the developer's archaeologist, regarding the status of his archaeological
work at the site, we have not had the opportunity to review his preliminary
written report. We understand that the report will be presented to the
Planning Commission on May 25, 1988.

The HPRC plans to promptly review the report upon receipt and prepare its
recommendations at that time. We hope that this will not pose any
inconvenience to any of the affected parties.

MICHAEL KIDO, Chairman
Kauai Historic Preservation Review Commission



LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 13 PM '88

ROBERT Y. TSUYEMURA
ACTING DEPUTY
TO THE CHAIRPERSON

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96822-0159

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LAND USE COMMISSION
STATE OF HAWAII
AUG 10 9 13 PM '88

Suzanne D. Peterson
SUZANNE D. PETERSON



March 17, 1988

MEMORANDUM

To: Mr. Tom H. Shigemoto, Director
Planning Department
County of Kauai

Subject: Special Permit Application (SP-88-5),
Zoning Permit Application (Z-IV-88-33),
Use Permit Application (U-88-7), and
Special Management Area Permit Application
(SMA(U)-88-8)
Golf Course
Ainako Resort Associates/Grove Farm Company Inc.
TMK: 2-9-01: por. 1 Poipu, Kauai
Area: 210 of 1,229.262 acres

The Department of Agriculture has reviewed the Environmental Assessment (EA) in support of the subject applications and offers the following comments.

According to the EA, the proposed golf course will be developed and operated in association with the planned Hyatt Regency Kauai at Keonelo Bay. More than half of the subject property is cultivated in sugarcane by McBryde Sugar Company.

References to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system, the Land Study Bureau - Detailed Land Classification for the Island of Oahu, and the Soil Conservation Service Soil Survey are correct. We would like to add that Koloa stony silty clay (KvC) with 8 to 15 percent slopes and an irrigated capability classification of IIIe is also found on the subject property.

The subject property has Land Evaluation (LE) ratings ranging from 12 to 74. Approximately one-half of the property has an LE rating of 50 or higher and corresponds to the area that is classified as "Prime" or "Other Important" according to the ALISH system.

The applicants should address the following issues regarding the impacts of the proposed golf course on McBryde Sugar Company and the agricultural resources of the area:

- What alternative sites were considered for the golf course, especially those with less agronomic suitability than the subject site;
- What is the full impact on the economic viability of McBryde Sugar Company resulting from the cessation of sugarcane production on approximately 125 acres. This would include the loss in tons of sugar per acre, lost revenues, location and cost of replacement field preparation and cane haul roads (if any), and any other indicators of adverse impact;
- What are the broader economic and resource impacts on the State from the irrevocable loss of prime agricultural lands;
- What is the conformity to the State Agriculture Functional Plan and its objectives and policies, particularly, Implementing Action B(5)(c); and
- What is the relationship to the following Hawaii State Plan objectives, policies and priority guidelines:

226-7(b)(6) "Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs."

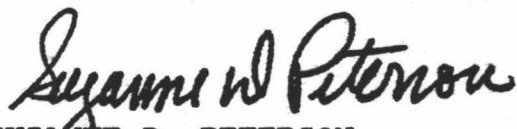
226-103(c)(1) "Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries."

226-103(d)(1) "Identify, conserve and protect agricultural and aquacultural lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquacultural uses of such lands."

226-104(b)(2) "Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

Mr. Tom H. Shigemoto
March 17, 1988
Page -3-

Thank you for the opportunity to comment. Please keep us apprised of the status of the applications as they are processed.

A handwritten signature in cursive script, reading "Suzanne D. Peterson".

SUZANNE D. PETERSON
Chairperson, Board of Agriculture

cc: OSP (Attn: LUD)
LUC
OEQC

L H. ROSENDAHL, Ph.D., Inc.
Consulting Archaeologist

Report 447-051888

Rec'd 5/25/88
1:41 p.m.

**INTERIM REPORT: SUMMARY OF FINDINGS, AND
GENERAL SIGNIFICANCE ASSESSMENTS
AND RECOMMENDED GENERAL TREATMENTS**

**ARCHAEOLOGICAL RECONNAISSANCE SURVEY
HYATT REGENCY KAUAI PROPOSED GOLF COURSE PROJECT AREA
Land of Paa, Koloa District
Island of Kauai (TMK:4-2-9-01:Por.1)**

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 14 PM '88

Prepared for

Grove Farm Properties, Inc.
and
Ainako Resort Associates

c/o Belt, Collins & Associates
Honolulu, Hawaii

May 1988

SUMMARY OF FINDINGS

At the request of Mr. Joe Vierra of Belt Collins & Associates, Paul H. Rosendahl, Ph.D., Inc. (PHRI) conducted a combined surface and subsurface archaeological reconnaissance survey of the c. 210 acre Hyatt Regency Kauai Proposed Golf Course project area located at Poipu in the Land of Paa, Koloa District, Island of Kauai (TMK:4-2-9-01:Por.1). Survey field work was conducted during the period May 8-11, 1988. Approximately 81 man-hours of labor were expended on the survey field work. Prior to carrying out the field work, a general scope of work and specific field tasks were discussed with Dr. Ross H. Cordy, chief archaeologist in the Hawaii State Department of Land and Natural Resources--Historic Sites Section (DLNR-HSS), and with Dr. William K. Kikuchi of the Kauai Historic Preservation Review Commission (KHPRC).

Eighteen sites were identified within or immediately adjacent to the project area. These sites are summarized in Table 1 (at end), and their approximate locations are shown on Figure 1 (at end). More detailed site descriptions are presented in Appendix A (at end). Of the 18 sites, seven had been previously identified and 11 were newly identified. Ranging in physical condition from poor to good, the identified sites are all single component feature sites; however, several could be combined into three distinct multiple component feature site complexes. Formal site types present include terraces, walls, wall foundation, C-shape and box C-shape walled shelters, platforms, and mound/piles. Tentatively identified functional types include habitation, agricultural (historic), ceremonial, possible burials, possible boundary walls, and sites of indeterminate function.

As part of the reconnaissance survey, limited subsurface testing by means of mechanical backhoe was done. Eighteen test trenches were dug in order to determine the presence or absence of potentially significant buried cultural deposits within the project area. The approximate locations of these trenches are shown on Figure 1 (at end). Stratigraphic descriptions for all individual trenches are summarized in Table 2 (at end), while detailed stratigraphic descriptions for selected representative trenches are presented in Table 3 (at end). With the possible exception of one trench which may have revealed the inland extent of the partially buried foundation of one site (Trench 11 at Site T-9), no subsurface cultural remains were found.

Upon completion of field work, survey findings and preliminary conclusions--including tentative evaluations and recommendations--were discussed with Dr. Cordy of DLNR-HSS (May 13, 1988). Dr. Cordy conditionally concurred with the evaluations and recommendations presented here, subject to subsequent review of the full final report on the survey. On May 16, 1988, a similar summary of survey findings and preliminary conclusions was present to the KHPRC.

General significance assessments and recommended general treatments for the 18 sites identified within or immediately adjacent to the Hyatt

Regency Kauai Proposed Golf Course project area are summarized in Table 4 (at end). Of the 18 sites, nine are assessed as being significant solely for their scientific information content. While no further work is recommended for seven of these sites, archaeological monitoring is recommended for two. Of the remaining nine sites, five are assessed as being significant for information content and cultural value, and as good examples of site types. These sites include three large terraces and two platforms assigned ceremonial functions (possible heiau and burials). For these five sites, further data collection followed by preservation with some level of interpretive development, is recommended as appropriate.

Two sites are assessed as being significant for information content, and are also evaluated as being culturally significant. These sites are in poor physical condition and of indeterminate function; however, due to their large size, location, and associated human remains (sand dune burials), they are possibly ceremonial features. For these two sites, further data collection is recommended, followed by preservation "as is." One site assessed as being important for information content is also tentatively evaluated as being culturally significant, as the site possibly contains a burial. For this site, further data collection is recommended, and preservation "as is" is tentatively recommended— pending data collection results. One site is assessed as being important for information content, and as a good example of a site type. For this site, further data collection, with some level of interpretive development, is recommended.

GENERAL SIGNIFICANCE ASSESSMENTS AND RECOMMENDED GENERAL TREATMENTS

To facilitate outside review, general significance assessments and recommended general treatments for all identified sites are summarized in Table 4 (at end). Significance categories used in the site evaluation process are based on the National Register criteria for evaluation, as outlined in the Code of Federal Regulations (36 CFR Part 60). The DLNR-HSS/State Historic Preservation Office (SHPO) uses these criteria for evaluating cultural resources. Sites determined to be potentially significant for information content (Category A, Table 4) fall under Criterion D, which defines significant resources as ones which "...have yielded, or may be likely to yield, information important in prehistory or history." Sites potentially significant as representative examples of site types (Category B) are evaluated under Criterion C, which defines significant resources as those which "...embody the distinctive characteristics of a type, period, or method of construction...or that represent a significant and distinguishable entity whose components may lack individual distinction."

Sites with potential cultural significance (Category C) are evaluated under guidelines prepared by the Advisory Council on Historic Preservation (ACHP) entitled "Guidelines for Consideration of Traditional Cultural Values in Historic Preservation Review" (Draft Report, August 1985). The

guidelines define cultural value as "...the contribution made by an historic property to an ongoing society or cultural system. A traditional cultural value is a cultural value that has historical depth." The guidelines further specify that "[a] property need not have been in consistent use since antiquity by a cultural system in order to have traditional cultural value."

Of the 18 sites identified within or immediately adjacent to the Hyatt Regency Kauai Proposed Golf Course project area, nine are assessed as being significant solely for information content. No further work is recommended for seven of these sites (3203, 3210 thru 3213, 3215, T-5). These seven sites—generally consisting of walls, and usually lacking associated cultural deposits and portable remains—have been measured, described, photographed, and plotted. Data collected from them during the present reconnaissance survey is considered to be sufficient; their preservation is not essential, although some sites could perhaps be considered for inclusion into development landscaping. For the remaining two sites, further work in the form of archaeological monitoring is recommended (T-1, -4). For these two sites—probable historic agricultural structures, data collected from them during the present reconnaissance survey is also considered to be sufficient.

Of the remaining nine sites, five are assessed as being significant for information content, cultural value, and as good examples of site types. These sites include three large terraces (T-3, -9, -10) and two platforms (3216, T-11) assigned ceremonial functions (possible heiau and burials). For these five sites, further work in the form of intensive survey-level data collection (i.e., detailed recording, surface collections, and test excavations), followed by preservation with some level of interpretive development, is recommended as appropriate. Two sites are assessed as being significant for information content, and are also evaluated as being culturally significant (T-7, -8). These sites are in poor physical condition and of indeterminate function; however, due to their large size and associated human remains (sand dune burials), they are possibly ceremonial features. For these two sites, further data collection is recommended, followed by preservation "as is". One site assessed as being important for information content is also tentatively evaluated as being culturally significant (T-6). This site possibly contains a burial. For this site, further data collection is recommended, and preservation "as is" is tentatively recommended—pending data collection results. One site is assessed as being important for information content, and as an good example of a site type (T-2). For this site, further data collection, with some level of interpretive development, is recommended.

It should be noted that the above evaluations and recommendations are based on the findings of surface reconnaissance survey with only limited subsurface testing. Thus, there is always the possibility, however remote, that potentially significant unidentified cultural remains will be encountered in the course of future development activities. In such a situation, archaeological consultation should be sought immediately.

REFERENCES CITED

ACHP (Advisory Council on Historic Preservation)

1985 Guidelines for Consideration of Traditional Cultural Values in Historic Preservation Review. Washington, D.C.: Advisory Council on Historic Preservation. (Draft report, August)

CFR (Code of Federal Regulations)

36 CFR Part 60. National Register of Historic Places. Washington, D.C.: Dept. Interior, National Park Service.

Table 1.

SUMMARY OF IDENTIFIED SITES

*Site Number	Formal Site/Feature Type	Tentative Functional Interpretation	#CRM Value Mode Assess.			+Field Work Tasks		
			R	I	C	DR	SC	EX
<u>Previously Identified Sites</u>								
3203	Wall	Boundary (?)	L	L	L	-	-	-
3210	Wall	Boundary (?)	L	L	L	-	-	-
3211	Wall	Boundary (?)	L	L	L	-	-	-
3212	Walled Shelter (C-shape)	Habitation	L	L	L	-	-	-
3213	Walled Shelter (C-shape)	Habitation (?)	L	L	L	Not found		
3215	Wall	Boundary (?)	L	L	L	-	-	-
3216	Platform	Ceremonial (Burial?)	H	M	H	+	+	+
<u>Newly Identified Sites</u>								
T-1	Mound/Pile	Agriculture (Historic)	L	L	L	-	-	-
T-2	Walled Shelter (Box C-shape)	Habitation	M	M	L	+	+	+
T-3	Stepped (?) Terrace	Ceremonial (Heiau?)	H	M	H	+	+	+

*Hawaii Register of Historic Places (HRHP) numbers or PHRI temporary site numbers: HRHP numbers are four-digit numbers prefixed by 50-30-10 (50=State of Hawaii, 30=Island of Kauai, 10=USGS 7.5' series quad map ["Koloa, Kauai"]); PHRI temporary numbers are one and two-digit numbers prefixed by "T-".

#Cultural Resource Management Value Mode Assessment--

Nature: R = scientific research, I = interpretive, C = cultural;
Degree: H = high, M = moderate, L = low.

+Recommended Field Work Tasks: DR = detailed recording (scaled drawings, photographs, and written descriptions), SC = surface collections, EX = test excavations.

Table 1. (Cont.)

*Site Number	Formal Site/Feature Type	Tentative Functional Interpretation	#CRM Value Mode Assess.			+Field Work Tasks		
			R	I	C	DR	SC	EX
T-4	Mound/Pile	Agriculture (Historic)	L	L	L	-	-	-
T-5	Wall Foundation	Boundary (?)	L	L	L	-	-	-
T-6	Mound/Pile	Indeterminate	L/H	L	L/H	+	-	+
T-7	Mound/Pile	Indeterminate	L/H	L	L/H	+	-	+
T-8	Mound/Pile	Indeterminate	L/H	L	L/H	+	-	+
T-9	Terrace	Ceremonial (<u>Heiau?</u>)	H	M	H	+	+	+
T-10	Terrace	Ceremonial (<u>Heiau?</u>)	H	M	H	+	+	+
T-11	Platform	Ceremonial (Burial?)	H	M	H	+	+	+

Table 2.

SUMMARY OF BACKHOE TEST TRENCH STRATIGRAPHY*

Trench	Layer	Description
1	I	0-110 cmbs; dark reddish-brown (5YR 3/3 dry) clay; very abrupt and smooth boundary
	II	110-130+ cmbs; bedrock
2	I	0-55 cmbs; strong brown (7.5YR 4/6 dry) sandy clay loam; abrupt to clear and smooth boundary
	II	55-90 cmbs; dark reddish-brown (2.5YR 3/4 dry) clay; clear and smooth boundary
	III	90-135 cmbs; yellowish-red (5YR 4/6 dry) silty clay; abrupt to clear and smooth boundary
	IV	135-200 cmbs; dark brown (7.5YR 3/2 dry) gravelly silty clay; clear to gradual and smooth boundary
	V	200+ cmbs; bedrock
4	I	0-50 cmbs; strong brown (7.5YR 4/6 dry) sandy clay loam; very abrupt to abrupt and wavy boundary
	II	50-70 cmbs; strong brown (7.5YR 5/8 dry) loamy sand; very abrupt to abrupt and wavy boundary
	III	70-130 cmbs; strong brown (7.5YR 4/6 dry) silty clay loam; gradual and smooth boundary
	IV	130-185 cmbs; dark reddish-brown (2.5YR 3/4 dry) silty clay; clear and irregular boundary
	V	185+ cmbs; bedrock

*See Table 4 for detailed stratigraphy description of representative Trenches 3, 6, 8, 11 and 13.

Table 2. (Cont.)

Trench	Layer	Description
5	I	0-270 cmbs; reddish-yellow (7.5YR 7/8 dry) aeolian sand; very abrupt and smooth boundary
	II	270-355 cmbs; strong brown (7.5YR 4/6 dry) silt; abrupt and wavy boundary
	III	355+ cmbs; limestone bedrock
7	I	0-275 cmbs; reddish-yellow (7.5YR 8/6 dry) aeolian sand; very abrupt and way boundary
	II	275+ cmbs; limestone bedrock
9	IA	0-20 cmbs; yellowish-brown (10YR 5/8 dry) loamy sand; abrupt and smooth boundary
	IB	20-110 cmbs; reddish-yellow (7.5YR 8/6 dry) aeolian sand; very abrupt and smooth boundary
	II	110-160 cmbs; strong brown (7.5YR 4/6 dry) silty clay loam; abrupt and wavy boundary
	III	160+ cmbs; bedrock
10	I	0-100 cmbs; dark reddish-brown (5YR 3/3 dry) sandy clay loam; abrupt and wavy boundary
	II	100+ cmbs; boulder rocks
12	I	0-80 cmbs; yellowish-red (5YR 5/8 dry) sandy clay loam; abrupt and smooth boundary
	II	80-110 cmbs; yellowish-red (5YR 5/8 dry) loamy sand; abrupt and smooth boundary
	III	110-220 cmbs; red (2.5YR 4/6 dry) clay; abrupt and wavy boundary
	IV	220 cmbs; bedrock

Table 2. (Cont.)

Trench	Layer	Description
14	I	0-35 cmbs; yellowish-red (5YR 5/8 dry) sandy clay loam; gradual and smooth boundary
	II	35-155 cmbs; red (2.5YR 4/6 dry) clay loam; abrupt and wavy boundary
	III	155+ cmbs; bedrock
15	I	0-55 cmbs; yellowish-red (5YR 5/8 dry) sandy clay loam; gradual and smooth boundary
	II	55-90 cmbs; red (2.5YR 4/6 dry) clay loam; abrupt and wavy boundary
	III	90+ cmbs; bedrock
16	I	0-55 cmbs; yellowish-red (5YR 5/8 dry) silty clay loam; abrupt and wavy boundary
	II	55+ cmbs; bedrock
17	I	0-70 cmbs; yellowish-red (5YR 5/8 dry) clay loam; clear and smooth boundary
	II	70-180 cmbs; red (2.5YR 4/6 dry) clay loam; abrupt and wavy boundary
	III	180+ cmbs; bedrock
18	I	0-90 cmbs; yellowish-red (5YR 5/8 dry) silty clay loam; abrupt and wavy boundary
	II	90+ cmbs; bedrock

Table 3.

DETAILED STRATIGRAPHY OF REPRESENTATIVE BACKHOE TEST TRENCHES

Trench	Layer	Description
3	I	0-60 cmbs; brownish-yellow (10YR 6/6 dry) sand; structureless, very fine, single grain; loose, nonsticky and nonplastic consistence; very abrupt and smooth boundary; many, very fine, vesicular roots
	II	60-80cmbs; dark reddish-brown (5YR 3/4 dry) sandy clay loam; weak to moderate, fine to medium, subangular blocky structure; slightly hard, friable, sticky and plastic consistence; clear and wavy boundary; many, very fine, vesicular roots
	III	80-100/115 cmbs; dark reddish-brown (2.5YR 2.5/4 dry) silty clay loam; moderate to strong, fine to medium, subangular blocky structure; hard, firm, sticky and plastic consistence; clear and smooth boundary; no roots
	IV	100/115 to 150/170 cmbs; dark reddish-brown (2.5YR 3/4 dry) silty clay loam; strong, medium to coarse, subangular block structure; very hard, very firm, very sticky and very plastic consistence; very abrupt and irregular boundary; no roots
	V	150-170+ cmbs; bedrock
6	I	0-350 cmbs; reddish-yellow (7.5YR 8/6 dry) aeolian sand; structureless, very fine and single grain; loose, nonsticky and nonplastic consistence; very abrupt and wavy boundary; many, very fine, vesicular roots; common, fine to medium, tubular roots
	II	350+ cmbs; limestone bedrock

Table 3. (Cont.)

Trench	Layer	Description
8	I	0-40 cmbs; strong brown (7.5YR 5/8 dry) loamy sand; structureless to weak, very fine, crumb to single grain structure; loose to soft, nonsticky and nonplastic consistence; abrupt and smooth boundary; many, very fine, vesicular and tubular roots
	II	40-80 cmbs; reddish-yellow (7.5YR 8/6 dry) sand; structureless, very fine and single grain structure; loose, nonsticky and nonplastic consistence; very abrupt and smooth boundary; many, very fine, tubular roots
	III	80-135 cmbs; strong brown (7.5YR 4/6 dry) silty clay loam; strong, medium, subangular blocky structure; hard, firm, slightly sticky and slightly plastic consistence; clear and smooth boundary; no roots
	IV	135-200 cmbs; dark reddish-brown (2.5YR 3/4 dry) silty clay; strong, medium to coarse, subangular blocky structure; very hard, friable, sticky and plastic consistence; abrupt and wavy boundary; no roots
	V	200+ cmbs; bedrock
11	I	0-90 cmbs; yellowish-red (5YR 4/6 dry) sandy clay loam; weak to moderate, fine to medium, subangular blocky structure; slightly hard to hard, firm, sticky and plastic consistence; abrupt and wavy boundary; no roots
	II	90-100 cmbs; yellowish-red (5YR 5/8 dry) loamy sand; structureless to weak, very fine, single grain structure; soft, loose, nonsticky and nonplastic consistence; very abrupt and irregular boundary; no roots
	III	100-125 cmbs; dark reddish-brown (5YR 3/4 dry) clay loam; moderate to strong, fine to medium, subangular blocky structure; hard, firm, sticky and very plastic consistence; abrupt and wavy boundary; no roots
	IV	125+ cmbs; bedrock

Table 3. (Cont.)

Trench	Layer	Description
13	I	0-45 cmbs; yellowish-red (5YR 5/8 dry) sandy clay loam; moderate, fine, subangular blocky structure; slightly hard, friable, sticky and plastic consistence; gradual and smooth boundary; few, very fine, vesicular roots
	II	45-150 cmbs; red (2.5YR 4/6 dry) clay loam; strong, fine to medium, subangular blocky structure; hard, firm, sticky and very plastic consistence; abrupt and wavy boundary; no roots
	III	150+ cmbs; bedrock

Table 4.

**SUMMARY OF GENERAL SIGNIFICANCE ASSESSMENTS
AND RECOMMENDED GENERAL TREATMENTS**

Site Number	Significance Category				Recommended Treatment				
	A	X	B	C	FDC	NFW	PID	PAI	MON
3203	-	+	-	-	-	+	-	-	-
3210	-	+	-	-	-	+	-	-	-
3211	-	+	-	-	-	+	-	-	-
3212	-	+	-	-	-	+	-	-	-
3213	-	+	-	-	-	+	-	-	-
3215	-	+	-	-	-	+	-	-	-
T-5	-	+	-	-	-	+	-	-	-
Subtotal:	0	7	0	0	0	7	0	0	0
T-1	-	+	-	-	-	-	-	-	+
T-4	-	+	-	-	-	-	-	-	+
Subtotal:	0	2	0	0	0	0	0	0	2

General Significance Categories:

A=Important for information content, further data collection necessary (PHRI=research value);

X=Important for information content, no further data collection necessary (PHRI=research value, SHPO=not significant);

B=Excellent example of site type at local, region, island, State, or National level (PHRI=interpretive value); and

C=Culturally significant (PHRI=cultural value).

Recommended General Treatments:

FDC=Further data collection necessary (intensive survey and testing, and possibly subsequent data recovery/mitigation excavations);

NFW=No further work of any kind necessary, sufficient data collected, archaeological clearance recommended, no preservation potential (possible inclusion into landscaping suggested for consideration);

PID=Preservation with some level of interpretive development recommended (including appropriate related data recovery work);

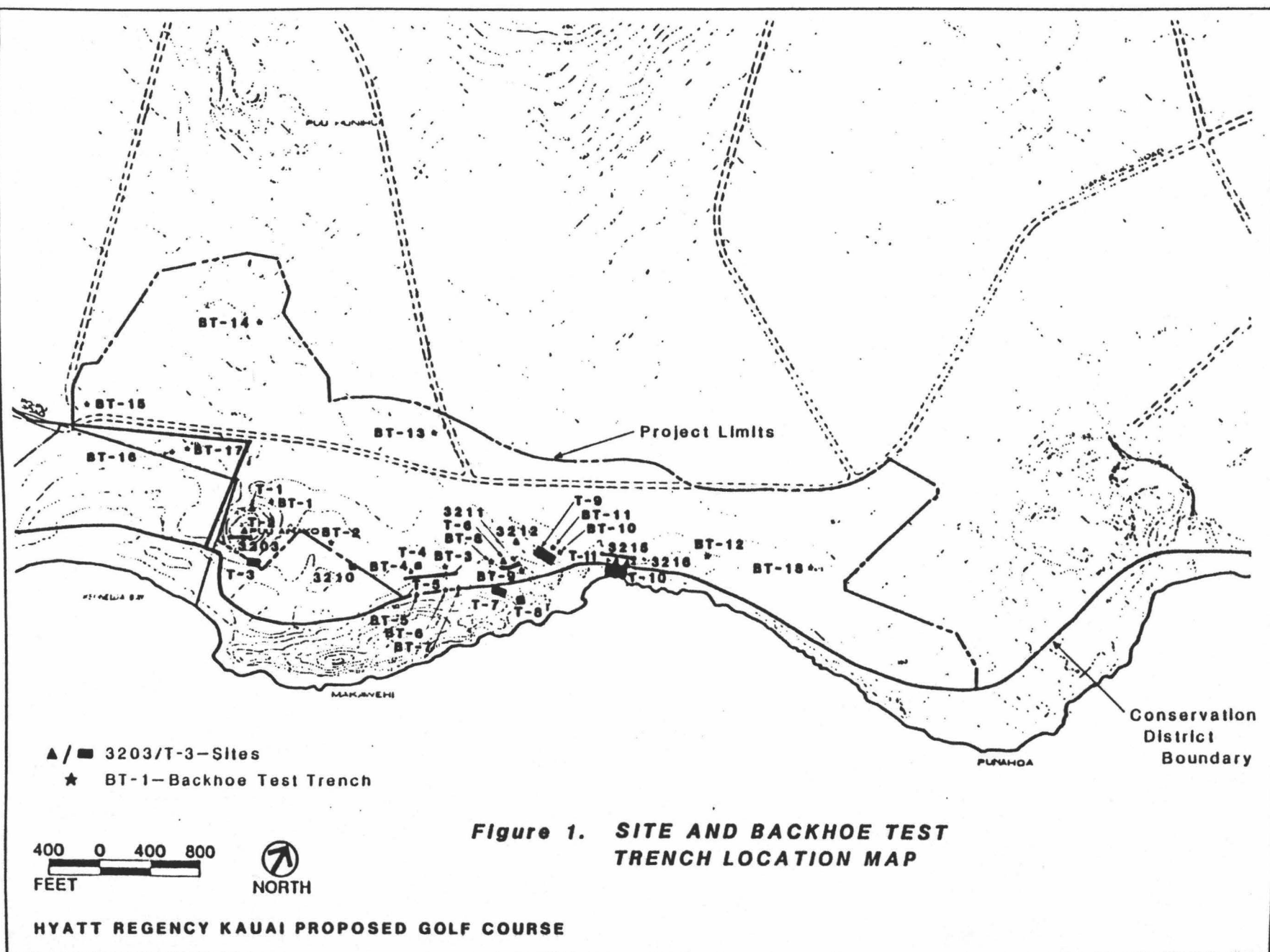
PAI=Preservation "as is," with no further work (and possible inclusion into landscaping), or minimal further data collection necessary; and

MON=Archaeological monitoring during vegetation grubbing and/or initial construction grading.

Table 4. (Cont.)

Site Number	Significance Category				Recommended Treatment				
	A	X	B	C	FDC	NEW	PID	PAI	MON
3216	+	-	+	+	+	-	+	-	-
T-3	+	-	+	+	+	-	+	-	-
T-9	+	-	+	+	+	-	+	-	-
T-10	+	-	+	+	+	-	+	-	-
T-11	+	-	+	+	+	-	+	-	-
Subtotal:	5	0	5	5	5	0	5	0	0
T-7	+	-	-	+	+	-	-	+	-
T-8	+	-	-	+	+	-	-	+	-
Subtotal:	2	0	0	2	2	0	0	2	0
T-6	+	-	-	*	+	-	-	*	-
Subtotal:	1	0	0	*	1	0	0	*	0
T-2	+	-	+	-	+	-	+	-	-
Subtotal:	1	0	1	0	1	0	1	0	0
Total:	9	9	6	8	9	7	6	3	2

*Provisional assessment, definite assessment pending further data collection (i.e., testing features for presence/absence of skeletal remains).



APPENDIX A:
SITE DESCRIPTIONS

SITE NO.: State: 3203 PHRI: --

SITE TYPE: Wall

(1 Feature)

TOPOGRAPHY: Situated atop Puu Ainako, on south (seaward) side

VEGETATION: Koa-haole, 'ilima

CONDITION: Fair

INTEGRITY: Unaltered

PROBABLE AGE: Prehistoric

FUNCTIONAL INTERPRETATION: Boundary (?) wall

DIMENSIONS: 50.00 m by 1.25 m by 1.00 m (approx.)

DESCRIPTION: Constructed of subangular basalt boulders crudely stacked 4-5 courses high. The wall is raised and crudely faced in places. The wall utilizes bedrock outcrops in places. Portions of the structure resembles a terrace retaining wall.

Site 3203 probably associated with Site T-2. Portion of wall possibly functions as a retaining wall for habitation area between Sites 3203 and T-2. Metal washer site tag "3203" found on wall.

SITE NO.: State: 3210 PHRI: --

SITE TYPE: Wall

(1 Feature)

TOPOGRAPHY: Gently undulating terrain

VEGETATION: Dense grasses and ironwood

CONDITION: Fair

INTEGRITY: Altered by bulldozing

PROBABLE AGE: Prehistoric/historic

FUNCTIONAL INTERPRETATION: Boundary (?) wall

DIMENSIONS: 20.00 m by 1.00 m by 0.50 m (approx.)

DESCRIPTION: Constructed of stacked subangular basalt boulders. The wall is raised, cobble-filled, and formally faced on both sides. Only wall remnants remain.

Wall possibly associated prehistorically with large terraces (Sites T-3, T-9, and T-10). Site 3210 is probably a remnant of a once continuous wall presently comprised of individual sections (Sites 3211, 3215, and T-5). Ching (1974) interprets Site 3210 to be a cattle wall. Site 3210 is located adjacent the present project area boundary.

apparently

is more likely

SITE NO.: State: 3211 PHRI: --

SITE TYPE: Wall

(1 Feature)

TOPOGRAPHY: Gently undulating soil and sand dunes.

VEGETATION: Grasses, ironwood, naupaka

CONDITION: Poor-fair

INTEGRITY: Altered by bulldozing

PROBABLE AGE: Prehistoric/historic

FUNCTIONAL INTERPRETATION: Boundary (?) wall

DIMENSIONS: 45.00 m by 0.90 m by 1.10 m (approx.)

DESCRIPTION: Constructed of large subangular basalt boulders stacked 3-4 courses high. Portions of wall appear crudely cobble filled. The wall is raised and formally faced on both sides. Portions of the wall are bulldozed for the jeep road and/or desilting basins.

Wall possibly associated prehistorically with large terraces (Sites T-3, T-9, and T-10). Site probably a remnant of a once continuous wall presently comprised of individual sections (Sites 3210, 3215, and T-5). Ching (1974) interprets Site 3211 to be a cattle wall.

SITE NO.: State: 3212 PHRI: --

SITE TYPE: Walled Shelter (C-shape)

(1 Feature)

TOPOGRAPHY: Roughly level soil surface

VEGETATION: Dense grasses, ironwood, kiawe

CONDITION: Poor-fair

INTEGRITY: Appears unaltered, but rocks possibly robbed/removed

PROBABLE AGE: Prehistoric

FUNCTIONAL INTERPRETATION: Habitation

DIMENSIONS: 4.50 m by 2.50 m by 0.55 m

DESCRIPTION: Constructed of subangular basalt boulders and cobbles crudely stacked 2-3 courses high. The walls are raised slightly and crudely faced on the interior side. The exterior side generally appears collapsed and is rounded or sloping in profile. Wall width is 0.8 m. The C-shape contains a level, interior soil surface. C-shape is open to the southeast. No associated portable remains visible.

SITE NO.: State: 3213 PHRI: —
SITE TYPE: Walled Shelter (C-shape) (1 Feature)
TOPOGRAPHY: Roughly level soil surface
VEGETATION: Dense grasses, ironwood and kiawe
CONDITION: Indeterminate
INTEGRITY: Indeterminate
PROBABLE AGE: Prehistoric (?)
FUNCTIONAL INTERPRETATION: Probably Habitation
DIMENSIONS: 3.50 m by 3.30 m by 0.50 m (approx.)
DESCRIPTION: Site 3213 was not found during the present reconnaissance survey. According to Ching "This C-shape enclosure is built of stacked pahoe-hoe stones. The opening is 1.20 m wide. No midden was noted on the interior dirt floor. The walls appear to be very old with lichen growth on the stones." (1974:71).

SITE NO.: State: 3215 PHRI: —
SITE TYPE: Wall (1 Feature)
TOPOGRAPHY: Situated on top edge of slope, overlooking small cove and Site T-10.
VEGETATION: Ironwood, sugar cane, koa-haole, kiawe
CONDITION: Fair-good
INTEGRITY: Altered
PROBABLE AGE: Prehistoric/historic
FUNCTIONAL INTERPRETATION: Boundary (?) wall
DIMENSIONS: 100.00 m by 1.00 m by 1.40 m (approx.)
DESCRIPTION: Constructed of subangular basalt boulders stacked 5-6 courses high. The wall is raised, cobble core-filled, and formally faced on both sides. It is oriented c. 220 degrees azimuth. Portions destroyed by bulldozing. Wall appears to be incorporated into Site 3216.

Wall possibly associated prehistorically with large terraces (Sites T-3, T-9, and T-10). Site probably a remnant of a once continuous wall presently comprised of individual sections (Sites 3210, 3211, and T-5). Ching (1974) interprets Site 3215 to be a cattle wall.

SITE NO.: State: 3216 PHRI: --
SITE TYPE: Platform (1 Feature)
TOPOGRAPHY: Situated on low ridge overlooking cove and Site T-10
VEGETATION: Liliko'i, lantana, koa-haole, ironwood
CONDITION: Fair
INTEGRITY: Slightly altered-bulldozer push present on north side
PROBABLE AGE: Prehistoric
FUNCTIONAL INTERPRETATION: Ceremonial (Burial?)
DIMENSIONS: 9.00 m by 6.00 m by 2.50 m (approx.)
DESCRIPTION: Constructed of crudely stacked subangular basalt boulders and cobbles. The platform is raised on the southwest, south and southeast sides, but not formally faced. The sides are not vertical, but are sloped back from the base foundation.

Coral and lithified coral bedrock fragments present on platform surface. Site 3216 is similar in form to Site T-11. Site 3216 was interpreted as a burial monument by Ching (1974).

SITE NO.: State: -- PHRI: T-1
SITE TYPE: Mound/pile (1 Feature)
TOPOGRAPHY: Situated on inland (north) side of Puu Ainako. Surrounding area consists of sloping soil.
VEGETATION: Koa-haole, grasses, sugar cane
CONDITION: Poor
INTEGRITY: Partially altered by bulldozer push
PROBABLE AGE: Historic
FUNCTIONAL INTERPRETATION: Agriculture
DIMENSIONS: 15.00 m by 12.00 m by 1.00 m (approx.)
DESCRIPTION: The mound is amorphous shaped in plan. Its sides are raised, but not formally faced. The sides are collapsed in appearance and rounded or sloping in profile. The mound surface consists of rough, unevenly piled boulders. A possible boulder alignment or stepped terrace-like section is present in the central portion of the mound. The alignment is very vague in appearance and oriented approximately east-west.

Site probably functioned as a clearing mound associated with sugar cane production and is of early historic/historic origin. Bulldozer push present on the east, west and north sides of structure. Portable remains present includes recent historic concrete culvert section and beer can.

SITE NO.: State: — PHRI: T-2
SITE TYPE: Walled Shelter (Box C-shape) (1 Feature)
TOPOGRAPHY: Situated atop Puu Ainako. Excellent view of the coast.
VEGETATION: Dense koa-haole and 'ilima
CONDITION: Fair
INTEGRITY: Unaltered
PROBABLE AGE: Prehistoric
FUNCTIONAL INTERPRETATION: Habitation
DIMENSIONS: 15.00 m by 15.00 m by 0.80 m (approx.)
DESCRIPTION: The shelter contains walls on the east, west, and north sides. It is constructed of subangular basalt boulders crudely stacked 3-4 courses high. The walls are raised, but not formally faced. Their average width is c. 1.25 m. The sides are collapsed in appearance and rounded or sloping in profile. The walled shelter is open seaward (south). The shelter also contains a terrace retaining wall on its south side. The terrace retaining wall joins the east wall of the shelter.

The interior surface consists of level brownish soil. No definite cultural deposit visible, but is probably present subsurface. Portable remains includes Cypraea spp. shell, coral, and lithified sandstone flakes.

SITE NO.: State: — PHRI: T-3
SITE TYPE: Stepped (?) terrace (1 Feature)
TOPOGRAPHY: Situated at base of east slope of Puu Ainako
VEGETATION: Koa-haole, kiawe, lantana and grasses
CONDITION: Poor
INTEGRITY: Altered by bulldozing activities
PROBABLE AGE: Prehistoric
FUNCTIONAL INTERPRETATION: Ceremonial (Heiau?)
DIMENSIONS: 100.00 m by 30.00 m by 2.50 m (approx.)
DESCRIPTION: The terrace structure is large and amorphous shaped. It is constructed of subangular basalt boulders and cobbles crudely stacked 6-7 courses high on the east side. The east side is raised and crudely faced. This raised side is not vertical, but slopes back from the base foundation. The terrace surface contains several level sections. Several possible pits or depressions are also visible on the surface. Inland (northwest) edge of the terrace contains a low, rubble wall-like feature (possibly a former standing wall).

Bulldozing activities have altered the site on the north and northeast end, partially damaging the terrace foundation. Site T-3 is possibly associated with nearby Site 3206 (wall). Both sites are located within the Conservation District, outside of the present project area. Site T-3 was possibly identified by Kikuchi (1963) as Site 102, and subsequently designated HRHP Site 3092.

SITE NO.: State: -- PHRI: T-4

SITE TYPE: Mound/pile

(1 Feature)

TOPOGRAPHY: Flat, level area inland of sand dune and beach road, but seaward of sugar cane field.

VEGETATION: Ironwood, koa-haole, grasses

CONDITION: Poor

INTEGRITY: Altered by bulldozing of sugar cane field

PROBABLE AGE: Historic

FUNCTIONAL INTERPRETATION: Agriculture

DIMENSIONS: 15.00 m by 15.00 m by 1.00 m (approx.)

DESCRIPTION: The mound is amorphous shape in plan. Its sides are raised, but not formally faced and appear rounded or sloping (collapsed) in profile. The mound surface consists of rough uneven boulders. A possible internal alignment is present, but it is extremely vague and probably natural.

Site T-4 probably functioned as a clearing mound associated with sugar cane production and is of early historic/historic origin.

SITE NO.: State: -- PHRI: T-5

SITE TYPE: Wall foundation

(1 Feature)

TOPOGRAPHY: Gently undulating soil and sand dune terrain.

VEGETATION: Ironwood, grasses, koa-haole, naupaka

CONDITION: Poor

INTEGRITY: Altered-rocks robbed/removed

PROBABLE AGE: Prehistoric/historic

FUNCTIONAL INTERPRETATION: Boundary (?) wall

DIMENSIONS: 150.00 m by 1.30 m by 0.60 m (approx.)

DESCRIPTION: The wall foundation consists of a parallel boulder alignment with an interior fill of cobbles. The boulder foundation is set into the soil surface and contains several upright boulders. The wall foundation is oriented approximately 215 degrees azimuth. Historic rubbish is present on and near site.

Wall possibly associated prehistorically with large terraces (Sites T-3, T-9, and T-10). Site probably a remnant of a once continuous wall presently comprised of individual sections (Sites 3210, 3211, and 3215). Ching (1974) interprets Sites 3210, 3211, and 3215 to be cattle walls. Site T-5 is possibly identified by Ching (1974) as the western most extent of Site 3211.

SITE NO.: State: — **PHRI:** T-6
SITE TYPE: Mound/pile (1 Feature)
TOPOGRAPHY: Roughly level terrain of silt/clay and sand
VEGETATION: Dense grasses, ironwood, and naupaka
CONDITION: Poor
INTEGRITY: Slightly altered-bulldozer push on southwest side
PROBABLE AGE: Indeterminate
FUNCTIONAL INTERPRETATION: Indeterminate
DIMENSIONS: 2.50 m by 1.80 m by 0.90 m (approx.)
DESCRIPTION: The mound is amorphous shape in plan. It is constructed of crudely piled subangular basalt boulders and cobbles. The mound is raised, but its sides are not formally faced. The sides appear collapsed in appearance and rounded or sloping in profile. The mound surface consists of roughly level basalt cobbles.

A crude boulder rubble wall (possibly bulldozer origin) extends northwest from mound. Site T-6 abuts Site 3211 (wall) to the northeast side. Site is in very disturbed state, therefore, unable to determine specific research and cultural significance at this time. Site T-6 is in the approximate area of Ching (1974) Site 3213 (C-shape), which could not be found during the present project. T-6 may possibly be a prehistoric burial or recent bulldozer pile.

SITE NO.: State: — **PHRI:** T-7
SITE TYPE: Mound/pile (1 Feature)
TOPOGRAPHY: Situated on inland side of coastal sand dunes
VEGETATION: Naupaka, ironwood, indian pluchea
CONDITION: Poor
INTEGRITY: Altered by bulldozing on and around rock mound
PROBABLE AGE: Indeterminate
FUNCTIONAL INTERPRETATION: Indeterminate
DIMENSIONS: 50.00 m by 18.00 m by 1.00 m (approx.)
DESCRIPTION: The mound is amorphous shape in plan. It is constructed of piled basalt boulders and cobbles. The mound contains a rough irregular boulder surface. It also contains no formally faced sides. Human bone fragments (scapula and cranium) found in sand near east corner of mound.

Site in very disturbed state, therefore unable to interpret function and/or age at this time. Site T-7 is possibly (a) a prehistoric structure and/or (b) building material from prehistoric structures, bulldozed and piled during sugar cane production. Site T-7 is located within the Conservation District, outside the present project area.

SITE NO.: State: -- PHRI: T-8
SITE TYPE: Mound/pile (1 Feature)
TOPOGRAPHY: Situated on inland side of coastal sand dunes
VEGETATION: Naupaka, ironwood, indian pluchea
CONDITION: Poor
INTEGRITY: Altered by bulldozing on and around mound
PROBABLE AGE: Indeterminate
FUNCTIONAL INTERPRETATION: Indeterminate
DIMENSIONS: 35.00 m by 15.00 m by 1.00 m (approx.)
DESCRIPTION: The mound is amorphous shape in plan. It is constructed of piled basalt boulders and cobbles. The mound contains a rough irregular boulder surface. It also contains no formally faced sides.

Site in very disturbed state, therefore unable to interpret function and/or age at this time. Site T-8 is possibly (a) a prehistoric structure and/or (b) building material from prehistoric structures, bulldozed and piled during sugar cane production. Site T-8 is located within the Conservation District, outside of the project area.

SITE NO.: State: -- PHRI: T-9
SITE TYPE: Terrace (1 Feature)
TOPOGRAPHY: On south side of raised ridge overlooking cove/sand dune area
VEGETATION: Sugar cane and grasses
CONDITION: Poor
INTEGRITY: Altered by bulldozing
PROBABLE AGE: Prehistoric
FUNCTIONAL INTERPRETATION: Ceremonial (Heiau?)
DIMENSIONS: 50.00 m by 6.00 m by 5.00 m (approx.)
DESCRIPTION: Terrace is constructed of crudely stacked subangular basalt boulders and cobbles. The terrace is not formally faced, but is raised 4.0-5.0 m on the south side. This raised side is not vertical, but slopes back from the base foundation. The terrace surface is roughly level, with several areas on the west end appearing very level and possibly intentionally paved. Possible pit/depression features noted on terrace.

Site is disturbed with large boulders and soil pushed atop terrace on the north side by sugar cane bulldozing. According to the machine operator, old time residents of Poipu told him this was a heiau structure (S. Potts pers. comm.). Limited interpretive significance due to altered condition; extensive restoration needed if interpretive development desired. Site T-9 was possibly identified by Kikuchi (1963) as Site 102, and subsequently designated HRHP Site 3092.

SITE NO.: State: -- PHRI: T-10

SITE TYPE: Terrace (1 Feature)

TOPOGRAPHY: Constructed on slope at ocean edge. Bottom base foundation of terrace is at waters edge.

VEGETATION: Kiawe and ironwood trees

CONDITION: Fair

INTEGRITY: Slightly altered

PROBABLE AGE: Prehistoric

FUNCTIONAL INTERPRETATION: Ceremonial (Heiau?)

DIMENSIONS: 100.00 m by 25.00 m by 6.00 m (approx.)

DESCRIPTION: The terrace is constructed of stacked subangular basalt boulders and cobbles. The terrace is raised c. 6.0 m high on the seaward (southeast) side, but is not formally faced. This raised side is not vertical, but is sloped back from the base foundation. The terrace surface is roughly level and portions appear crudely paved with cobbles and a few boulders. A series (possibly three) of boulder/rubble alignments (possibly collapsed walls or stepped terraces) are present on the southwest end of the large terrace. Two pit/depressions (possible cupboards) are present on the terrace. Several recently excavated pits/depressions are also present on the terrace surface.

According to the machine operator, several old-time Poipu residents told him this was a heiau structure (S. Potts pers. comm.). A shoreline trail crosses the structure. Site T-10 is located within the Conservation District, outside the project area. Site T-10 was possibly identified by Kikuchi (1963) as Site 102, and subsequently designated HRHP Site 3092.

SITE NO.: State: -- PHRI: T-11

SITE TYPE: Platform (1 Feature)

TOPOGRAPHY: Situated on low ridge, overlooking cove and Site T-10

VEGETATION: Ironwood, koa-haole, lantana

CONDITION: Poor-fair

INTEGRITY: Unaltered

PROBABLE AGE: Prehistoric

FUNCTIONAL INTERPRETATION: Ceremonial (Burial?)

DIMENSIONS: 5.00 m by 3.50 m by 2.00 m (approx.)

DESCRIPTION: The platform is constructed of crudely stacked subangular basalt boulders and cobbles. It is raised on the southwest, south and southeast sides, but not formally faced. The sides are not vertical, but appear sloped back from the base foundation. The platform contains a rough, uneven boulder surface. Lithified coral bedrock fragments are present on the platform surface.

Site T-11 is similar to Site 3216. Site T-11 is situated c. 15.0 m/225 degrees from Site 3216. Site 3215 (wall) abuts the platform on inland (north) side.

Of Counsel:
CASE & LYNCH

Rev'd 5/25/88
1:23 p.m.

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Attorney for
AINAKO RESORTS ASSOCIATES AND
GROVE FARM PROPERTIES, INC.

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 14 PM '88

PLANNING COMMISSION TO THE COUNTY OF KAUAI
STATE OF HAWAII

IN RE AINAKO RESORTS ASSOCIATES	)	SPECIAL PERMIT SP-88-6;
and GROVE FARM PROPERTIES, INC.	)	USE PERMIT U-88-31;
	)	SPECIAL MANAGEMENT AREA
Applicants.	)	USE PERMIT FMA(U)-88-10;
	)	CLASS IV ZONING PERMIT
	)	Z-IV-88-39
	)	

6204g(DAF) 0308A(L)

MEMORANDUM RE: EXCLUSION OF IRRELEVANT EVIDENCE

INTRODUCTION

Applicants Ainako Resorts Associates and Grove Farm Properties, Inc., respectfully submit this memorandum in objection to the introduction of irrelevant and immaterial testimony or other evidence into the public record concerning the above-captioned development permit applications. Specifically, the Applicants would urge the Commission to exclude and/or disregard testimony which may be offered speculating as to the future development and use of lands adjacent to the property currently being considered for development in these applications.

DISCUSSION

I. The Commission Record Should Include Only Evidence Relevant and Material to the Present Applications

Insofar as the Planning Commission conducts public hearings prior to the issue of permits for land development on the island of Kauai, it is bound to follow the rules of evidence set out at Hawaii Rev. Stat. § 91-10 (1978). Mahuiki v. Planning Commission, 65 Hawaii 506, 513 (1982). Those rules provide in pertinent part:

(1) Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanctions shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence.

Pursuant to section 91-10, the Planning Commission has adopted rules reflecting the general policy against admission of irrelevant or immaterial testimony. County of Kauai Planning Commission Rules of Practice and Procedure 1-6-17(c).

While the general rule is that the admission of irrelevant evidence is not by itself reversible error, see Shorba v. Bd. of Education, 59 Hawaii 388, 396-97 (1978), where the admission of irrelevant, immaterial, or otherwise incompetent evidence results in substantial prejudice to a party, the administrative body errs in its admission. Id.; Schyman v. Dep't of Registration & Educ., 9 Ill. App.2d 504, 133 N.E.2d 551, 561 (1956).

II. Admission of Testimony Regarding Possible Future Use of Lands Adjacent to the Proposed Development are Irrelevant, and Will Substantially Prejudice Applicants

Applicants believe, based on the petitions for intervention filed with the Planning Commission, that some intervenors or other parties may attempt to introduce before the Commission certain irrelevant and immaterial evidence. According to the petitions, intervenors will attempt to offer testimony concerning what impact the Applicants' proposed development may have on speculative or proposed developments heretofore unrealized on areas adjacent to the development here under consideration. The Applicants would strenuously object to the admission of any such testimony on the record.

The considerations to be made in evaluating the viability of a land use permit, as discussed generally in the County of Kauai's Special Management Area Rules and Regulations, include the impact of the proposed development on existing or reasonably probable developments and conditions adjacent to the proposed site, and which will necessarily be affected by the proposed development. See Mahuiki v. Planning Commission, 65 Hawaii 506, 510-11 (1982).

That interpretation of the terms "cumulative impact" is fully consistent with the intent of the SMA, and is supported by holdings of other jurisdictions, notably California, in interpreting similar provisions of land use laws. For example, in Citizens to Preserve the Ojai v. Ventura County, 176 Cal.App.3d 430, 222 Cal.Rptr. 247 (Cal.App.2 Dist.

1985), a California intermediate court of appeals upheld that portion of the California Administrative Code defining the scope of cumulative impacts as limited to "the incremental impact of [a] project when added to other closely related past, present and reasonably foreseeable probable future projects." Id. at 251. Accord, People v. County of Kern, # (Cal.App.3d 830, 115 Cal.Rptr. 67 (1974) (final EIR should consider impact of project on other projects "now in progress . . . regardless of their state of development"); Natural Resources Defense Counsel v. Callaway, 524 F.2d 79 (2d Cir. 1975) (cumulative impact of effluent drainage site evaluated in relation to existing governmental projects in the area and those slated for construction).

It is especially noteworthy that California, has a legislative and judicial record of strong concern for the environment, see generally Friends of Mammoth v. Bd. of Supervisors, 8 Cal.3d 247, 259, 104 Cal.Rptr. 761, 768, 502 P.2d 1049, 1056 (1972) (recognizing broad legislative intent to protect the environment, and thus broadly interpreting statutes to that end). California's construction of the "cumulative impact" requirements of environmental laws is in keeping with that concern.

The regional setting for a development for purposes of evaluating cumulative impact is then not defined by the scope of all potential uses for the region, but is rather circumscribed by existing uses or uses for which specific

applications and proposals have been approved and are slated for construction, and for which there is a reasonable likelihood of actual development. To allow evidence of tenuous future possible uses of adjacent land areas would make it virtually impossible to get permits at all, for in every case of development, there will exist potential conflicting uses of adjacent lands. Opponents of specific projects and/or development in general will always be able to theorize as to possible conflicting uses to which adjacent lands may be put in the future, but such speculation is just that.

The manufacture of theoretical cumulative impacts of a development are not an acceptable basis for the determinations of the Planning Commission, and there is no point of law or policy which would lead the Commission to consider such potentialities. The time to consider the cumulative impact of those future possible developments is when those potential projects are proposed and reasonably likely to be developed. To consider them here, with regard to the Applicants' current development proposal, would create a virtually permanent bar to any development of present proposals.

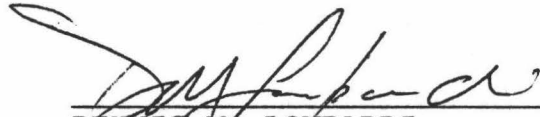
Given its clear irrelevance to the present proceeding, any evidence of prospective developments of adjacent lands should be excluded from the record by the Commission. Due to its inherent irrelevance, the Commission could not rely on that information as a basis for its opinion, and so to admit it into

the record can only be prejudicial to the Applicants in these proceedings.

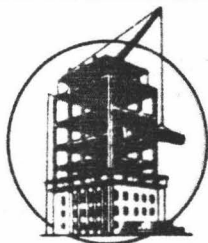
CONCLUSION

For the foregoing reasons, the Applicants would respectfully object to the admission on the record of any testimony or other evidence concerning the potential cumulative impact the proposed development might have on land uses or developments not currently in existence, or for which no proposals have been made.

DATED: Lihue, Kauai, Hawaii, May 25, 1988.



DENNIS M. LOMBARDI
Attorney for
AINAKO RESORTS ASSOCIATES AND
GROVE FARM PROPERTIES, INC.



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

1109 Bethel Street Honolulu, Hawaii 96813
(808) 538-1505

Herbert S.K. Kaopua Sr.
President

Howard Tasaka
Vice President

Edison Keomaka
Secretary-Treasurer

Paul Anae
Sergeant-At-Arms

TRUSTEES: Benjamin Saguibo/Lawrence Sakamoto/Leonard Sebresos

May 23, 1988

Ms. Sunshine Costa
Chairwoman
Kauai County Planning Commission
4280 Rice Street
Lihue, Kauai, HI 96766

Dear Commissioners:

RE: Hyatt Regency Kauai Hotel & Golf Course
Poipu, Kauai

I am Herbert S. K. Kaopua Sr., President of the Hawaii Building and Construction Trades Council, AFL-CIO, which is made up of 18 trade unions representing more than 21,000 members statewide. About 300+ of these members live and work on Kauai.

As you may know, the Building Trades have been active on Kauai first in helping create job opportunities for our existing members, and second, in helping develop job training and re-training programs to improve employment opportunities and the health, safety and welfare of unemployed and underemployed workers throughout the Island of Kauai.

We take special pride in representing the working man and woman, and in helping assure that new job opportunities, such as the proposed Hyatt Regency Kauai Hotel & Golf Course, truly benefit our island residents first.

We come before you today to express our support of this proposed development. We have met with the developers on several occasions and have carefully reviewed their plans. We are excited about what the project offers and confident that the benefits will be substantial, not just for Poipu but for all of Kauai and our state.

- 1) The developers of the Hyatt Regency Kauai Hotel & Golf Course have already demonstrated their commitment to creating a place that the people of Kauai will be proud of. They are already working closely with the residents of Kauai so that there is mutual benefit, trust and respect. It is a very healthy beginning.
- 2) Hyatt Regency Kauai Hotel & Golf Course is a significant development whose first phase alone will contribute more than \$136 million to the Kauai economy. The job opportunities created by this investment will be particularly important to our members who live on Kauai.

MAY 25 11 40 AM '88
LAND USE COMMISSION
STATE OF HAWAII

5/27/88
LUC, E+R

Skilled Craftsmanship Makes the Difference.

(not part of official record)

Ms. Sunshine Costa
Page 2
May 23, 1988

- 3) The short-term nature of the development over the next 23 months means that there will be a continuity of employment for our members and justification for opening an apprentice program to help the community train for the good jobs offered by the skilled trades.
- 4) It is also important to acknowledge that the Hyatt Regency Kauai Hotel & Golf Course will offer substantial post-construction permanent employment and that these, too, are good jobs.

I am personally offended when I hear hotel jobs denigrated. There is no shame in being a room maid, a bellman or a beach attendant...especially when you earn \$20,000-\$25,000 a year, as many individuals do who hold these jobs at the best resorts.

Hyatt Regency Kauai Hotel & Golf Course will also provide many other types of employment: telecommunications and computer experts, electrical engineers, literally hundreds of managerial and supervisory positions, sales jobs that require travel all over the world, airplane pilots, and even guides knowledgeable in the culture of Hawaii and the languages of the world.

We urge the residents of Kauai--especially the parents and teachers of today's youth--to have the foresight to encourage youngsters to study hard now so they can attain these exciting jobs.

- 5) Hyatt Regency Kauai Hotel & Golf Course promises to enhance the entire island and state. It will help Hawaii achieve a new level of national and international stature in the visitor industry, while enhancing the island's and state's unique cultural traditions.

We are especially impressed with the developer's initial architectural designs, which embrace traditional Hawaiian values. They will enhance the beauty of the area.

We also like the developers' commitment to providing more public shoreline access than is currently available. We endorse the developers' commitment to archeological protection and preservation of significant sites.

In closing, I would like to make one final point: Labor unions are sometimes viewed as a special interest group.

I would prefer to think of ourselves as a vested interest group. The fact is, we are the voice of the working class. And we want to work side-by-side with the people of Kauai to build a healthier, stronger economy. We want to help build a community that honors individual rights and lifestyles, respects its past, and builds a future of promise for its youth.

We believe this project provides an opportunity to do this in this area.

Ms. Sunshine Costa

Page 2

May 23, 1988

Thank you for your time. We urge your favorable action today.

Aloha,

Herbert S. K. Kaopua Sr.

Herbert S. K. Kaopua Sr.
President

HSKK:aek

cc: Governor John Waihee
Mayor Tony T. Kunimura
Council Chairman Ron Kouchi
Harold Masumoto, Office of State Planning
Land Use Commission Chairman Renton Nip ✓

KAUAI WINDSURFING ASSOCIATION
3016 Umi Street, #211-B
Lihue, HI 96766

MAY 18

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 15 PM '88

Intervenor

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Class IV Zoning Permit
OF	)	Z-IV-88-39
AINAKO RESORTS ASSOCIATES and	)	Use Permit U-88-31
GROVE FARM COMPANY, INCORPORATED.	)	Special Permit SP-88-6
	)	Special Management Area
	)	Use Permit SMA(U)-88-10
	)	
	)	PETITION TO INTERVENE;
	)	CERTIFICATE OF SERVICE

PETITION TO INTERVENE

COMES NOW the KAUAI WINDSURFING ASSOCIATION by and through its Board Member CARL STEPATH, and, pursuant to Chapter 4 of the Rules of Practice and Procedure of the Planning Commission, moves the Planning Commission for Order granting the KAUAI WINDSURFING ASSOCIATION leave to intervene as a party in the above entitled proceeding.

This Petition to Intervene is based on the following grounds:

1. The KAUAI WINDSURFING ASSOCIATION is an unincorporated organization comprised of members throughout the County of Kauai.
2. The KAUAI WINDSURFING ASSOCIATION is composed of members who use the coastal regions of Kauai for access to the ocean, including but not limited to, the coastal region from Keonelo Bay to Maha'ulepu.
2. The purpose of the KAUAI WINDSURFING ASSOCIATION is to

encourage and promote the sport of windsurfing and to protect access to areas used for the sport of windsurfing.

3. The KAUAI WINDSURFING ASSOCIATION'S Board of Directors consists of Carl Stepath, Charley Cowden, Nancy Palmer and Pam Gable; Mr. Stepath intends to represent the KAUAI WINDSURFING ASSOCIATION in these proceedings.

4. The KAUAI WINDSURFING ASSOCIATION does not oppose this or any other development, as that is not its purpose.

5. The KAUAI WINDSURFING ASSOCIATION and its members differ from the general public in that (1) they must possess certain sailing skills and knowledge of wind and sea conditions that the general public does not possess; (2) wind and sea conditions dictate where they may practice the sport of windsurfing, and (3) they must carry their equipment, which consists of boards, sails, booms and masts, from their cars to their launching site.

6. Various officers and board members of the KAUAI WINDSURFING ASSOCIATION have been in contact with the developer of this proposed development to discuss their concerns regarding parking and beach access; however, no formal concessions have been made in this regard by the developer, and recent attempts to discuss these matters have failed, as the developer is not available.

7. The KAUAI WINDSURFING ASSOCIATION proposes to raise the following issues with regard to the application:

a. beach access and adequate parking for windsurfers and other groups and individuals who use this area now and future

generations who will use this area, guaranteed by written agreement with the developer and land owner.

8. The KAUAI WINDSURFING ASSOCIATION knows of no other way to adequately protect its interests other than by intervention.

9. The KAUAI WINDSURFING ASSOCIATION knows of no other parties to the proceedings who have an identical interest to protect.

10. The KAUAI WINDSURFING ASSOCIATION's participation will not unduly or unreasonably hinder or delay the proceedings.

DATED: Lihue, Kauai, Hawaii, May 18, 1988.

By: Carl Stepath
CARL STEPETH for the
KAUAI WINDSURFING ASSOCIATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served by depositing a copy of same in the United States mail, postage prepaid, addressed to the following:

AINAKO RESORTS ASSOCIATES and
GROVE FARM COMPANY, INCORPORATED
4334 Rice Street, Suite 203A
Lihue, HI 96766



TED AKIRA CHIHARA
A Law Corporation
Attorney & Counselor of Law
Suite 103
4365 Kukui Grove Street
Lihue, Kauai, Hawaii 96766
Telephone No: (808) 245-1855

L E T T E R O F T R A N S M I T T A L

TO: Planning Department DATE: May 17, 1988
Lihue, HI 96766

We are sending you enclosed the following items:
Original + 12 copies of the PETITION TO INTERVENE.

THESE ARE TRANSMITTED as checked below:

- () For your information/file.
- () As requested.
- () For your review and call.
- () Sign your name in BLACK ink. Return promptly.
- () Please forward to _____

Aug 18 3 15 PM '88
LAND USE COMMISSION
STATE OF HAWAII

REMARKS: _____


TED AKIRA CHIHARA

STEPHEN LEVINE 2160
4365 Kukui Grove Street
Suite 103
Lihue, Hawaii 96766
Telephone No: (808)245-1855

Attorney for the Intervenors
MALAMA O'MAHAULEPU



LAND USE COMMISSION
STATE OF HAWAII

MAY 17 3 15 PM '88

THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	Special Management
OF	)	Area Use Permit SMA(U)
AINAKO RESORTS ASSOCIATES and	)	88-10; Class IV Zoning
GROVE FARM COMPANY INCORPORATED	)	Permit Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6

PETITION TO INTERVENE

PETITION TO INTERVENE

COMES NOW the MALAMA MAHA'LEPU, through their undersigned attorney, and pursuant to Chapter 4 of the Rules of Practice and Procedure of the Planning Commission, moves the Planning Commission for Order granting the MALAMA MAHA'LEPU leave to intervene as a party in the above entitled proceeding.

This Petition to Intervene is based on the following grounds:

(CERTIFICATE OF SERVICE ATTACHED)

1. The MALAMA MAHA'LEPU is an unincorporated community based organization comprised of members throughout the County of Kauai, and primarily in the Kalaheo-Koloa-Poipu area.

2. The MALAMA MAHA'LEPU is composed of members who use the coastal region from Poipu to Maha'ulepu and are interested in preserving and protecting the area from future development.

3. The MALAMA MAHA'LEPU, proposes to raise the following issues with regard to the application:

A. Whether the proposed golf course is the first increment of an announced development plan for the entire 1,229.26 acre parcel, an area of prime agricultural land.

B. Whether the potential cumulative effect of the proposed development of the entire Grove Farm parcel of 1,229.26 acres will have substantial adverse effects.

C. Whether unusual conditions, trends or needs have arisen justifying the removal of prime agricultural land from agricultural use, contrary to land use laws, ordinances, and regulations.

D. Whether the proposed development constitutes piecemeal and haphazard zoning, which will result in pressure to urbanize the rest of this 1,229.26 acre parcel as well as adjacent properties.

E. Whether the proposed golf course development is dependent on location in the coastal zone.

F. Whether the proposed development will have an adverse environmental impact on the MALAMA MAHA'LEPU'S uses of the area, poisoning, polluting and/or destroying ocean ecosystems and food resources, including but not limited to fish, limu, and opihi.

H. Whether the proposed development destroys the value of the coastal zone resources uniquely suited for recreational activities, including but not limited to, fishing, camping, hiking, diving, surfing and horseback riding.

I. Whether the proposed development will have an adverse impact on the unique archeology of the subject coastal region.

J. Whether the proposed development will disturb ancient Hawaiian burial grounds situate in the subject coastal region.

K. Whether the proposed development will have an adverse impact on the endemic plants and birds of Maha'ulepu, including eleven (11) endemic plants which cannot be found anywhere else in the world.

L. Whether the proposed development will have an adverse impact on the public rights of way to the beaches and ocean.

M. Whether the proposed development, which is an "urban" and "resort" use, will result in future urban and resort development of Maha'ulepu to which the MALAMA MAHA'LEPU is irrevocably opposed.

N. Whether the proposed development is necessary in light of the existing 6.5 courses (117 holes) and at least twenty seven additional golf course holes which are planned for Poipu, including but not limited to, Kiahuna's planned additional nine (9) holes at Poipu and Alexander & Baldwin's planned eighteen (18) holes at Kukuiula.

O. Whether the proposed development will have an adverse impact on the natural beauty of the Maha'ulepu coast.

4. A decision approving the application for the project will result in a negative impact described above.

5. The MALAMA MAHA'LEPU knows of no other way to adequately protect its interests other than by intervention.

6. The MALAMA MAHA'LEPU knows of no other parties to the proceedings who have the same interest to protect.

7. The MALAMA MAHA'LEPU participation will not unduly or unreasonably hinder or delay the proceedings.

8. The participation of MALAMA MAHA'ULEPU will result in a full and complete development of a record in this matter.

9. Because of the broad membership base, the MALAMA MAHA'ULEPU represents a full spectrum of the public interest in this area.

DATED: Lihue, Hawaii, 17 May, 1988.


STEPHEN LEVINE
Attorney for Intervenor
MALAMA MAHA'LEPU

CERTIFICATE OF SERVICE

I hereby certify that a copy of the PETITION TO INTERVENE, was duly served upon the following party by U.S. Mail, postage prepaid, to their last known address.

AINAKO RESORTS ASSOCIATES and
GROVE FARM COMPANY, INCORPORATED
4334 Rice Street, Suite 203A
Lihue, HI 96766

DATED: Lihue, Hawaii 17 May, 1988.


STEPHEN LEVINE

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

Hearing date May 25, 1988
Action deadline July 24, 1988
Add.hearing dates _____

ZA Deadline for Council
Transmittal n/a

STAFF REPORT

PROJECT: SPECIAL PERMIT SP-88-6
USE PERMIT U-88-31
SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-88-10
CLASS IV ZONING PERMIT Z-IV-88-39

APPLICANT: Ainako Resort Associates and Grove Farm Properties, Inc.

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 14 PM '88

FINDINGS

LOCATION: Poipu, Kauai, between Weliweli and Mahaulepu.

TAX MAP KEY: 2-9-1: por. 1 AREA: approx. 210 acres ZONING: Ag/Open
STATE LUC: Agriculture GENERAL PLAN: Agriculture EXIST.USE: Agriculture/Vacant

ACTIONS REQUIRED: SPECIAL PERMIT is required since the applicant proposes to establish certain uses within the State Land Use "Agricultural" District that are not outright permitted...
USE PERMIT is necessary to establish a golf course use within the County's "Agriculture" District...
SPECIAL MANAGEMENT AREA USE PERMIT is necessary since a majority of the project lies within the SMA area as defined by the County, and costs in excess of \$65,000...
CLASS IV ZONING PERMIT is a procedural requirement since a Use Permit is being requested.

PROJECT DESCRIPTION AND USE: The proposed golf course will consist of 18 holes, a driving range, putting green and clubhouse. The clubhouse will be located near the planned Hyatt Regency Kauai and will include parking and access from Poipu Road extension. The clubhouse will include a golf pro shop, snack shop, restaurant, golf club storage room and golf cart maintenance area. Also proposed is a golf course maintenance building and temporary field nursery. The golf course layout will be configured to consist of 6 holes mauka of the existing cane haul road, with the remainder of the course east of the clubhouse. No holes are proposed makai of the State Land Use District Conservation boundary. A shoreline access trail, approximating the location of the existing trail, is reflected makai of the Conservation District boundary.

LEGAL REQUIREMENTS: Notification requirements of Ordinance No. 402 have been satisfied.
An agricultural subdivision to separate the property from the overall parcel will eventually be necessary. A CDUA permit will not be necessary since the golf course improvements have been removed from the Conservation District.

APPLICANT'S REASONS/JUSTIFICATION: "The applicant proposes to develop an 18 hole championship calibre golf course and operate it in association with the planned 605 room Hyatt Regency Kauai at Keonelo Bay. The proposed development will be maintained as a resort oriented facility but will be opened to the public. It will be developed also to accommodate an increasing demand for golf play in Poipu and to make South Kauai more competitive with other visitor destination areas on the island."

"Poipu now comprises more than 1,800 hotel rooms and apartment condominium units, but only one 18-hole golf course. It is estimated that the new hotel and adjacent existing residential areas would support an additional 18-hole golf course or approximately 46,000 rounds of golf annually. This estimated demand would increase as additional development occur in and around Poipu."

FINDINGS (cont'd):

1. a) Soils. According to the Soil Conservation Service of the U. S. Department of Agriculture, the project site contains the following soil types:

- Waikomo stony silty clay (Ws)
- Koloa stony silty clay (KvB, KvD)
- Jaucas loamy fine sand (JfB)
- Mamala stony silty clay loam (MnC)
- Rock outcrop (rRO)

Waikomo stony silty clay comprises one of the larger areas on the property. It consists of well-drained, stony and rocky material developed in matter weathered from basic igneous rock. The permeability of the soil is moderate, its runoff is slow, and its erosion hazard characteristic is slight.

On the inland sections of the property are areas encompassing the Koloa stony silty clay soil type. This soil, too, is well-drained and generally found on old volcanic vents and upland ridges. Hard rock usually underlie this soil at a depth of 20 to 40 inches. Runoff is medium to severe and the erosion hazard is moderate.

The area adjacent to the shoreline of the property contains the remainder of the soil types. Present is rock outcrop, and immediately behind the beach sand is Jaucas loamy fine sand and Mamala stony silty clay loam. Except for rock outcrop and Mamala stony silty clay loam, these soils are excessively drained, calcareous materials. They are suitable primarily for recreational use and as natural shoreline resources. Mamala stony silty clay loam is underlain by coral limestone and consolidated calcareous sand. It is moderate in permeability and has an erosion hazard potential that is rated slight to moderate.

- b) The project area generally encompassed by the Waikomo stony silty clay and Mamala stony silty clay loam soils are within the Other Important Agricultural Land Classification of the Agricultural Lands of Importance to the State of Hawaii (ALISH) agricultural land evaluation system. Except for approximately 11 acres of classified Prime Agricultural Land at the mauka boundary of the project site, the remainder of the 210-acre project site, generally behind the shoreline area is not classified.

- c) The Land Study Bureau classifies the soils on the subject property as B, and E.
2. Other information presented by the applicant's Environmental Assessment, prepared by Belt, Collins and Associates, include the following:

Drainage. There are no surface water features on the property. The site's topography and soil characteristics provide an extremely well-drained condition. A man-made retention and sedimentation basin exists in a low-lying area of the site behind the coastal sand dune near Keoniloa Bay. Runoff from the western section of the project site will collect in the retention basin as runoff presently does, while the remainder of the property's runoff particularly from the central and eastern sections will flow toward the shoreline and discharge into the ocean. With increased landscaping as part of the golf course development, surface runoff would be reduced allowing more ground percolation to take place and consequently lessen the flow onto the coastal shores.

Wastewater. Sewage generated by the proposed clubhouse will be collected and conveyed to the planned wastewater treatment facility for the new Hyatt Regency Kauai.

Floral. According to a floral study prepared by Char & Associates in January 1988. Scrub vegetation occurs on uncultivated lands, generally on stony soils or low-lying drainage areas. Weedy or ruderal vegetation forms only a minor vegetation type along frequently disturbed areas such as cane haul roads, irrigation ditches, etc. Similar vegetation types have been described from the nearby Poipu area. The coastal areas support pockets of native coastal scrub. The proposed golf course project will be sited mainly on the areas now occupied by sugarcane fields and scrub vegetation. Species in the area are predominately introduced. It is the recommendation of Char & Associates that the areas with native coastal scrub be left intact. Most of these areas are on steeply sloping dune faces or near the edges of cliffs. It was also recommended that access to the Makawehi dunes should exclude off-road vehicles as they have a definite negative impact on the dune vegetation and contribute greatly to erosion of the dune areas. Pedestrian traffic for the purposes of fishing, hiking, sight seeing, etc., should be allowed to continue.

Archaeological Sites. In June 1974, Archaeological Research Center Hawaii conducted an archaeological survey of about 1,100 acres of land east of Poipu. The proposed golf course development is located in a portion of this study area. According to the survey, nine sites or complexes are located within the golf course boundary. These sites include stone or boulder walls, cave shelters, and agricultural features. The conclusion and recommendation of the study are that all of the sites within the project area are classified marginal, badly deteriorated or have no historical or archaeological value.

Applicant has also hired archaeologist Paul Rosenthal, who conducted a supplemental archaeological survey in May to supplement the 1974 study, and also conducted sub-surface testing on the site. Mr. Rosenthal has already presented his preliminary findings to the Kauai Historic Preservation Review Commission, and will have a preliminary report for the Planning Commission's public hearing on the subject matter.

Natural Hazard. The project site is only minimally susceptible to 100-year tsunami inundations. The sand dunes rise approximately 30 to 120 feet above the sea level and according to the Flood Insurance Rate Map prepared by the U.S. Army Corps of Engineers, the base flood elevation of a potential 100-year tsunami inundation is only 7 feet. The remaining portion of the shoreline shows no potential coastal flood area.

Construction Timetable. It is estimated that construction will require approximately 20 months to complete. With an expected mid-1988 construction start, completion of the golf course should be about the summer of 1990.

Golf Course Employment. Direct golf course employment, including in the golf clubhouse and maintenance facilities, is estimated to be about 86. Of these, a large majority would be filled by Kauai residents. Management personnel would make up about 10% of the golf course employment. A portion of these jobs probably would be filled by persons from Oahu and other off-island areas.

Circulation and Traffic. Development of the proposed golf course will require extension of Poipu Road along the mauka boundary of the Hyatt Regency site and a driveway to the proposed golf clubhouse, a distance of approximately 2,000 feet. It will be improved to include a two-lane pavement, graded shoulders and roadside landscaping. The portion of the road which adjoins the mauka boundary of the hotel site will be developed by the hotel owner. Approval of this road segment has already been obtained from the County during approval of the hotel. Although the new road may be owned and maintained by the hotel and golf course owners, the road extension will be designed to County standards, be similar in construction to the existing Poipu Road right-of-way, and be opened to the public. This road will also be used by the public to obtain access to a planned public beach park at Keonelo Bay. The new road is intended to be dedicated to the County in perpetuity.

Water. The proposed golf course clubhouse will require an average of 6,600 gallons per day of potable water. Required improvement to the existing water system will involve extension of the existing transmission line approximately 2,000 feet from the Poipu Road terminus to the clubhouse. The source of water is sufficient for the projected demand. Irrigation of the proposed golf course will require approximately 1 million gallons per day of irrigation water. The source of this water would come from planned irrigation wells within or near the proposed

golf course and from effluent generated by the planned Hyatt Regency's sewage treatment plant. Also being studied by the applicant is the possibility of using recycled surface runoff from the mauka lands.

3. Applicant has also submitted the document entitled, "Hyatt Regency Golf Course Demand Study," prepared by Robert E. Yoxall, Inc. It concludes that "a 605-room Hyatt Regency resort hotel on the subject site, with a stabilized annual occupancy rate of 80%, can expect to generate over 95 guest golf rounds per day, or about 35,000 guest rounds per year, for an on-site golf course. The indicated present local resident demand could increase the annual total to a minimum of 48,000 rounds.

With excellent golf accessibility, a growing resident population and an expanding tourism industry, for the State as a whole and for Kauai in particular, it is the Consultant's opinion that the Island can support additional golf facilities, without creating a negative impact on those facilities already existing."

4. On March 30, 1988, applicant submitted additional information requested by staff in regards to agriculture in the Koloa-Poipu region (see Attachment 1).

AGENCY COMMENTS: See attachments.

By 
Michael Laureta
Planner

5/16/88

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Tom H. Shigemoto, Planning Director

DATE: April 19, 1988

ROUTE TO:
SUBJECT: Class IV Zoning Permit Z-IV-88-39, Use Permit U-88-31, Special Management
Area Use Permit SMA(U)-88-10 & Special Permit SP-88-6 = Ainako Resort Associates
TO: (X) Public Works Dept. and Grove Farm Properties, Inc. Shigemoto

TO: (X) Public Works Dept.
(X) Water Dept.
(X) State Health Dept.
() State Highways Div.
(X) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()

**ROUTE TO:**

C..... Shigemoto
----- Nitta
----- Lauseta
----- H. Masday
----- Henry Y.
----- Goshima
----- H. Kishida
----- M. Saito
----- Takahashi
----- Yamaguchi
----- Ferrara
----- Koshiwabara
----- Hironaka
1988Yamashiro

FOR YOUR COMMENTS (pertaining to your department): April 27, 1988 Yamashiro

- 1) A grading permit is required for the grading work in the Golf Course and roadways.
- 2) The Environmental Assessment proposes to dedicate the Poipu Road extension to the County. We are recommending that the road be kept private with public access rights similar to the section in the Poipu Kai Subdivision. An alternative is to bring the section of Poipu Road through Poipu Kai Subdivision to standards and dedicate the entire length to the County. The County should not accept dedication of any roadways that do not connect to a public highway.
- 3) The Environmental Assessment states that sewage would be handled in conjunction with the planned Hyatt Regency Kauai and that sludge would be disposed of in accordance with State Department of Health regulations. As we indicated for the Hotel application, we are very concerned with the problem of disposing of sludge, especially at the County's wastewater treatment facilities. Therefore the treatment facility for the Hyatt Regency Hotel shall be required to provide its own sludge treatment and dewatering facilities on-site. Disposal at County wastewater facilities will not be permitted.

Signature _____

COUNTY ENGINEER

Please return one (1) copy by May 4, 1988. / Thank you.

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Tom H. Shigemoto, Planning Director

DATE: April 19, 1988

SUBJECT: Class IV Zoning Permit Z-IV-88-39, Use Permit U-88-31, Special Management
Area Use Permit SMA(U)-88-10 & Special Permit SP-88-6 = Ainako Resort Associates
TO: (X) Public Works Dept. and Grove Farm Properties, Inc. ECITE TO:

TO: (X) Public Works Dept.
(X) ~~Water Dept.~~
(X) State Health Dept.
() State Highways Div.
(X) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()

**ROUTE TO:**

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----- Shigemoto

----- ta
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----- ya

----- ina
----- Yamouchi
----- Ferrara
----- Kashiwabara
----- Hironaka
----- Yamashiro

FOR YOUR COMMENTS (pertaining to your department):

May 2, 1988

We have no objections to this Zoning, Use, Special Management Area Use and Special Permit Application provided the building permit not be granted until:

1. The developer prepares and gets Department of Water's approval of construction drawings for necessary water system facilities and either constructs said facilities or posts a performance bond for construction. These facilities shall include:
 - A. The domestic service connection.
 - B. The fire service connection.
 - C. The interior plumbing plans with the appropriate backflow prevention device (if required).
2. Payment of any applicable charges in effect at the time of building permit approval.
3. If applicable, a refund agreement between the Department of Water and the developer (of the proposed golf course complex) must be completed; whereby, the developer contributes its share to Blackfield Hawaii as provided in the Department's Rules.

At the present time, the developer's estimated deposit amount is dependent on the meter size requested.

Signature

Raymond B. Starr

Please return one (1) copy by May 4, 1988. Thank you.

MAR 1 1988 *plo*

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Tom H. Shigemoto, Planning Director (HH)

DATE: March 1, 1988

SUBJECT: Zoning Permit Appl. Z-IV-88-33, Use Permit Appl. U-88-27, Special Permit Appl. SP-88-5 and SMA Use Permit Appl. SMA(U)-88-8, AINAKO RESORT ASSOCIATES/ GROVE FARM COMPANY, INC.

TO: ☒ Public Works Dept.
☒ Water Dept.
☒ State Health Dept.
☐ State Highways Div.
☐ Fire Dept.
☐ Sam Lee (DLNR)
☒ State Dept. of Agriculture
☐ Police Dept.
☐
☐

FOR YOUR COMMENTS (pertaining to your department):

MAR 17 1988

See attached sheets for comments

telecon w/ JES 5/17/88: comments applicable to Z-II-88-39
2:00 PM
CT:HFE:JES/plo

Signature Clyde Takekuma

Clyde Takekuma, Acting Chief Sanitarian, Kauai

Please return one (1) copy by March 17, 1988. Thank you.

1. The entire golf course, including restaurant & snack shop, shall be connected to an approved wastewater treatment facility. It is understood from the applicant's submittal, that sewage from the proposed clubhouse will be conveyed to the planned wastewater treatment facility for the new Hyatt Regency Kauai. The Department of Health has not approved a Private Wastewater Treatment Work (PWTW) for the Hyatt Regency Kauai's expansion of the Poipu Kai PWTW to accommodate the sewage from the Clubhouse and the Hotel. It is understood that the existing capacity in the Poipu Kai PWTW is committed to future projects within their existing service area.
2. A new PWTW or the expansion of the Poipu Kai PWTW shall be designed, installed and operated in accordance with the applicable requirements of Act 282, Session Laws of Hawaii 1985 as amended by Act 302, SLH 1986.
3. the plans of the proposed PWTW or the Poipu Kai PWTW expansion shall be submitted to the Wastewater Treatment Works Construction Grants Branch of the Department of Health for review and approval.
4. The owner shall obtain approval for the effluent irrigation system under authority in item #2.
5. the proposed PWTW shall be operated by qualified personnel certified by the Board of Certification of Operating Personnel in Wastewater Treatment Facilities as stated in Chapter 340B of the Hawaii Revised Statutes.
6. Developers/owners shall be aware that odor nuisances may occur during the operation of the proposed PWTW.
7. As stated in Act 282, SLH 1985 as amended by Act 302, SLH 1986, the engineer designing the proposed PWTW is given flexibility and design responsibility. However, the following recommendations are given based on our experiences and observations with these types of PWTW on Kauai.
 - a. A sludge holding tank should be provided to allow the operator better control over the solids inventory and to concentrate the sludge for disposal at a County sewage treatment plant.
 - b. The water surface in the aeration tank and clarifier should be exposed to the atmosphere to facilitate ease of operation, repair and maintenance of the facility.
 - c. A stand-by or emergency power source should be provided for electrical powered equipment.
 - d. Provisions should be made to ensure that storm water does not enter the facility.

AINAKO RESORTS ASSOCIATES, cont'd.

8. The project shall be provided with potable water through the County water system.
9. The restaurant and snack shop shall comply with all applicable requirements of Chapter 1-A Food Service and Food Establishment Sanitation Code, Public Health Regulations, State of Hawaii, Department of Health.
10. The project is located adjacent to and down wind from existing sugarcane fields and sugar mill and therefore may be impacted by smoke, dust, odor, mosquito and noise nuisances from its agricultural activities. (This contradicts the applicant's statement under Air Quality on page 19.)
11. The project is also located near to and down wind from the Grove Farm Rock Company quarry and rock crusher which are sources of dust and noise nuisances.
12. Grubbed material shall be disposed of at a site approved by the Department of Health. Open burning is prohibited.
13. Effective dust and soil erosion control measures shall be implemented during all phases of development by the developer. The project area is located up wind of existing resort/residential areas. The project site is also arid, exposed to strong winds and has been an area which experienced severe dust problems during past developments.
14. Only non-terrigenous materials compatible with the marine environment shall be used as fill material under the Shoreline Setback area or other areas within the reach of storm-generated waves.
15. The golf course area being withdrawn from sugar cane cultivation is presently used to apply wastewater generated from the McBryde Sugar Company mill. As with the Lihue Airport, Lihue Plantation mill water problems, provisions must be provided to apply the McBryde Sugar Mill water to an alternate location. The land application area for miss process wastewater is essential for preventing discharge to the ocean and resulting water pollution violations by McBryde Sugar Co.
16. A horse stable located adjacent to golf course mauka property may be a source of odor nuisances in the future.
17. Due to the general nature of plans submitted, we reserve the right to implement further environmental health requirements when more detailed plans are submitted to our department.

APR 20 1988

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Tom H. Shigemoto, Planning Director

DATE: April 19, 1988

SUBJECT: Class IV Zoning Permit Z-IV-88-39, Use Permit U-88-31, Special Management
Area Use Permit SMA(U)-88-10 & Special Permit SP-88-6 = Ainako Resort Associates
and Grove Farm Properties, Inc.

TO: (X) Public Works Dept.
(X) Water Dept.
(X) State Health Dept.
() State Highways Div.
(X) Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()

ROUTE TO:



_____	Youn
_____	Shigemoto
_____	Mura
_____	Kawano
_____	Amakoy
_____	...
_____	...
_____	...
_____	...
_____	...
_____	Yamachi
_____	Ferrara
_____	Kashiwabara
_____	Hironaka
_____	Yamashiro

FOR YOUR COMMENTS (pertaining to your department):

The applicant shall provide all weather fire access roadways, ~~water for fire~~
protection of the propose structures and comply with all the applicable requirements
of the fire code.

Signature _____

Please return one (1) copy by May 4, 1988. Thank you.

ROBERT Y. TSUYEMURA
ACTING DEPUTY
TO THE CHAIRPERSON

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96822-0159

MAR 21 1988

[illegible][illegible]

The subject property has Land Evaluation (LE) ratings ranging from 12 to 74. Approximately one-half of the property has an LE rating of 50 or higher and corresponds to the area that is classified as "Prime" or "Other Important" according to the ALISH system.



Mr. Tom H. Shigemoto
March 17, 1988
Page -2-

The applicants should address the following issues regarding the impacts of the proposed golf course on McBryde Sugar Company and the agricultural resources of the area:

- What alternative sites were considered for the golf course, especially those with less agronomic suitability than the subject site;
- What is the full impact on the economic viability of McBryde Sugar Company resulting from the cessation of sugarcane production on approximately 125 acres. This would include the loss in tons of sugar per acre, lost revenues, location and cost of replacement field preparation and cane haul roads (if any), and any other indicators of adverse impact;
- What are the broader economic and resource impacts on the State from the irrevocable loss of prime agricultural lands;
- What is the conformity to the State Agriculture Functional Plan and its objectives and policies, particularly, Implementing Action B(5)(c); and
- What is the relationship to the following Hawaii State Plan objectives, policies and priority guidelines:

226-7(b)(6) "Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs."

226-103(c)(1) "Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries."

226-103(d)(1) "Identify, conserve and protect agricultural and aquacultural lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquacultural uses of such lands."

226-104(b)(2) "Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

Mr. Tom H. Shigemoto
March 17, 1988
Page -3-

Thank you for the opportunity to comment. Please keep us apprised of the status of the applications as they are processed.



SUZANNE D. PETERSON
Chairperson, Board of Agriculture

cc: OSP (Attn: LUD)
LUC
OEQC

telecon w/ Earl Yamamoto 5/18/88 : comments applicable to Z-10-88-33. Only soil types
8:00 A.M. may change.

LAND USE COMMISSION
STATE OF HAWAII

3 15 PM '88

COMES NOW the OHANA O MAHA'ULEPU, through their undersigned attorney, and pursuant to Chapter 4 of the Rules of Practice and Procedure of the Planning Commission, moves the Planning Commission for Order granting the OHANA O MAHA'ULEPU leave to intervene as a party in the above entitled proceeding.

1. The OHANA O MAHA'ULEPU is an unincorporated community based organization comprised of members throughout the County of Kauai, and primarily in the Kalaheo-Koloa-Poipu area.

2. The OHANA O MAHA'ULEPU is composed of members who use the coastal region from Poipu to Maha'ulepu and are

interested in preserving and protecting the area from future development.

3. The OHANA O MAHA'ULEPU has intervened in past proceedings by developers who wish to develop the aforesaid coastal region and has been granted intervention status in administrative hearings before government bodies.

4. Approximately fifteen (15) years ago, the OHANA O MAHA'ULEPU was granted intervention status before the Land Use Commission in hearings relative to Leadership Homes of Hawaii's plan to develop Maha'ulepu.

5. Approximately eleven (11) years ago, the OHANA O MAHA'ULEPU was granted intervention status in hearings on Moana Corporation's plans for a development in Poipu.

6. Based on the history of the OHANA O MAHA'ULEPU'S interest in preserving the coastal region from Poipu to Maha'ulepu, and intervention status which has been accorded the OHANA O MAHA'ULEPU in previous hearings, the Planning Commission should grant it leave to intervene in the proceedings herein.

7. The OHANA O MAHA'ULEPU proposes to raise the following issues with regard to the application:

A. Whether the proposed development will have an adverse impact on the unique archeology of the subject coastal region.

B. Whether the proposed development will disturb ancient Hawaiian burial grounds situate in the subject coastal region.

C. Whether the proposed development will have an adverse impact on the endemic plants and birds of Maha'ulepu, including eleven (11) endemic plants which cannot be found anywhere else in the world.

D. Whether the proposed development will have an adverse impact on the public rights of way to the beaches and ocean.

E. Whether the proposed development will have an adverse impact on the OHANA O MAHA'ULEPU'S recreational uses of the area, including but not limited to, fishing, camping, hiking, diving, surfing and horseback riding.

F. Whether the proposed development will result in runoff of recycled sewage containing chemicals which could destroy the reef and fish life of the ocean waters off the Keonelo - Maha'ulepu coast.

G. Whether the proposed development, which is an "urban" and "resort" use, will result in future urban and resort development of Maha'ulepu to which the OHANA O MAHA'ULEPU is irrevocably opposed.

H. Whether the proposed development is necessary in light of at least twenty seven (27) additional golf course holes which are planned for Poipu, including but not limited to, Kiahuna's planned additional nine (9) holes at Poipu and Alexander & Baldwin's planned eighteen (18) holes at Kukuiula.

I. Whether the proposed development will have an adverse impact on the natural beauty of the Maha'ulepu coast.

Aug 29 1 39 PM '88
LAND USE COMMISSION
STATE OF HAWAII

Aug 29 12 33 PM '88
LAND USE COMMISSION
STATE OF HAWAII

sewer and water facilities, drainage facilities,
school improvements or police and fire protection.
E.A., Pgs. 25-27.

MO. 221MM 15 33 15 8
0.54 15 33 15 8

MO. 221MM 15 33 15 8
0.54 15 33 15 8

J. Whether increased traffic from the proposed development will result in noise and dust and negatively effect the peace and enjoyment of the members of OHANA O MAHA'ULEPU at Keoneloa Bay and Maha'ulepu.

K. Whether the proposed development will result, together with other future applications, in cumulative negative effects.

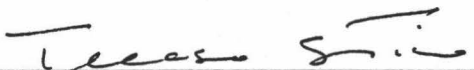
8. A decision approving the application for the project will result in a negative impact described above.

9. The OHANA O MAHA'ULEPU knows of no other way to adequately protect its interests other than by intervention.

10. The OHANA O MAHA'ULEPU knows of no other parties to the proceedings who have the same interest to protect.

11. The OHANA O MAHA'ULEPU'S participation will not unduly or unreasonably hinder or delay the proceedings.

DATED: Lihue, Hawaii, May 5, 1988.


TERESA S. TICO

Attorney for Intervenor
OHANA O MAHA'ULEPU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served by depositing a copy of same in the United States mail, postage prepaid, addressed to the following:

AINAKO RESORTS ASSOCIATES and
GROVE FARM COMPANY, INCORPORATED
4334 Rice Street, Suite 203A
Lihue, HI 96766

DATED: Lihue, Hawaii, May 9, 1988.

Teresa S. Tico
TERESA S. TICO

Attorney for Intervenor
OHANA O MAHA'ULEPU

May 10, 1988

Memo to: Mike Laureta
Planning Department

From: David W. Pratt
Grove Farm Company, Incorporated

LAND USE COMMISSION
STATE OF HAWAII

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Enclosed are two schedules showing the cane withdrawals to-date from McBryde Sugar Company and Lihue Plantation Co.

Our current Lihue/Puhi master plan shows an area of 892 acres. Approximately 327 acres have already been withdrawn from cane or were not in cane in 1974 (the date of our lease to Lihue Plantation Co.).

We will be withdrawing approximately 194 acres of cane from McBryde Sugar Company, if the Hyatt golf course project is approved.

MCBRYDE SUGAR COMPANY, LIMITED
CANE WITHDRAWALS

Date of Withdrawal Approval or or Request	Tax Map Key	Withdrawal Purpose	Cane + Attributable Area in Acres
June 7, 1974	2-8-22:04 & 2-9-01:02	Leadership Homes sale of 101.354 acres - 27.8 acres non-cane land	73.554
May 31, 1978	2-8-22:04	2,800 sq. ft. land- scaping easement - 800 square feet cane area	0.018
July 1978	2-9-01:01	New Koloa water tank	1.000 (est.)
May 3, 1979	2-9-02:01	Koloa factory K.E. switchyard	1.000
December 10, 1979	3-4-01:03	Halfway Bridge quarry expansion - original withdrawal also included a 1.70-acre parcel that was continued in cane - see letter dated June 24, 1982	1.610
October 22, 1981	2-8-22:04	Grading area mauka of Leadership Homes entry road	0.090
June 7, 1982	2-9-03:01	Expansion of limestone stockpile area and new scale site	2.000
August 31, 1982	3-4-01:03	Expansion of quarry at Halfway Bridge	10.800
October 30, 1986	2-8-04:01	Fallow cane land and haul cane road - 2.300 acres	-----
June 22, 1987	3-4-01:01	For Mauka Quarry	10.250
TOTAL			<u>100.322</u>

THE LIHUE PLANTATION COMPANY, LIMITED
CANE WITHDRAWALS

Date of Withdrawal Approval or or Request	Tax Map Key	Withdrawal Purpose	Cane + Attributable Area in Acres
1973	3-4-05:03	200.00 acres donated to Kauai Community College include most of Field Hi 8 (680) - this area not included in Lihue Plantation lease	---
1975	3-4-05:10	Water tank site above Kauai Community College	0.520
December 11, 1980	3-3-02:01	Kauai Veterinary Clinic - 30,000 square feet	0.690
December 17, 1980	3-3-03:01	Withdrew 61.565 acres for Kukui Grove Shopping Center and Village - 36.964 acres were a portion of 40.633-acre parcel purchased from Lihue Plantation in 1975 and not in Lihue Plantation's lease - portions of the 61.565 acres are for road and road widening purposes	24.601
January 30, 1981	3-3-03:01	Kukui Grove sewage treat- ment plant - Easement 108 - 50,702 square feet	1.160
June 1982	3-3-02:01	Komohana Subdivision Field Hi 9A - 33.740 acres with- drawn - this field was not in Lihue Plantation's lease as development was planned before 1974	---
July 21, 1983	3-4-01:02	Withdrew 479.000 acres in Kilohana - portions of Lots 446-A and 446-B - 218.910 acres were <u>fallow</u> cane land from Fields Hi 44 (696) and 575	---

THE LIHUE PLANTATION COMPANY, LIMITED
CANE WITHDRAWALS
Page 2

August 3, 1983	3-3-03:01	41.000 acres for Ulu Ko Subdivision plus 4.000 acres for park from Fields Hi 1 (650) and Hi 2-A (652)	45.000
August 26, 1983	3-4-05:03	Portion of Field Hi 42 (681) - approximately 8.000 acres for AM antenna for KIPO - no cane deduction as this is a sub-lease by Lihue Plantation	---
July 13, 1984	3-3-03:01	Portion of Field Hi 10 (664) for Puhi Piggery	13.330
November 30, 1987	3-3-03:01	Expansion of Kukui Grove - 32.33-acre portion of Hi 5 (661) and 22.21-acre portion of Hi 3 (654). Also 5.20-acre fallow area	54.430
November 30, 1987	3-3-03:-1	Portion of Hi 5 (661) for multi-family	14.000
TOTAL			<u>153.731</u>

AINAKO DEVELOPMENT CORP.



TRANSMITTAL MEMORANDUM

TO: Mike Lauretta
Planning Department

DATE: 5/6/88

FROM: Greg Kamm

RE:

We are sending you the following: ☒ Enclosed
☐ Under separate cover

Copies	Date	Description
1	5/6/88	Affidavit of Mailing Exhibit A - Notice of Public Hearing Exhibit B - Names & Addresses (notice mailed to)

Transmitted:

☒ For your information	☐ For necessary action
☐ For signature & return	☐ Per your request
☐ For signature, forwarding as noted below and return	☐ Per our conversation
☐ For review and comment	☐ For your approval
☐ For correction	☐ Approved as noted
☐ For distribution	☐ Disapproved
☐ For recording/filing	☐ For your files
☐ For payment	☐ See remarks below

Remarks:

☐ w/enc. ☐ w/o enc.

BY: Edie Ignacio

AFFIDAVIT OF MAILING



STATE OF HAWAII)
COUNTY OF KAUAI) SS:

Greg Kamm, being first duly sworn on oath, deposes and says as follows:

1. That he is a resident of Omao, County of Kauai, State of Hawaii;
2. That he is an employee of Ainako Development Corp.
3. That on May 6, 1988 he caused a Notice of Public Hearing to be mailed to various persons regarding permit application. A copy of the Notice of Public Hearing which was mailed is attached hereto as Exhibit "A";
4. That on the said date, the said Notice of Public Hearing was mailed to those persons and entities listed in Exhibit "B", attached hereto and made a part hereof, at the addresses listed;
5. That the said Notice of Public Hearing was mailed certified or registered mail, postage prepaid, and that copies of the receipt for such certified or registered mailing are available at the office of Ainako Development Corp., for inspection upon request.

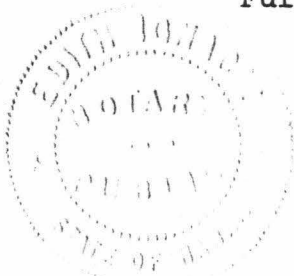
Further, Affiant says not.

A handwritten signature in dark ink, appearing to read "Greg Kamm", written over a horizontal line.

Subscribed and sworn to before
me this 6th day of May, 1988.

Edith Sanaciu
Notary Public, Fifth Judicial
5th Circuit, State of Hawaii

My Commission expires: 12-28-90



COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

REVISED

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Kauai Planning Commission at the **Kauai War Memorial Convention Hall Meeting Rooms** on Wednesday, May 25, 1988, at 1:30 p.m. or soon thereafter to consider, under the Special Management Area Rules and Regulations of the County of Kauai a SPECIAL MANAGEMENT AREA USE PERMIT; under the provisions of Ordinance No. 164 (CZO), as amended, a USE PERMIT and CLASS IV ZONING PERMIT; and under the provisions of the State Land Use Commission Rules and Regulations, a SPECIAL PERMIT to allow development of an 18-hole golf course, driving range, clubhouse and parking on property located between Weliweli and Mahaulepu, Koloa, Kauai, further identified as Tax Map Key: 2-9-01: Por. 1, comprised of approximately 210 acres.

All interested persons may present testimony for or against any application as public witnesses. Such testimony should be made in writing and presented to the Commission prior to the public hearing.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Petitions for intervenor status must be submitted to the Commission and the applicant at least seven (7) days prior to the date of the hearing advertised herein and shall be in conformance with Chapter 4 of the Rules of Practice and Procedure of the Planning Commission.

Proposed plans and the Rules of Practice and Procedure of the Planning Commission are available for inspection at the Planning Department which is located at 4280 Rice Street, Lihue, Kauai.

(May 4, 1988)

KAUAI PLANNING COMMISSION
Sunshyne Costa, Chairman
By Tom H. Shigemoto, Planning Director

Publish in reduced print.

EXHIBIT "A"

ADDRESSES

2-9-01:02 Kawaiiloa Development Inc.
737 Bishop St., Suite 1445
Honolulu, HI 96813

02:1 Poipu Ranch Co., Ltd.
P.O. Box 729
Koloa, HI 96756

02:2 Grove Farm
P.O. Box 2069
Puhi Rural Branch
Lihue, HI 96766-7069

03:1 Grove Farm

2-8-28:88 Mr. & Mrs. James W. Eral
731 Clubhouse Dr.
Aptos, CA 95003

 Mr. Robert S. Moran
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. Michael A. Moran
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. Stanley F. Brown
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. Joseph A. Orlando
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. D. Gerald Brown
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. Duane M. Haugen
c/o Mr. & Mrs. James W. Eral

:87 The Housing Group
P.O. Box 537
Koloa, HI 96756

:89 William Eral, et al.

 Robert S. Moran
c/o Mr. & Mrs. James W. Eral

 Mr. & Mrs. Stanley F. Brown
c/o Mr. & Mrs. James W. Eral

EXHIBIT "B" - Page 1

:95 Poipu Kai Association
RR 1, Box 173
Koloa, HI 96756

:90 The Housing Group

:91 R. Gary Clark
8709 S.E. Causey Ave.
Portland, OR 97266

:67 Leeroy Bedwell
2337 West Warner
Fresno, CA 93711

:68 Pang Boon-Lian/Joan
2504 Sherbourne
Belmont, CA 94004

:69 Don Westwood
The Westwood Company
11246 Gold Express Dr.
Gold River, CA 95670

:70 The Housing Group

:83 Andrew E. Maser
3342 Canton Way
Studio City, CA 91604

2-8-22:4 Grove Farm

:2 Roman Catholic Church
c/o Hawaiian Trust Co., Ltd.
P.O. Box 3170
Honolulu, HI 96802

:1 Grove Farm

2-8-02:12 Kauai Electric
P.O. Box 278
Eleele, HI 96705

:2 Grove Farm

FOLLOWING IS A LIST OF PERSONS WHO HAVE REQUESTED IN WRITING TO BE NOTIFIED OF SPECIAL MANAGEMENT AREA USE PERMIT HEARINGS:

1. 1000 Friends of Kauai
P. O. Box 404
Hanalei, Hawaii 96714
2. Greg A. Kamm
3732 Omao Road
Koloa, Hawaii 96756
3. Sierra Club
Kauai Group
P. O. Box 3412
Lihue, Hawaii 96766
4. Cheryl Lovell-Obatake
Trustee for Beatrice P. Lovell
P. O. Box 366
Lihue, Hawaii 96766
5. State of Hawaii
Department of Business & Economic Development
P. O. Box 2359
Honolulu, Hawaii 96804

Attn: CZM Program
6. Koloa Community Association
P. O. Box 1313
Koloa, Kauai, HI 96756

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the County of Kauai Planning Commission at the County Building (Council Chambers) on Wednesday, May 25, 1988, at 1:30 p.m. or soon thereafter to consider under the provisions of the State Land Use Commission Rules and Regulations, the Special Management Area Rules and Regulations of the County of Kauai, and the provisions of Ordinance No. 164 (CZO), as amended, the following:

1. USE PERMIT, SPECIAL PERMIT and CLASS IV ZONING PERMIT to construct a hog slaughterhouse and processing plant on an existing hog farm currently zoned Open District (O) in Omao, Kauai, on property located at the end of Noho Road, further identified as Tax Map Key: 2-7-05:12, comprised of 11.09 acres.
2. VARIANCE PERMIT and CLASS IV ZONING PERMIT to deviate from Section 8-7.6 of the CZO, relating to minimum average lot width for lots within the Agriculture District, to subdivide property in Wailua Homesteads, Kauai, further identified as Tax Map Key: 4-4-03:2, located approximately 900 feet west of the Kamalu Road and Oloheua Road intersection, comprised of 24.65 acres.
- ✓ 3. SPECIAL MANAGEMENT AREA USE PERMIT, USE PERMIT, SPECIAL PERMIT and CLASS IV ZONING PERMIT to allow development of an 18-hole golf course, driving range, clubhouse and parking on property located between Weliweli and Mahaulepu, Koloa, Kauai, further identified as Tax Map Key: 2-9-01: Por. 1, comprised of approximately 210 acres.

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(May 4, 1988)

KAUAI PLANNING COMMISSION
Sunshyne Costa, Chairman
By Tom H. Shigemoto, Planning Director

Publish in reduced print.

Aug 18 3 15 PM '88
LAND USE COMMISSION
STATE OF HAWAII

COUNTY OF KAUAI
PLANNING DEPARTMENT

LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 15 PM '88

APPLICANT Ainako Resort Associates and Grove Farm Properties, Inc.

PROJECT 18-Hole Golf Course and Related Facilities

TAX MAP KEY: 2-9-01: Por. 1 Mahaulepu, Koloa, Kauai

Please be advised that your application for a SPECIAL MANAGEMENT AREA (SMA) USE PERMIT has been accepted for processing.

A public hearing has been scheduled for May 25, 1988, at the Kauai War Memorial Convention Hall Meeting Rooms, Lihue. Pursuant to Section 9.0 of the County of Kauai Special Management Area Rules and Regulations, immediately upon the Planning Commission fixing a day for the public hearing, you are required to mail a notice setting forth the time and place of the hearing to not less than two-thirds of the persons being the owners or lessees holding under recorded leases of real estate situated within a distance of three hundred (300) feet from the nearest point of the premises involved in the application to the nearest point of such real estate, and to persons who have requested in writing to be notified of Special Management Area Use Permit hearings, not less than fifteen (15) days prior to the date set for the hearing; and before the hearing, you are required to file with the Planning Commission of the County of Kauai an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the persons concerned.

In addition, for each condominium project within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager," followed by the name and address of the condominium involved.

A copy of the public hearing notice, together with a list of persons who have requested in writing to be notified of SMA Use permit hearings are enclosed for your use.

April 28, 1988
Date

Tom H. Shigemoto
TOM H. SHIGEMOTO
Planning Director

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

REVISED

NOTICE OF PUBLIC HEARING

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KAUAI PLANNING COMMISSION
Sunshyne Costa, Chairman
By Tom H. Shigemoto, Planning Director

(May 4, 1988)

Publish in reduced print.

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Hanalei, Hawaii 96714
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3732 Omao Road
Koloa, Hawaii 96756
3. Sierra Club
Kauai Group
P. O. Box 3412
Lihue, Hawaii 96766
4. Cheryl Lovell-Obatake
Trustee for Beatrice P. Lovell
P. O. Box 366
Lihue, Hawaii 96766
5. State of Hawaii
Department of Business & Economic Development
P. O. Box 2359
Honolulu, Hawaii 96804

Attn: CZM Program
6. Koloa Community Association
P. O. Box 1313
Koloa, Kauai, HI 96756

TONY T. KUNIMURA
MAYOR



TOM H. SHIGEMOTO
Planning Director

ROLAND D. SAGUM, III
Deputy Planning Director

Telephone (808)245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

April 28, 1988

Hawaii Newspaper Agency
Legal Department
P. O. Box 3350
Honolulu, Hawaii 96801

Subject: Legal Notice

Enclosed is a NOTICE OF PUBLIC HEARING for the May 4, 1988
issue of the Star-Bulletin, one-time run.

Please send all invoices, with affidavit, to:

County of Kauai
Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

If you have any questions, please call us at 245-3919.

TOM H. SHIGEMOTO
Planning Director

Enclosure

NOTE: This supersedes our submittal of April 25, 1988. Thank you.

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the County of Kauai Planning Commission at the **Kauai War Memorial Convention Hall Meeting Rooms** on Wednesday, May 25, 1988, at 1:30 p.m. or soon thereafter to consider under the provisions of the State Land Use Commission Rules and Regulations, the Special Management Area Rules and Regulations of the County of Kauai, and the provisions of Ordinance No. 164 (CZO), as amended, the following:

1. USE PERMIT, SPECIAL PERMIT and CLASS IV ZONING PERMIT to construct a hog slaughterhouse and processing plant on an existing hog farm currently zoned Open District (O) in Omao, Kauai, on property located at the end of Noho Road, further identified as Tax Map Key: 2-7-05:12, comprised of 11.09 acres.
2. VARIANCE PERMIT and CLASS IV ZONING PERMIT to deviate from Section 8-7.6 of the CZO, relating to minimum average lot width for lots within the Agriculture District, to subdivide property in Wailua Homesteads, Kauai, further identified as Tax Map Key: 4-4-03:2, located approximately 900 feet west of the Kamalu Road and Oloheua Road intersection, comprised of 24.65 acres.
- ✓ 3. SPECIAL MANAGEMENT AREA USE PERMIT, USE PERMIT, SPECIAL PERMIT and CLASS IV ZONING PERMIT to allow development of an 18-hole golf course, driving range, clubhouse and parking on property located between Weliweli and Mahaulepu, Koloa, Kauai, further identified as Tax Map Key: 2-9-01: Por. 1, comprised of approximately 210 acres.

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(May 4, 1988)

KAUAI PLANNING COMMISSION
Sunshyne Costa, Chairman
By Tom H. Shigemoto, Planning Director

Publish in reduced print.

REVISOR
APR 18 3 15 PM '88
LAND USE COMMISSION
STATE OF HAWAII

TONY T. KUNIMURA
MAYOR



TOM H. SHIGEMOTO
Planning Director

ROLAND D. SAGUM, III
Deputy Planning Director

Telephone (808)245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

April 25, 1988

Hawaii Newspaper Agency
Legal Department
P. O. Box 3350
Honolulu, Hawaii 96801

LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 15 PM '88

Subject: Legal Notice

Enclosed is a NOTICE OF PUBLIC HEARING for the May 4, 1988
issue of the Star-Bulletin, one-time run.

Please send all invoices, with affidavit, to:

County of Kauai
Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

If you have any questions, please call us at 245-3919.

Tom H. Shigemoto
my

TOM H. SHIGEMOTO
Planning Director

Enclosure

COUNTY OF KAUAI
PLANNING DEPARTMENT

APPLICANT AINAKO RESORT ASSOCIATES AND GROVE FARM PROPERTIES, INC.

PROJECT 18-Hole Golf Course and Related Facilities

TAX MAP KEY: 2-9-01: Por. 1 Mahaulepu, Koloa, Kauai

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A public hearing has been scheduled for May 25, 1988,
at the Council Chambers, County Building, Lihue.

Pursuant to Section 9.0 of the County of Kauai Special Management Area Rules and Regulations, immediately upon the Planning Commission fixing a day for the public hearing, you are required to mail a notice setting forth the time and place of the hearing to not less than two-thirds of the persons being the owners or lessees holding under recorded leases of real estate situated within a distance of three hundred (300) feet from the nearest point of the premises involved in the application to the nearest point of such real estate, and to persons who have requested in writing to be notified of Special Management Area Use Permit hearings, not less than fifteen (15) days prior to the date set for the hearing; and before the hearing, you are required to file with the Planning Commission of the County of Kauai an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the persons concerned.

In addition, for each condominium project within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager," followed by the name and address of the condominium involved.

A copy of the public hearing notice, together with a list of persons who have requested in writing to be notified of SMA Use permit hearings are enclosed for your use.

Apr. 25, 1988
Date

Tom H. Shigemoto
TOM H. SHIGEMOTO
Planning Director

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Kauai Planning Commission at the County Building (Council Chambers) on Wednesday, May 25, 1988, at 1:30 p.m. or soon thereafter to consider, under the Special Management Area Rules and Regulations of the County of Kauai a SPECIAL MANAGEMENT AREA USE PERMIT; under the provisions of Ordinance No. 164 (CZO), as amended, a USE PERMIT and CLASS IV ZONING PERMIT; and under the provisions of the State Land Use Commission Rules and Regulations, a SPECIAL PERMIT to allow development of an 18-hole golf course, driving range, clubhouse and parking on property located between Weliweli and Mahaulepu, Koloa, Kauai, further identified as Tax Map Key: 2-9-01: Por. 1, comprised of approximately 210 acres.

All interested persons may present testimony for or against any application as public witnesses. Such testimony should be made in writing and presented to the Commission prior to the public hearing.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Petitions for intervenor status must be submitted to the Commission and the applicant at least seven (7) days prior to the date of the hearing advertised herein and shall be in conformance with Chapter 4 of the Rules of Practice and Procedure of the Planning Commission.

Proposed plans and the Rules of Practice and Procedure of the Planning Commission are available for inspection at the Planning Department which is located at 4280 Rice Street, Lihue, Kauai.

KAUAI PLANNING COMMISSION
Sunshyne Costa, Chairman
By Tom H. Shigemoto, Planning Director

(May 4, 1988)

Publish in reduced print.

FOLLOWING IS A LIST OF PERSONS WHO HAVE REQUESTED IN WRITING TO BE NOTIFIED OF SPECIAL MANAGEMENT AREA USE PERMIT HEARINGS:

1. 1000 Friends of Kauai
P. O. Box 404
Hanalei, Hawaii 96714
2. Greg A. Kamm
3732 Omao Road
Koloa, Hawaii 96756
3. Sierra Club
Kauai Group
P. O. Box 3412
Lihue, Hawaii 96766
4. Cheryl Lovell-Obatake
Trustee for Beatrice P. Lovell
P. O. Box 366
Lihue, Hawaii 96766
5. State of Hawaii
Department of Business & Economic Development
P. O. Box 2359
Honolulu, Hawaii 96804

Attn: CZM Program
6. Koloa Community Association
P. O. Box 1313
Koloa, Kauai, HI 96756

ENVIRONMENTAL ASSESSMENT
Proposed Golf Course at Hyatt Regency Kauai
Poipu, Kauai, Hawaii

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 15 PM '88

April 1988

Prepared for:
Grove Farm Properties, Inc.
Ainako Resort Assoc.
Kauai, Hawaii

Prepared by:
Belt Collins & Assoc.
Honolulu, Hawaii



ENVIRONMENTAL ASSESSMENT
Proposed Golf Course at Hyatt Regency Kauai
Poipu, Kauai, Hawaii

I. INTRODUCTION

Purpose

Proposed is an 18-hole golf course and temporary field nursery on approximately 210 acres of land adjacent to the planned Hyatt Regency Kauai hotel in Poipu, Kauai (See Figure 1). The Tax Map Key identification of the property is 2-9-01: por. 1, Fourth Division.

This environmental assessment provides support information for various State and County permit applications to allow for the proposed golf course development. The specific applications are listed in Section II of this document.

Applicant

The developer of the proposed golf course is Ainako Resort Associates, and the owner of the property is Grove Farm Properties, Inc. Together, the developer and the owner are joint applicants for the proposed project. Further, the developer is presently securing a lease from the owner to operate on the property.

II. DESCRIPTION OF PROPOSED ACTION

Statement of Objectives

The applicant proposes to develop an 18-hole championship calibre golf course and operate it in association with the planned 605-room Hyatt Regency Kauai at Keonelo Bay. The proposed development will be maintained as a resort-oriented facility but will be opened to the public. It will be developed also to accommodate an increasing demand for golf play in Poipu and to make South Kauai more competitive with other visitor destination areas on the island.

Poipu now comprises more than 1,800 hotel rooms and apartment condominium units, but only one 18-hole golf course. It is estimated that the new hotel and adjacent existing residential areas would support an additional 18-hole golf course or approximately 46,000 rounds of golf annually.* This estimated demand would increase as additional development occur in and around Poipu.

* Robert E. Yoxall, Inc., 1988

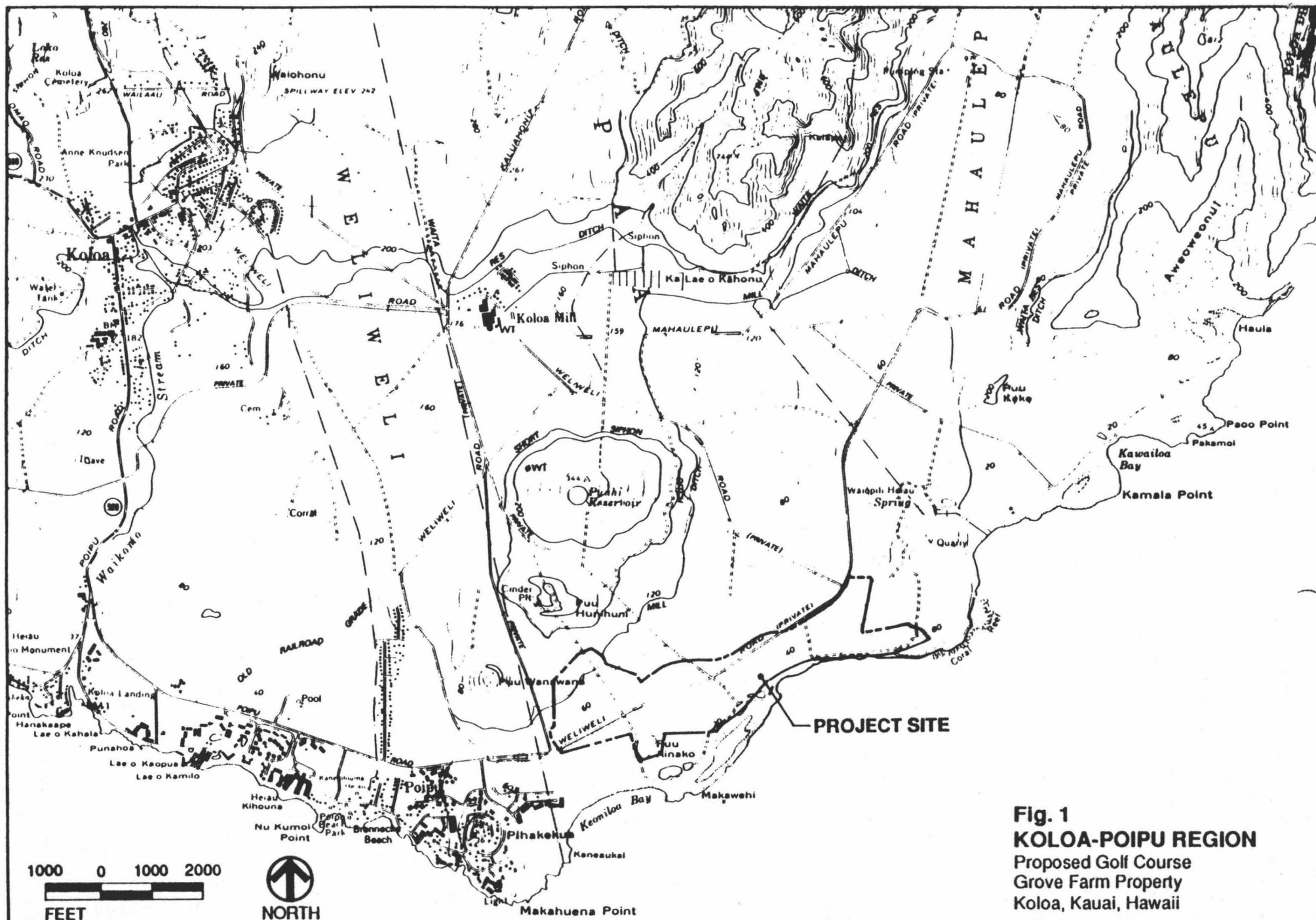


Fig. 1
KOLOA-POIPU REGION
 Proposed Golf Course
 Grove Farm Property
 Koloa, Kauai, Hawaii

As a prerequisite to construction of the proposed golf course, the following permits and approvals are required:

	<u>Approving Agency</u>
o Special Management Area (SMA) Use Permit	County Planning Dept.
o Use Permit	County Planning Dept.
o Special Permit	County Planning Dept./ State Land Use Commission
o Zoning Permit	County Planning Dept.
o Subdivision (future)	County Planning Dept.

Approval of all County permit applications, listed above, are being sought concurrently.

Project Description

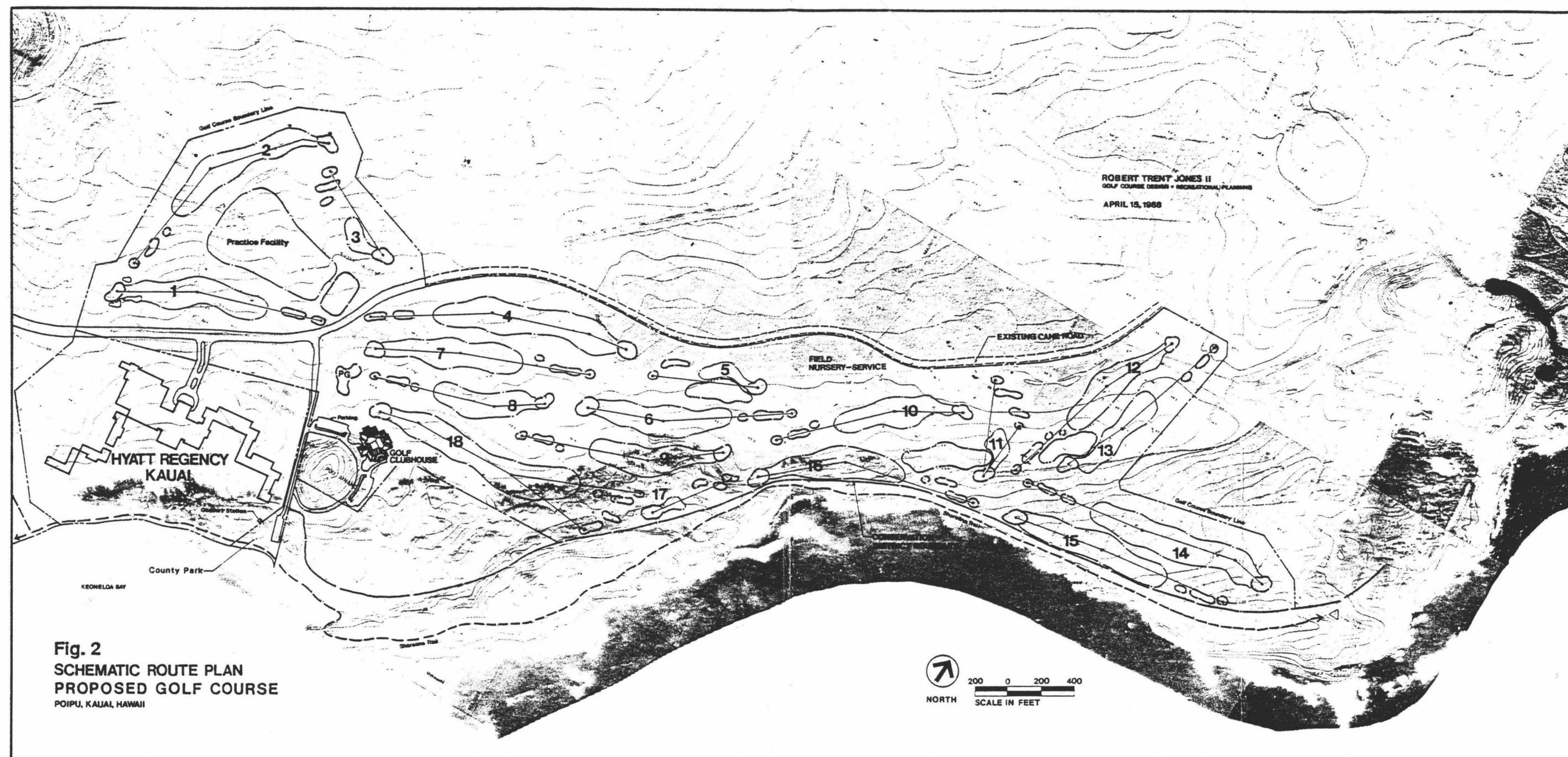
The proposed golf course will consist of 18 holes, a driving range, putting green, and clubhouse (See Figure 2). The clubhouse will be located near the planned Hyatt Regency Kauai and will include parking and access from Poipu Road extension. The clubhouse will include a golf pro shop, restaurant, golf club storage room and golf cart maintenance area. The building will articulate the architectural style that will blend with the Hyatt Regency and the predominant vernacular of the area. Also proposed are a golf course maintenance building and temporary field nursery that will be located within the golf fairways away from the golf clubhouse.

The proposed golf course layout will be configured to consist of three holes mauka of the Hyatt Regency and the remainder in an area east of the clubhouse generally following the coastline. The makai holes are intended to take advantage of the area's scenic amenities, as well as preserve, in perpetuity, the shoreline's open space environment.

There will be a public shoreline trail within the Conservation District along the length of the project. The trail which will be kept in a natural state is shown on Figure 2 as a dashed line which is not intended to be a literal location. The actual trail alignment will be laid out in the field to fit the topography and other natural features. Provision will also be made for adequate access for fishermen.

Project Schedule and Cost

The proposed golf course is scheduled to begin construction in mid 1988 and be completed in July 1990, in order to coincide with the opening of the planned hotel at



Keonelo Bay. Total construction cost, including the golf course, clubhouse and infrastructure, is estimated to be \$ 9 million.

III. RELATIONSHIP TO STATE AND COUNTY LAND USE POLICIES

Hawaii State Plan

The Hawaii State Plan was adopted in 1978 and revised in 1986 to serve as a guide for the long-range future development of the State. It establishes an overall theme, goals, objectives, policies, priority directions, and a system for plan formulation and program coordination for the integration of all major State and County activities.

The goals for the State are set forth in the areas of the economy, physical environment, and physical, social and economic well-being of its population. The objectives and policies of the State Plan are set forth in the areas of population, the economy, the physical environment, facility systems and socio-cultural advancement.

The proposed project is consistent with a number of the broad objectives and policies embraced in the State Plan. Below is a list of those objectives and policies which are particularly applicable or related to the proposed development.

SELECTIVE LIST OF APPLICABLE STATE PLAN OBJECTIVES AND POLICIES

Population:

- o Manage population growth statewide in a manner that provides increased opportunities for Hawaii's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.

Economy-Visitor Industry:

- o Support and assist in the promotion of Hawaii's visitor attractions and facilities.
- o Improve the quality of existing visitor destination areas.
- o Encourage greater cooperation between the public and private sectors in developing and maintaining well-designed and adequately serviced visitor industry and related developments . . .

- o Ensure that visitor facilities and destination areas are carefully planned and sensitive to existing neighboring communities and activities.

The Physical Environment - Land-based, Shoreline and Marine Resources:

- o Maintain prudent use of Hawaii's land-based, shoreline and marine resources.
- o Assure effective protection of Hawaii's unique and fragile environmental resources.

The Physical Environment - Scenic, Natural Beauty, and Historic Resources:

- o Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's service assets, natural beauty, and multi-cultural/historical resources.

The Socio-Cultural Advancement - Leisure:

- o Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.
- o Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.
- o Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.

State Functional Plans

The State Plan calls for the preparation of twelve State Functional Plans, each of which concerns itself with one specific functional area, e.g., transportation, tourism, housing, agriculture, etc. These functional plans are to:

" . . . contain objectives to be achieved and policies to be pursued in the primary field of activity and such policies shall address major programs and the location of major

[State-financed] facilities. The functional plan[s] shall also contain implementation priorities and actions which may include, but not be limited to, programs, maps, regulatory measures, standards, and interagency coordination provisions." (Section 57(b), The Hawaii State Plan)

All twelve functional plans have been adopted by the State Legislature. These plans were mandated to serve as guides in each functional area. It is the applicant's intent to consider and be consistent, as possible, with these plans in the development of the proposed golf course.

State Land Use Law

All lands in the State of Hawaii are classified into four land use district categories: Urban, Rural, Agricultural and Conservation. The proposed project is located in the Agricultural District (See Figure 3). Responsibility of reviewing land use within the Agricultural District on the Island of Kauai lies with the County of Kauai and the State Department of Agriculture.

Kauai County General Plan

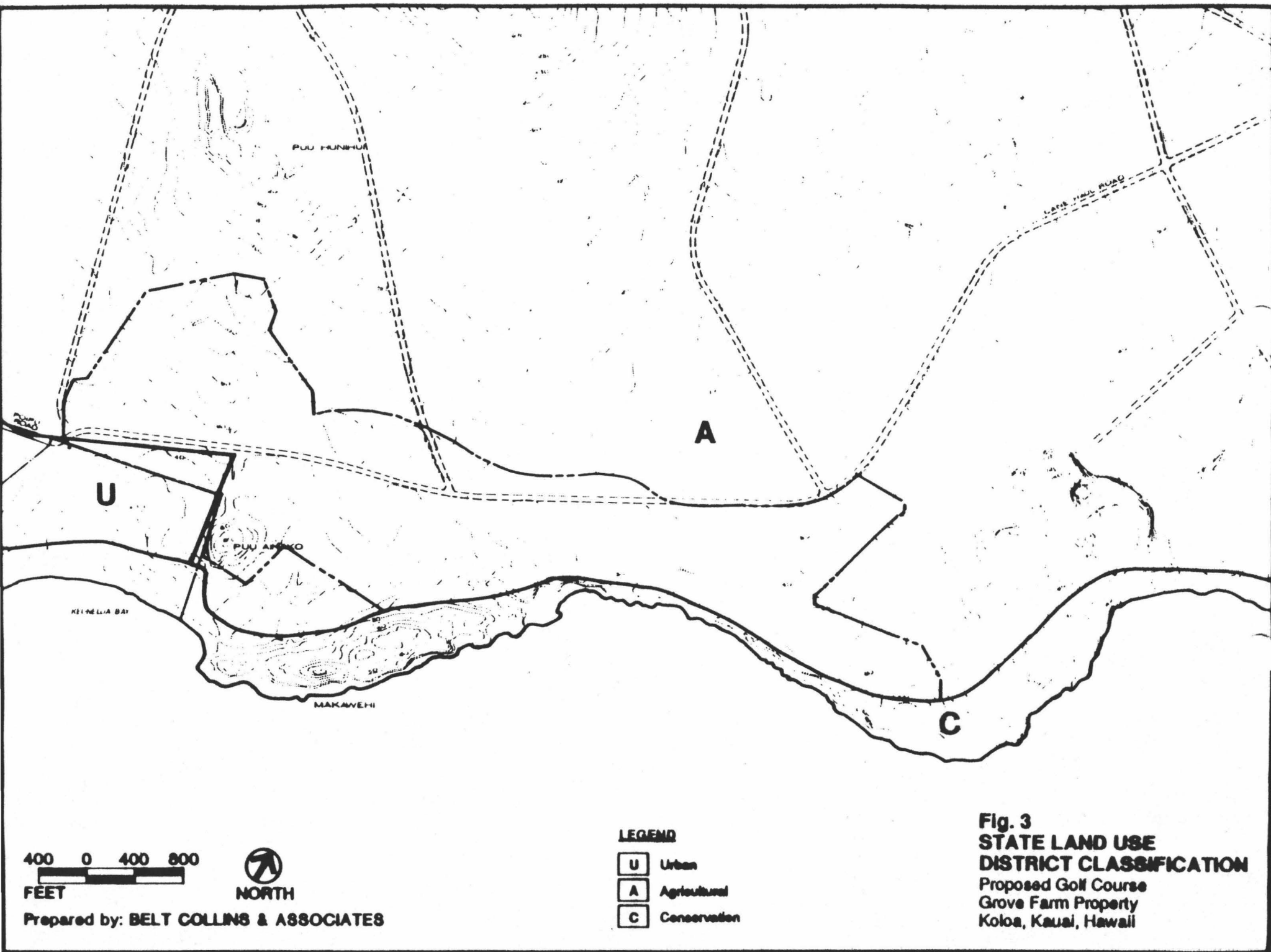
The current County of Kauai General Plan sets forth the broad objectives and policies for long-term development on the Island of Kauai. Its objectives and policies are intended to supplement and enhance the objectives and policies of the Hawaii State Plan. Of particular importance to the proposed project is the General Plan's land use element. It designates the project site for agricultural use while the shoreline area is shown as "open" use. Thus, within the "open" designated lands, the proposed golf course is consistent with the General Plan of the County of Kauai. Within the agricultural lands, the proposed golf course is consistent with the overall policies and objectives of the County General Plan document.

County Zoning

Zoning Map No. ZM-PO-300 of the County of Kauai shows the project site located within the State Agricultural District. Thus, government approvals must be obtained from the State Land Use Commission and County of Kauai (See Section II).

Special Management Area

A portion of the project site is located in the Special Management Area (SMA) and is thus subject to the SMA Rules and Regulations of the County of Kauai. This environmental assessment is a supplement to the SMA Use Permit Application, which if approved among others, would allow for the development of the proposed golf course. A discussion of the project's relationship to the SMA objectives, policies and guidelines is presented in Section VII of this document.



Shoreline Setback

No alterations will be made to the immediate shoreline or to the area within 40 feet of the high water mark. This area will be preserved and left in its natural condition. Some clean up and maintenance, however, may be undertaken by the applicant makai of the golf course to assure a clean, well-kept and safe coastal environment.

Shoreline Survey

A shoreline survey of the property was completed on February 4, 1988 by a registered land surveyor. A copy of the plan is now being certified by the State Board of Land and Natural Resources. In accordance with SMA Rules and Regulations, a reproduction of the shoreline survey map will be submitted to the County of Kauai upon receipt of certification.

Subdivision (future)

The project site is located within a larger parcel of land indentified as TMK 2-9-01: 1. A separate parcel will be required to isolate the ownership of the golf course from the remainder of the property which belongs to Grove Farm Properties. The applicant eventually plans to submit an application to the County of Kauai to initiate the subdivision process for the proposed project.

IV. DESCRIPTION OF THE PROJECT SITE AND THE AFFECTED ENVIRONMENT

Poipu Community

The project site is located on the eastern perimeter of the resort community of Poipu in South Kauai. Unlike master planned visitor destination areas developed by single entities, Poipu is comprised of a number of independent resort and hotel developments. Kiahuna Plantation, Sheraton-Kauai and Waiohai, for example, are the most notable and largest facilities.

It was only recently that Poipu developed into a major visitor destination area. Prior to 1960, this isolated and remote coastal settlement was primarily occupied by a small number of beachfront homes. They primarily were associated with the sugar plantation which still operates a mill today about 1.5 miles to the north. Poipu's warm, sunny climate and beautiful beaches, however, have made the area an attractive and popular vacation spot for tourists. Poipu now comprises more than 1,800 hotel rooms and apartment condominiums, commercial facilities, residences and beach parks.

Existing Land Use

The project site is located on coastal and agricultural lands (See Figure 4). The agricultural portion of the property extends beyond the site's northern and eastern

boundaries. This land is owned by Grove Farm and leased to McBryde Sugar Co. for planting and harvesting of sugarcane. McBryde Sugar Co. also operates the nearby Koloa Mill.

To the west is the resort community of Poipu which stretches approximately 2.3 miles along Kauai's southern coast. Immediately to the west are several resort residential projects, including the Bay View, a 40-lot residential subdivision, Lanai Villas Makai Subdivision, a 47-lot residential subdivision, and Poipu Sands, a resort-residential condominium. Immediately behind Keonelo Bay, a 2,000' long white sand beach, is the planned 605-room Hyatt Regency Kauai hotel which is scheduled for construction this year. Along the shoreline at Makahuena Point is a U.S. Coast Guard lighthouse and navigational facility.

Access to the project site is via Poipu Road which also serves the resort community of Poipu and rural town of Koloa.

Physiography

The overall terrain of the property gradually rises from the 30' elevation near the shoreline to approximately 125 feet at the mauka boundary. The average site slope is about 4 percent and the average site depth is approximately 1,200 feet.

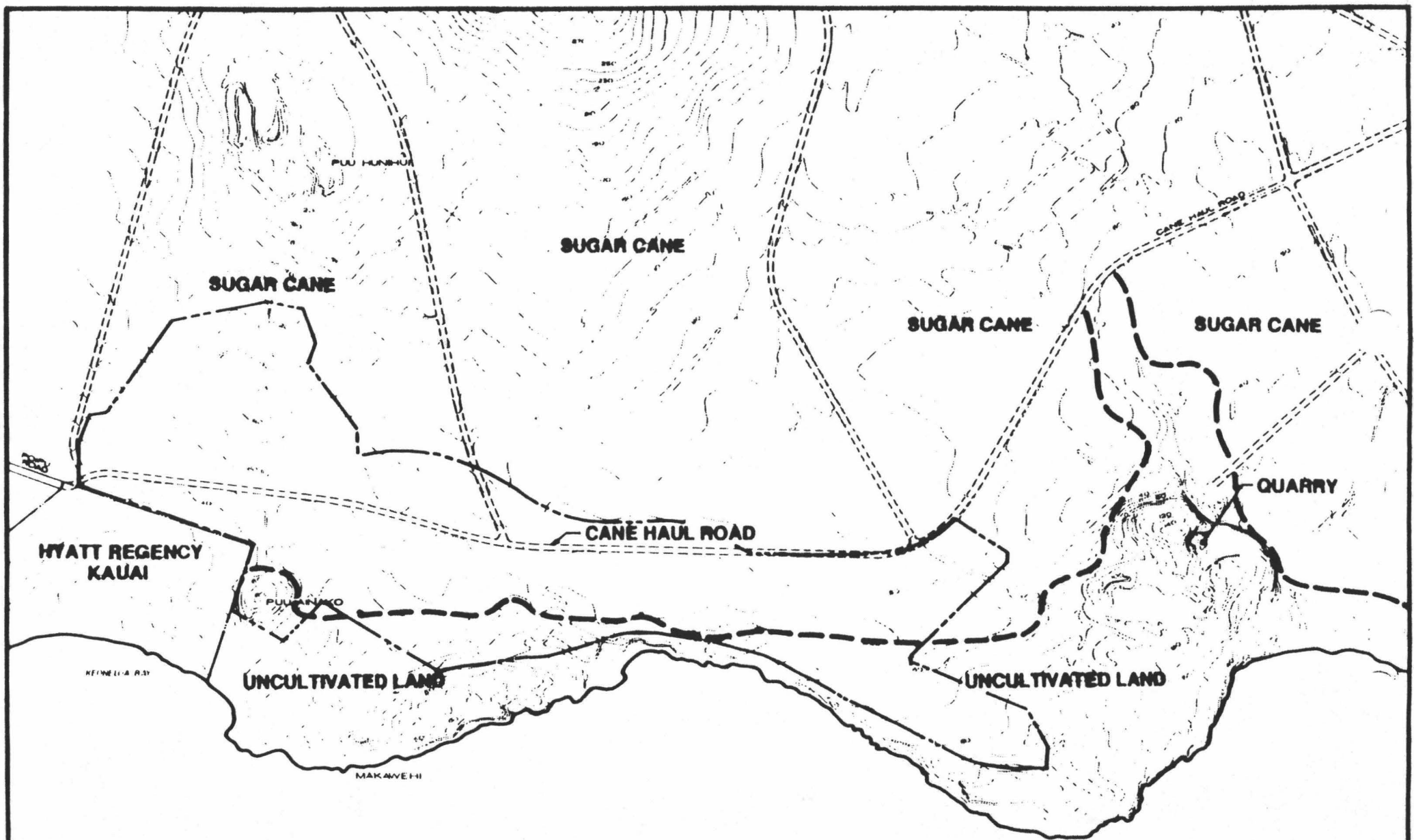
Inasmuch as there are no distinguishable drainageways on the property and the topography is relatively even, it is determined that on-site runoff is primarily by sheet flow toward the ocean. At the coastline are formations of limestone and lithified calcareous sand dunes of approximately 30 to 120 feet in elevation. There are no sand beaches in the project area.

The lithified sand dunes were most likely created during the Waipio stand of the sea, which is thought to be older than 120,000 years. During this period, the sea stood about 60 feet lower than today. Moderately well cemented calcareous sand dunes are found along the coast from Makahuena Point and eastward.

Construction of the proposed golf course will involve extensive grading, however, the proposed golf course design will adapt to the property's topographic condition in order to take advantage of the site's unique features. Therefore, intensive grading will be minimized. Further, existing drainage pattern will be respected and precautions will be taken to minimize soil erosion and sedimentation during construction.

Soils

According to the Soil Conservation Service of the U.S. Department of Agriculture, the project site contains the following soil types (See also Figure 5).

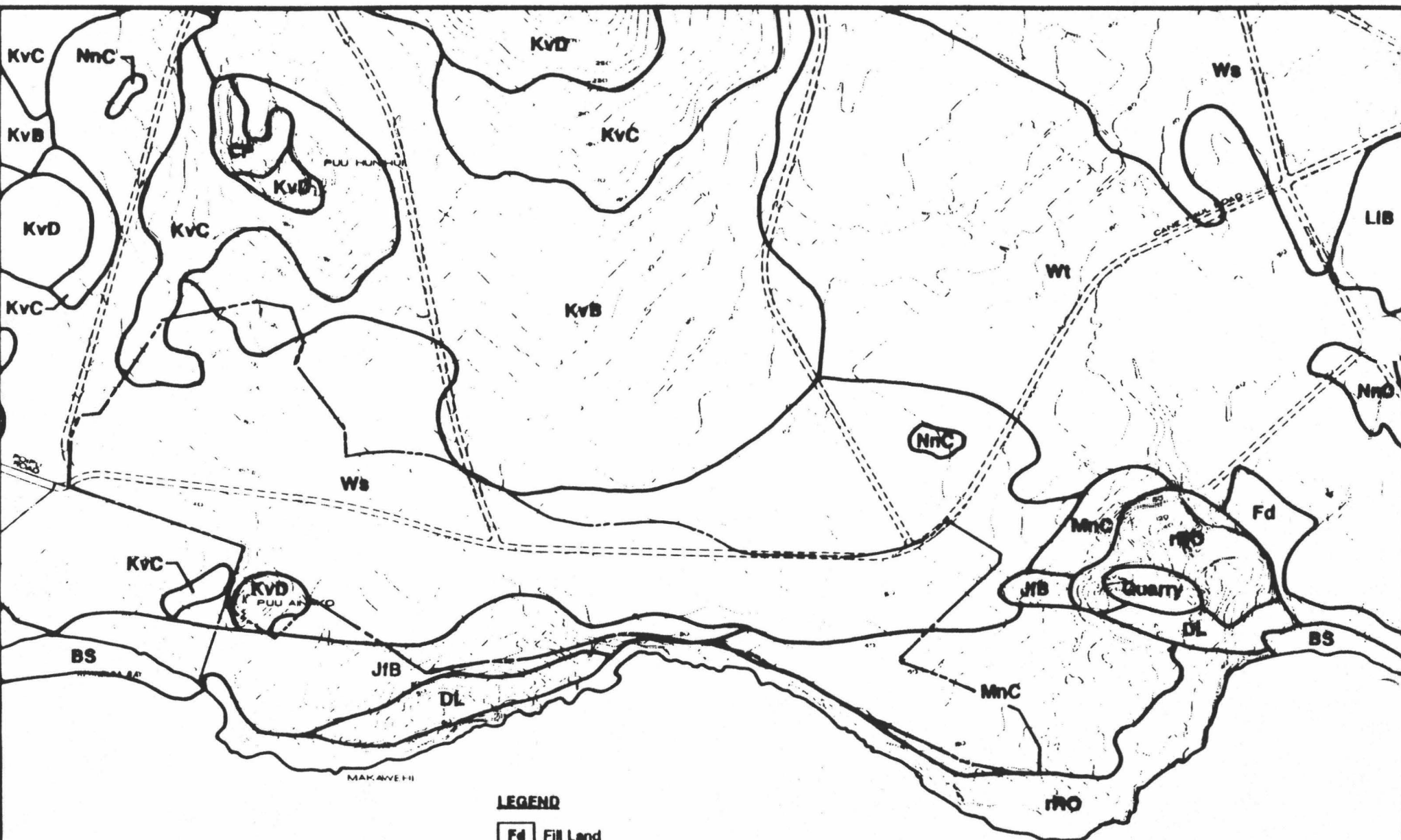


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Prepared by: BELT COLLINS & ASSOCIATES

Fig. 4
EXISTING LAND USE
Proposed Golf Course
Groves Farm Property
Koloa, Kauai, Hawaii



LEGEND

Fd Fill Land

JfB Jaucas Loamy Fine Sand

Kvb Koloa Stony Silty Clay

Kvc Koloa Stony Silty Clay

Kvd Koloa Stony Silty Clay

LIB Lihue Gravelly Silty Clay

MnC Mamala Stony Silty Clay Loam

NnC Nonopahu Clay

Ws Waikomo Stony Silty Clay

Wt Waikomo Very Rocky Silty Clay

BS Beaches

DL Dune Land

rRO Rock Outcrop

Fig. 5
SOIL CLASSIFICATION--
U.S. SOIL
CONSERVATION SERVICE
 Proposed Golf Course
 Grove Farm Property
 Koloa, Kauai, Hawaii

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Prepared by: BELT COLLINS & ASSOCIATES

Waikomo stony silty clay (Ws)

Koloa stony silty clay (KvB, KvC & KvD)

Rock outcrop (rRO)

Mamala stony silty clay loam (MnC)

Jaucas loamy fine sand (JfB)

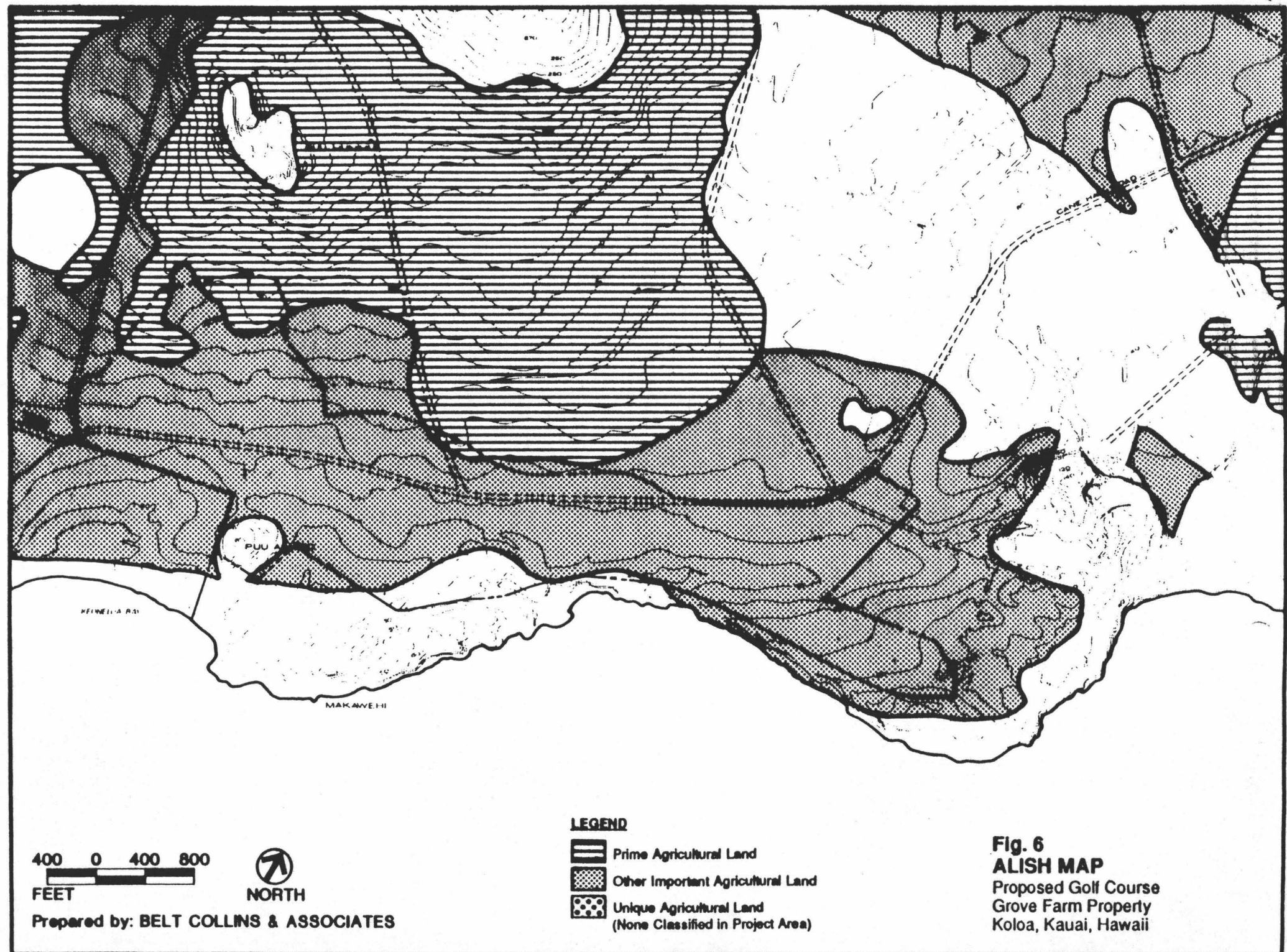
Waikomo stony silty clay comprises one of the larger areas on the property. It consists of well-drained, stony and rocky material developed in matter weathered from basic igneous rock. The permeability of the soil is moderate, its runoff is slow, and its erosion hazard characteristic is slight. The Capability Classification of this soil type, on a scale of I to VIII, is VI, when nonirrigated. A rating of I indicates a soil condition which is suitable for most kinds of crops, and a rating of VIII indicates a soil condition which is extremely severe. The subscript "s" indicates the severe condition is due to shallow, droughty or stony soil factors.

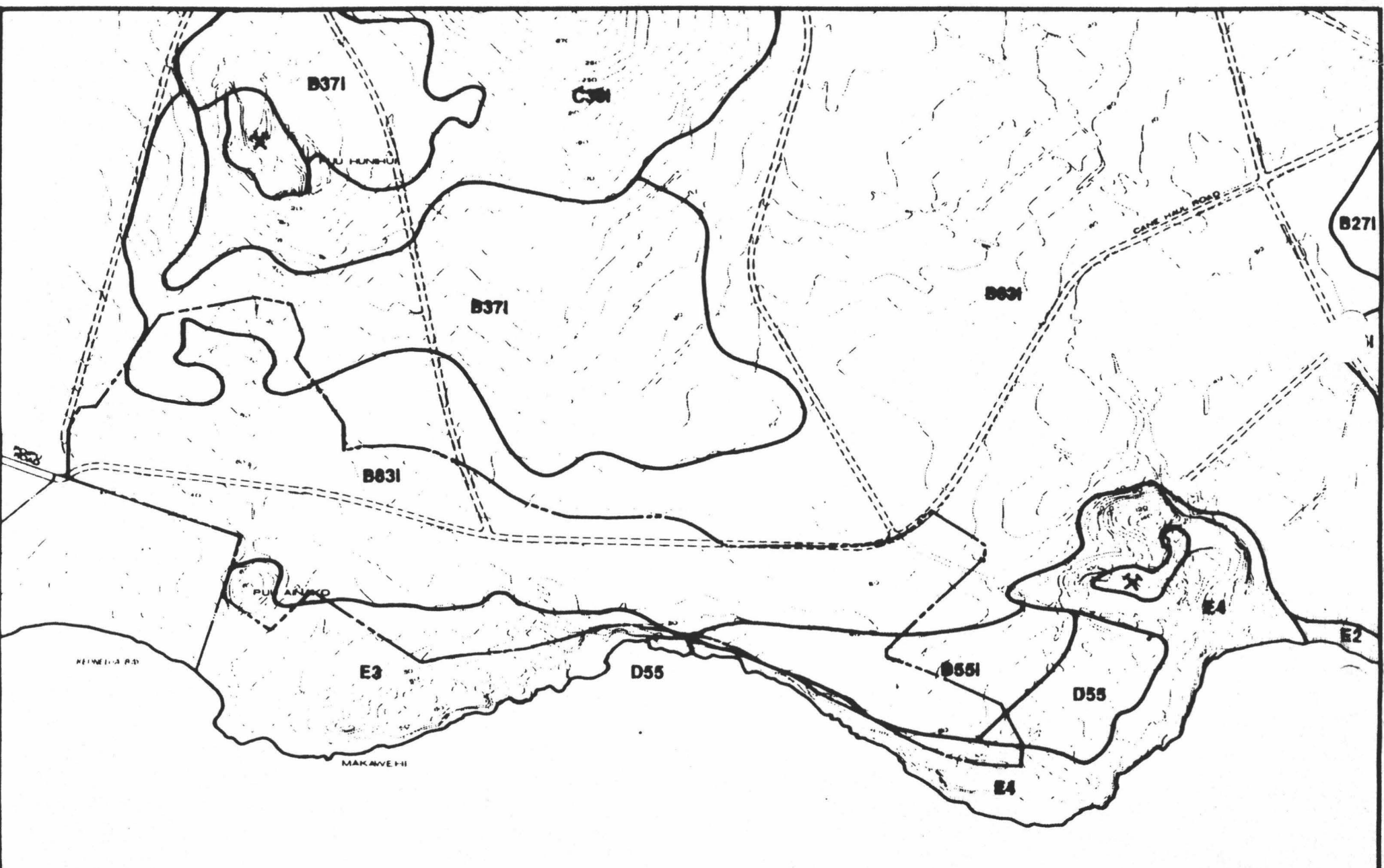
On the inland sections of the property are areas encompassing the Koloa stony silty clay soil type. This soil too is well-drained and generally found on old volcanic vents and upland ridges. Hard rock usually underlie this soil at a depth of 20 to 40 inches. Runoff is medium to severe and the erosion hazard is moderate. The soil's Capability Classification is IVe, when nonirrigated.

The area adjacent to the shoreline of the property contains the remainder of the identified soil types. Present is rock outcrop, and immediately behind the beach sand are Jaucas loamy fine sand and Mamala stony silty clay loam. Except for rock outcrop and Mamala stony silty clay loam, the soil is excessively drained, calcareous materials. It is suitable primarily for recreational use and as natural shoreline resources. Mamala stony silty clay loam is underlain by coral limestone and consolidated calcareous sand. It is moderate in permeability and has an erosion hazard potential that is rated slight to moderate.

The project area generally encompassed by the Waikomo stony silty clay and Mamala stony silty clay loam soils are within the *Other Important Agricultural Land* classification of the Agricultural Lands of Importance to the State of Hawaii (ALISH) agricultural land evaluation system (See Figure 6). Except for approximately 11 acres of classified Prime Agricultural Land at the mauka boundary of the project site, the remainder of the 210-acre project site, generally behind the shoreline area, is not classified.

A five-class productivity rating of lands within the state was developed by the Land Study Bureau of the University of Hawaii. The rating utilizes the letters "A" through "E", with "A" representing the class of highest productivity and "E" the lowest. Within the project site, the Land Study Bureau classifies the mauka land as "B" (See Figure 7). This is essentially the same area shown on the ALISH map as Other Important Agricultural Land and Prime Agricultural Land. In the shoreline





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Prepared by: BELT COLLINS & ASSOCIATES

Fig. 7
LAND STUDY BUREAU
LAND CLASSIFICATION
Proposed Golf Course
Grove Farm Property
Koloa, Kauai, Hawaii

and nearshore area, essentially "B" and "E" classifications are designated. The ALISH map does not classify this area in any agricultural category.

Hydrology

There are no surface water features on the property. The site's topography and soil characteristics provide an extremely well drained condition suitable for development. A man-made retention and sedimentation basin exists in a low-lying area of the site behind the coastal sand dune near Keonelo Bay. This area would not pose any threat to the development of the golf course and, in fact, is located outside of the proposed improvements within an "open" unplanned area.

Runoff from the western section of the project site will collect in the retention basin as runoff presently does, while the remainder of the property's runoff particularly from the central and eastern sections will flow toward the shoreline and discharge into the ocean.

There is a general lack of groundwater resource information on the area. Groundwater, however, is thought to exist in a brackish basal lens configuration, meaning that it is in hydraulic contact with seawater at the shoreline and saline water at depth. Further, the predominance of poorly to moderately permeable Koloa series lava formation in the area is believed to have contributed to the ground water condition in the region.

The project site's offshore waters are classified by the State Department of Health (DOH) as Class A Waters. To quote . . . "It is the objective of this class of waters that their use for recreational purposes and aesthetic enjoyment be protected." Discharge into these waters is permitted only upon having the best degree of treatment or control compatible with the criteria established by the DOH for this class. The proposed project will not involve discharge of any wastewater, commercial pollutants or industrial waste into the ocean. Surface runoff generated by the proposed development is planned to be contained within the golf course property or to be limited to what presently flows into the ocean. With increased landscaping as part of the golf course development, surface runoff would be reduced allowing more ground percolation to take place and consequently less flow onto the coastal shores.

Sewage generated by the proposed clubhouse will be collected and conveyed to the planned waste water treatment facility for the new Hyatt Regency Kauai.

Fauna

In January 1988, a fauna study was conducted by consultant Phil Bruner on the project area as well as along the shoreline environment. During the two and one-half day field survey, the following bird species were observed and recorded.

cattle egret
zebra dove
melodious laughing-thrush
northern cardinal
northern mockingbird
house sparrow
nutmeg mannikin
ruddy turnstone
Pacific golden plover

spotted dove
white-rump shama
common myna
red-crested cardinal
Japanese white-eye
house finch
chestnut mannikin
wedge-tailed shearwater
wandering tattler

Bird species which were not observed during the survey, but were expected to be recorded, based on secondary sources and prior knowledge of the area, included:

black-necked stilt
western meadowlark
common pheasant
short-eared owl

sanderling
common barn-owl
greater necklaced laughing-thrush

Three seabird species were recorded flying along the coast adjacent to the project site. They were a single Laysan albatross, two great frigatebirds and two white-tailed tropicbirds. Black-crown night heron may occur in the project area although none were recorded.

Mammal species were also surveyed and included (or expected to be recorded) dog, cat, rat and mice.

The existing environment of the project area according to the fauna study provides a fairly diverse range of habitats which are utilized by the typical array of exotic birds one would expect in this location. Migrant species, particularly Pacific golden plover and ruddy turnstone, are usually benefited by the kind of development that creates large open lawns. It would not be unusual if populations of these two species increased within the project site. The existing retention basin provides foraging habitat for shorebirds as well as sources of drinking water for other birds. The ephemeral nature of this basin, however, preclude its use as habitat for nesting waterbirds.

A change of land use of the type proposed will likely alter the present habitat by creating even more diversity of living spaces than are available at present. The creation of more open areas will provide new habitats which will likely result in an increase of species like plover and common myna. House sparrow, a highly urban

species, will become more common following development of the site. Although not recorded during the survey, game birds such as common pheasant would also be impacted by a loss of vegetation cover. This species is widespread and relatively common in second growth habitats on all main islands in Hawaii.

In order to obtain more data on mammals, a trapping program would be required. The brief observations of the fauna survey did not reveal any unusual mammal activity. Mammal populations may also change following development. The loss of the dense cover provided by high grass and brush will likely reduce rat and mice population.

Floral

A major portion of the project site is covered by cultivated sugar cane fields, according to a floral study prepared by Char & Associates in January 1988. The study covered the project site as well as the coastal land below the proposed golf course development.

Scrub vegetation occurs on uncultivated lands, generally on stony soils or low-lying drainage areas. Weedy or ruderal vegetation forms only a minor vegetation type along frequently disturbed areas such as canehaul roads, irrigation ditches, etc. Similiar vegetation types have been described from the nearby Poipu area. The coastal areas support pockets of native coastal scrub.

Of the 149 species inventoried during the floral survey, the majority, 120 species, were introduced; 19 were indigenous, i.e., native to the islands and elsewhere; 5 were endemic, i.e., native only to the islands; and 5 were originally of Polynesian introduction.

No threatened or endangered species were found in the project area, although a few species, including hinahina-kahakai, kipukai, puapilo, nama, and 'ohelo-kai, are considered rare or depleted and occurred on the seaward facing slopes of the dune areas, outside the project area.

The proposed golf course project will be sited mainly on the areas now occupied by sugar canefields and scrub vegetation. Species in the area are predominately introduced.

It is the recommendation of Char & Associates that the areas with native coastal scrub be left intact. Most of these areas are on steeply sloping dune faces or near the edges of cliffs.

Access to the Makawehi dunes should exclude off-road vehicles as they have a definite negative impact on the dune vegetation and contribute greatly to erosion of

the dune areas. Pedestrian traffic for the purposes of fishing, hiking, sight-seeing, etc., should continue to be allowed.

Landscaping with easily grown native species such as 'ilima, pa'u-o 'Hi 'i 'aka, 'aki 'aki, pohuehue, naupaka kahakai, pohinahina, hinahina kahakai, and 'akulikuli should be pursued as these species are adapted to the local environmental conditions including salt-spray.

Air Quality

The absence of any stationary source of industrial air pollutants and the relatively low vehicular traffic in the region, make it highly likely that the area's existing air quality is very good.

The principal source of short-term air quality impact from the proposed project will be in its construction activity. Operation of construction vehicles will increase automotive and truck pollutant concentrations along the highways and roads leading to the project site. Site preparation and earthwork also will create particulate emissions as will building construction. Accordingly, adequate dust control measures will be employed during construction to mitigate adverse effects on surrounding resort and residential areas.

The principal source of long-term air quality impact will be automotive emissions, with expected increase in carbon monoxide (CO), oxides of nitrogen (NO_x), and nonmethane hydrocarbons (NMHC), due to increased traffic associated with the proposed development. The expected increase, however, is believed to be minimal considering the type of facility being proposed. Thus, direct long-term air quality impact from the proposed golf course is not expected to be significant.

Although undertaken only once every two years, cane burning within the adjacent property can have a major effect on air quality. This typical sugar cane operation, however, is controlled by mitigative measures such as isolating cane burnings to distant locations, away from existing development and burning only in certain wind conditions.

Noise Impact

Due to the rural character of existing development in the project vicinity, current noise levels are relatively low. With increased development, it is expected that noise levels will rise.

In the short term, construction activities will contribute temporarily to increased noise levels. Mufflers and other noise mitigating devices will be used, and construction activities will be restricted to daylight hours in proximity of developed areas, in order to reduce construction period noise.

The principal source of long-term noise level increase is additional traffic associated with the proposed use. As described previously, the increase in traffic, however, is not expected to be significant and consequently the impact of noise on the environment will be nominal. Further, planned tree-lined driveways and roadside landscaping will tend to buffer noise from automotive vehicles. Also, golf course use, in and by itself, is not a significant generator of noise. In any event, all activities associated with the proposed development will comply with governmental noise standards and regulations.

Archaeological Sites

In June 1974, Archaeological Research Center Hawaii conducted an archaeological survey of about 1,100 acres of land east of Poipu. The proposed golf course development is located in a portion of this study area. According to the survey, nine sites or complexes with site numbers are located within the golf course boundary (See Figure 8). These sites include stone or boulder walls, cave shelters and agricultural features. Below is a list of the sites identified within the project boundary as well as in the Conservation District makai of the proposed golf course site.

Archaeological Sites Within The Proposed Golf Course Site

<u>Site No.</u>	<u>Site Description</u>
3203	wall
3205	agricultural feature
3206	fence wall
3209	cave shelter
3210	wall
3211	wall
3212	shelter remains
3213	C-shape enclosure
3215	cattle wall

Archaeological Sites Within Conservation District Makai of the Proposed Golf Course Site

<u>Site No.</u>	<u>Site Description</u>
3214	sand burial
3216	monument/platform
3217	cave shelter
3218	ahu
3219a	cave shelter
3219b	cave shelter

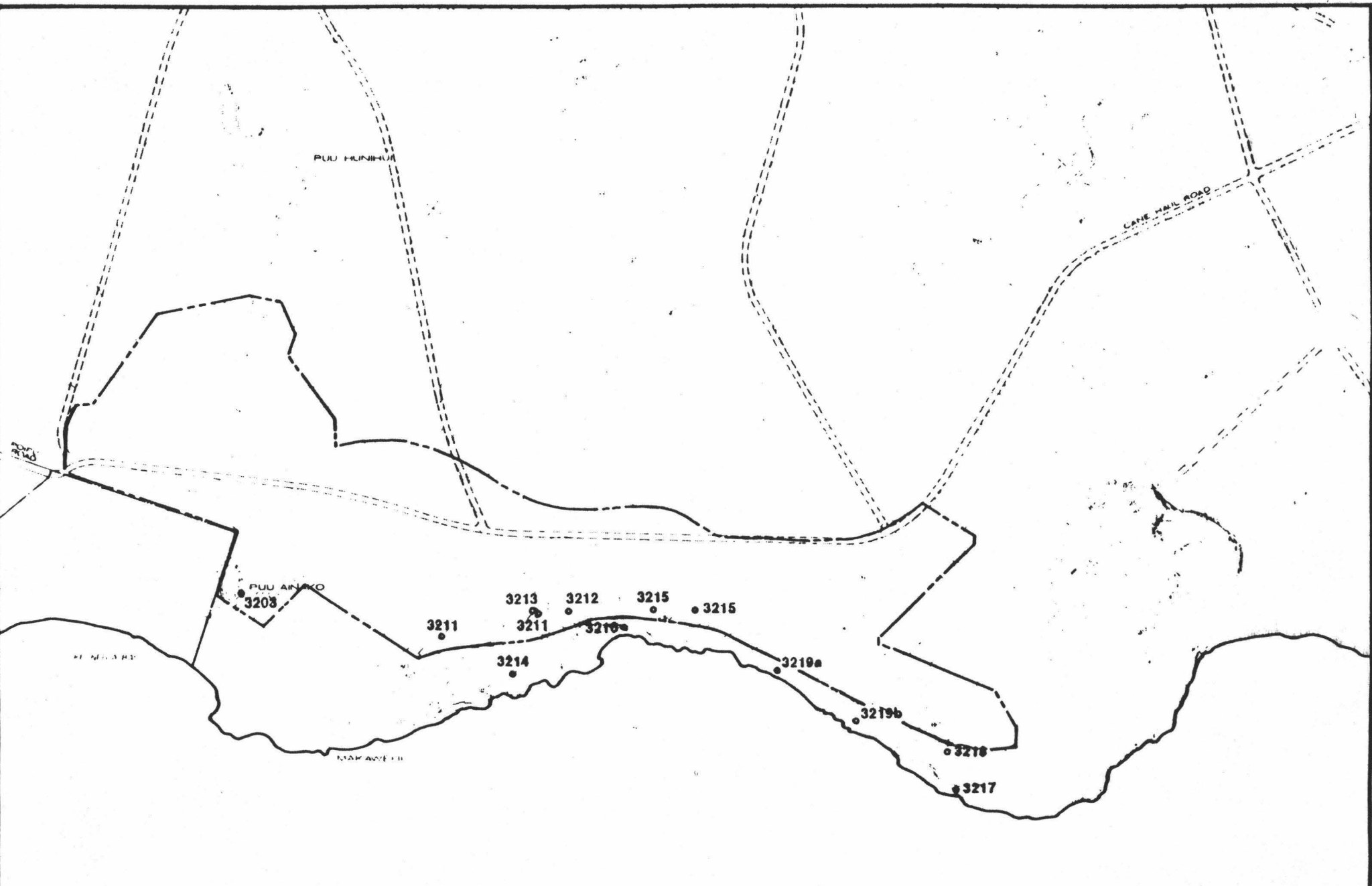


Fig. 8
ARCHAEOLOGICAL SITES
Proposed Golf Course
Grove Farm Property
Koloa, Kauai, Hawaii

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Prepared by: BELT COLLINS & ASSOCIATES

LEGEND

No. • Archaeological Site

The conclusion and recommendation of the study are that all of the sites within the project area are classified marginal, badly deteriorated or have no historical or archaeological value. Thus, no further archaeological work is required.

Natural Hazard

Located above the shoreline behind limestone and lithified calcareous sand dunes, the project site is only minimally susceptible to 100-year tsunami inundations. These sand dunes rise approximately 30 to 120 feet above the sea level and according to the Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, the base flood elevation of a potential 100-year tsunami inundation is only 7 feet. The remaining portion of the shoreline shows no potential coastal flood area. Further, the FIRM does not identify any potential riverine flood plain that would affect the property.

Other natural hazards are of no consequence to the project site. Once infrastructure is brought to the property, the potential of brush or unintentional cane fire being out of control will be reduced. Kauai is one of the oldest islands in the Hawaiian island chain, thus volcanic eruption is remote. Further, earthquakes are a potential natural hazard that may occur anywhere in the state, but local building codes incorporate certain earthquake resistant standards to minimize the risk of destruction to new structures. Kauai, notably, has the lowest seismic risk rating of the major Hawaiian islands.

Views

The proposed golf course will contain a large expanse of green turf, scattered shrubs and trees. The only structural improvements will be primarily the golf clubhouse and maintenance facilities. Mauka-makai views and lateral shoreline views through the project site thus will not be adversely impacted, and in fact, will result in the opening up of views toward the ocean and mountains. Aesthetically, the property also will be visually enhanced with greener and healthier landscaping than what presently exist.

Climate

The climate is pleasant with generally moderate northeast tradewinds throughout the year. Winds along the shoreline, however, can be generally stronger.

Rainfall in Poipu averages approximately 40 inches per year which is somewhat wetter than Waikiki and Kaaupali, but drier than Princeville and Wailua. The heaviest rainfall is in the winter months when monthly averages are approximately four inches more than the summer months.

Temperatures in the coastal area averages 77 degrees (Fahrenheit) in the summer months and 70 degrees in the winter months.

V. SOCIOECONOMIC SETTING AND PROJECT IMPACT

Economic Impact Analysis

Construction and operation of the proposed golf course can be expected to result in increased employment, personal income and government revenues. Direct short-term construction and long-term operational economic benefits would be realized in the Koloa-Poipu area and neighboring communities, as well as indirect economic benefits in the rest of Kauai Island and the state.

Employment and income effects of the proposed golf course entail direct, as well as indirect and induced impacts, in both the temporary construction phase and the permanent long-term operational phase of the golf course facility. For example, during golf course construction, direct employment would include the number of construction workers required to develop the golf course and related on- and off-site facilities. While indirect employment would refer to employment generated in companies supplying materials and services needed to construct the golf course and related facilities. Induced employment refers to the additional jobs created throughout the economy when construction workers and employees and proprietors of supply firms spend their wages and salaries. When indirect and induced employment are added to direct employment, the result is a multiplier effect. That is, in the economy as a whole, more than one job is generated for each job created at the golf course construction site. Similarly, multiplier effects apply to golf course operational employment, and to wage and salary income of employees, as discussed in the following sections.

Construction Impacts

Employment:

It is estimated that construction will require approximately 20 months to complete. Therefore, with an expected mid 1988 construction start, completion of the golf course should be about the summer of 1990.

During the construction phase, employment at the project site will fluctuate, depending on particular labor requirements in each stage of construction. Moreover, some construction workers would be employed on a part-time basis. Given these factors, employment estimates in this analysis will be expressed in terms of average full-time equivalent (FTE) jobs. That is, total FTE worker-months required for project construction divided by the 20-month construction period, results in an average monthly number of FTE jobs.

For an 18-hole golf course, it is estimated that a total labor requirement of 240 worker-months would be generated resulting in an estimate of about 12 FTE direct jobs, on average, during construction (240 divided by 20).

The majority of the direct construction jobs at the proposed golf course are expected to be filled by Kauai residents. Contractors typically hire from the local labor pool, rather than incur the extra costs of bringing workers from Oahu or other islands. Some supervisory and technical personnel would come from off-island.

Golf Course Operation Impacts

In addition to the short-term construction-related economic impacts, operation of the proposed golf course would result in long-term beneficial economic effects in the provision of permanent jobs. Also, indirect and induced permanent jobs would be generated in Kauai and in the rest of the state as a result of firms supplying the golf course with goods and services, and by the multiplier effect of wage and salary spending.

Golf Course Employment:

Direct golf course employment, including in the golf clubhouse and maintenance facilities, is estimated to be about 86. The breakdown is approximately as follows:

<u>Facility</u>	<u>Estimated Employment</u>
Pro Shop	10
Cart Maintenance/Golf Bag Storage	8
Golf Course Maintenance	18
Restaurant/Snack Shop	50

Of the 86 direct golf course jobs, a large majority would be filled by Kauai Island residents – in part, from the Koloa-Poipu, Hanapepe and Lihue labor pool. Management personnel would make up about 10 percent of the golf course employment. A portion of these jobs probably would be filled by persons from Oahu and other off-island areas.

Golf Course Income:

The direct jobs created by the new golf course would entail a permanent payroll. Wages and salaries paid to the 86 job holders would constitute an increase in personal income.

Government Revenues

The impact of the proposed golf course on government revenue in the long-term would be comprised of two components: (1) an increase in property tax base and consequent property taxes payable to the County; and (2) tax revenues resulting from the earnings and spending of wage, salary, and proprietor's income associated with the direct, indirect, and induced jobs generated by the operation of the golf course. The latter component would accrue primarily to the state government, while the county government would receive gasoline and other minor tax revenues.

VI. PUBLIC FACILITIES AND SERVICES

Circulation and Traffic

Access to the project site is via Poipu Road, a public right-of-way owned and maintained by the County of Kauai. The last 3,000 feet from the eastern terminus of Poipu Road is owned and maintained, however, by the Poipu Kai Association. This section of Poipu Road was constructed in conjunction with the Poipu Kai Resort development and is to County pavement dedicable standards. The roadway contains a 24' wide pavement with 16' wide shoulders within a 56' wide right-of-way. Access over this private section of the road is via an easement in favor of the public.

Development of the proposed golf course will require extension of Poipu Road along the mauka boundary of the Hyatt Regency site and a driveway to the proposed golf clubhouse, a distance of approximately 2,000 feet. It will be improved to include a two-lane pavement, graded shoulders and roadside landscaping. The portion of the road which adjoins the mauka boundary of the hotel site will be developed by the hotel owner. Approval of this road segment has already been obtained from the County during approval of the hotel.

Although the new road may be owned and maintained by the hotel and golf course owners, the road extension will be designed to County standards, be similar in construction to the existing Poipu Road right-of-way and be opened to the public. This road will also be used by the public to obtain access to a planned public beach park at Keonelo Bay. The new road is intended to be dedicated to the County in perpetuity.

Water

The project site is presently served by a 12-inch water line along the existing Poipu Road. The water line is part of the County's Koloa-Poipu Water System which includes source, storage and transmission units. The proposed golf course clubhouse will require an average of 6,600 gallons per day (GPD) of potable water. Required improvement to the existing water system will involve extension of the

existing transmission line approximately 2,000 feet from the Poipu Road terminus to the clubhouse. The source of water is sufficient for the projected demand.

Irrigation of the proposed golf course will require approximately 1 million gallons per day of irrigation water. The source of this water would come from planned irrigation wells within or near the proposed golf course and from effluent generated by the planned Hyatt Regency's sewage treatment plant. Also being studied by the applicant is the possibility of using recycled surface runoff from the mauka lands.

Sewer

There are no public sewage collection systems in the project area. All existing systems consist of private collection and treatment facilities.

The proposed golf clubhouse would generate an average daily flow of 24,000 GPD. Collection and treatment of the clubhouse sewage would be handled in conjunction with the planned Hyatt Regency Kauai. This would involve construction of a new sewage treatment plant that would be located on the hotel or golf course property and would be designed to serve the two facilities. Treated effluent from the STP could also be used for irrigation, and sludge would be disposed of in accordance with State Department of Health regulations.

As an alternative, the hotel could connect with the nearby Poipu Kai Resort STP, but expansion of the treatment facility would be necessary to accommodate the increased flow. The existing treatment plant presently serves the Poipu Kai development. It has a capacity of 240,000 gallons per day (GPD) of which 80,000 GPD is excess.

Electricity

Underground electrical lines are available along Poipu Road terminating at the right-of-way terminus. Development of a proposed golf course, however, may require improvements consisting of an off-site looped system leading to the property. The system could be overhead, if desired, according to Kauai Electric Company which would operate the facility.

Telephone

An underground telephone line is located along Poipu Road and would require an extension to the project site. The off-site system is adequate to serve the proposed development.

Other Public Facilities and Services

Public facilities in Poipu are primarily recreational oriented. They include Prince Kuhio Park, Poipu Beach Park, Sprouting Horn Park and Kukuiula Harbor and Park.

Located about 3 miles from the project site, Koloa serves as a support community for all of Poipu. Here, many of the area residences live and thus many of the community facilities are located. Besides a small commercial core in the center of the village, Koloa also has an elementary school, bank, post office, civic center, fairground and a number of churches and medical facilities.

Plans of future public facilities in Poipu include a County beach park adjacent to the proposed golf course. The one-acre facility will have a comfort station, outdoor showers and parking. Access to the park will be via an access road from the proposed Poipu Road extension.

VII. PROJECT'S RELATIONSHIP TO SMA OBJECTIVES AND POLICIES AND GUIDELINES

An assessment of the proposed project's relationship to the objectives, policies and guidelines of the Special Management Area Rules and Regulations of the County of Kauai is presented below. Many of the SMA policies are directed at public agencies rather than at private entities such as the applicant. To the extent that the policies are directed to the applicant, they are addressed.

Project's Relationship to the Objectives and Policies Relating to:

Recreational Resources:

The applicant's proposed golf course will be a private development but will be opened to the public. It will fill the need for a second golf course in Poipu and provide a desirable open space amenity that would complement other recreational and resort-oriented facilities in the area. Its coastal location will be compatible with the shoreline's natural open space character, and its development will preserve the public access and use of shoreline resources.

The proposed recreational facility will be compatible with the future public beach park at Keonelo Bay. The park will provide public access to the beach and to a planned public shoreline trail along the entire makai boundary of the project area. The beach park will include public parking, comfort station, outdoor showers and landscaping.

The proposed golf course will not damage nor reduce the size of or interfere with public access to the nearby Keonelo beach or any other existing beach in the area. A Conservation District, approximately 100 to 500 feet in width, abuts the shoreline of the property, and any use of this area will require strict compliance with State Department of Land and Natural Resources regulations. The proposed golf course is located outside the Conservation District.

Historic Resources:

In 1974, Archaeological Research Center Hawaii conducted an archaeological survey of the project area. The applicant intends to comply with the objectives, policies, and guidelines regarding historic resources by respecting the recommendations of the archaeological study.

Scenic and Open Space Resources:

The large open lawns of the proposed golf course will assure the preservation of mauka-makai view corridors and wide lateral shoreline view corridors through the property. The golf course's lush landscaping will be an improvement over the existing dry vegetation which sporadically cover the coastal lands behind the shoreline. Cane land will be replaced by the golf course in the mauka portion of the project site.

Golf courses are adaptable to various land conditions but would be most suitable and spectacular on the proposed project site. Considering its location, the proposed golf course will be designed so it would be sensitive to the environmental resources of the shoreline area.

Coastal Ecosystems:

The proposed golf course would not significantly damage valuable coastal ecosystems of significant biological or economic importance. Preserving the Conservation District and a minimum 40-foot wide natural area along the shoreline will minimize disruption or degradation of the coastal water ecosystems.

Surface runoff will be minimized by golf course landscaping, rapid ground percolation, and flow into existing and planned drainage areas.

There will be no dumping of commercial or industrial waste nor sewage effluent into the coastal waters. The proposed project will comply with all State Department of Health water quality regulations.

Economic Uses:

The proposed golf course will be developed by a private venture on a site which is considered suitable and exciting for golf course development. The

proposed facility will be resort-related in terms of function and will be dependent upon resort facilities along the coastal region.

The proposed project is consistent with the overall policies of the State and County but will require specific land use approvals for implementation. The proposed golf course, which will be a part of the Poipu community, would not result in any significant negative social impacts in a region that is characterized by visitor oriented facilities.

The project will not preclude the use and enjoyment of beaches and coastal areas by the general public. To insure the long-term accessibility of the coastal areas to the general public, existing public beach accesses will be maintained.

The proposed project will contribute to the recreational amenities of Poipu which is an integral part of the visitor industry. Moreover, it will create new jobs and generate income in the local community.

Coastal Hazards:

The proposed project may alter some drainage patterns, but engineering studies and design will be undertaken to prevent adverse effects on adjacent development, downstream properties and coastal waters. A small portion of the project site is subject to potential 100-year tsunamis, however, the proposed facility will not be significantly affected.

Managing Development:

This environmental assessment is a tool for communicating the impacts of the proposed project at an early stage of its conception and development. It is intended to "facilitate the public participation in the plan and review process".

Project's Relationship to SMA Guidelines:

SMA Guidelines A.1 - A.4 :

The proposed project will be developed adjacent to a planned public beach park at Keonelo Bay. As a recreational facility, the proposed golf course will complement the planned park.

The proposed golf course will not reduce the size of Keonelo beach nor interfere with any existing public access to the beach. The proposed golf course, also, will not interfere with any other existing public recreation or wildlife preserve located in the Koloa-Poipu area.

The proposed golf course will employ sound site engineering practices in preparing the property for construction. As standard procedure, soil tests and preliminary drainage studies will be conducted and site grading plans will be

prepared to assure minimal adverse effects to water resources and to minimize danger of flood, land slide, erosion, siltation or failure in the event of earthquake.

Wastewater generated by the proposed golf clubhouse will be adequately and safely disposed of in the golf course and planned hotel sewage disposal system.

Solid waste generated by the proposed golf course will be arranged by the applicant to be hauled to a nearby County solid waste disposal facility.

SMA Guidelines B.1 - B. 3 :

As elaborated above, the proposed development and its anticipated cumulative effects will not result in any substantial long-term adverse effect on the project site and surrounding environment. The proposed development is consistent with the County General Plan and Community Plan general policies. As provided herein, also, the proposed project is consistent with the objectives and policies, as enumerated in Chapter 205A of the Hawaii Revised Statutes.

SMA Guidelines C.1 - C. 5 :

No portion of the proposed golf course will be located within the 40-foot setback area of the shoreline. The setback area may be cleaned and maintained, but it will not be altered from its existing natural state.

No part of the proposed golf course will be undertaken that would result in the reduction of the public beach at Keonelo Bay. There will be no dredging, filling, or altering of the nearshore or offshore waters, nor will there be any significant adverse effect on the quality of those waters. Nearby fishing grounds will not be adversely impacted nor will inland water areas.

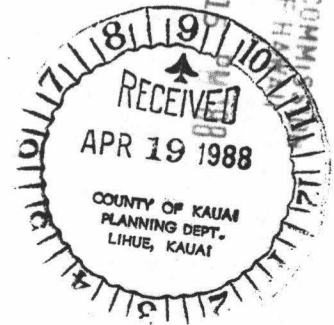
The project site is not known to be unique or significant as a wildlife habitat. A portion of the project site is located on agricultural land, however, use of the land will not significantly impact agricultural operations in the area.

Public beach access to Keonelo Bay will be provided by the developer of the adjacent hotel site. The proposed project will not result in significant adverse effects on panoramic views from the nearest State highway, which is located more than 6.5 miles to the north, nor from the nearest coastal road which is located more than 1,000 feet from the shoreline.

AINAKO DEVELOPMENT CORP.

April 18, 1988

Mr. Tom Shigemoto,
Planning Director
Kauai County Planning Dept.
4280 Rice St.
Lihue, HI 96766



RE: Golf Course at the Hyatt Regency Kauai, Poipu

Dear Mr. Shigemoto:

We are pleased to submit our application, filing fee, and 15 copies of the map and supporting documents for the golf course at the Hyatt Regency Kauai. We have previously submitted the Golf Demand Study to your office.

The applicants of this request are Ainako Resort Associates, developer of the golf course and the Hyatt Regency Kauai Hotel, and Grove Farm Properties, Inc. landowner and lessor of the golf course land for the project.

As you know, golf is an integral part of the Hawaii resort experience. For this course, we have retained Robert Trent Jones II, who has built some of the finest courses here on Kauai, and has demonstrated his sensitivity to local environmental conditions. We feel we have an outstanding design, and look forward to working with you on this application.

Sincerely,

Ainako Resort Associates

Grove Farm Properties, Inc.

by: Ainako Development Corp.
its General Partner

by: M. C. Ventura
M. C. Ventura

its President

by: David W. Pratt
David W. Pratt

its President

Enclosures

ltr36

'88 APR 15 AM 8:51

KAUAI PLANNING COMMISSION
FIELD TRIP
THURSDAY, APRIL 21, 1988

NOTICE

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 15 PM '88

The Planning Commission of the County of Kauai will undertake a field trip (no decision making) on Thursday, April 21, 1988, leaving the Planning Department at 9:30 a.m. to visit the proposed golf course development site, and the Keoni Loa Bay Villas condominium project site at Poipu, Kauai.

COUNTY OF KAUAI
PLANNING DEPARTMENT
TRUST FUND
(Official Receipt)

Nº 1359

Lihue, Kauai, Hawaii, April 19, 1988

Received from Free Ventura
One Hundred Fifty and no/100 (\$ 150.00) DOLLARS

Deposit Covering Class IV, Use, SNA, SP - Amako Resort Assoc. + Grove
Farm Properties Inc.

Application No. _____

Check ☒ Cash _____

Madeline T. Yamauchi
Planning Director
or his authorized agent

PSC

LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 15 PM '88

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

For Planning Department Use Only

ZONING PERMIT APPLICATION (X)
USE PERMIT APPLICATION (X)
VARIANCE PERMIT APPLICATION ()
SPECIAL PERMIT APPLICATION (X)
SMA PERMIT APPLICATION (X)

APPLICANT Ainako Resort Associates and
Grove Farm Properties, Inc.

ADDRESS 4334 Rice St., Ste. 203
Lihue, HI 96766

PHONE NO. 245-8585 TAX MAP KEY 2-9-01:1(por.) LOT NO. 1 LOT SIZE 1229 262ac

APPLICANT IS: (check one) ZONING DISTRICT Ag & Open EXISTING LAND USE Ag & vacant

- A. Owner of Property X As defined by Ordinance No. 317.
B. Lessee of Property *Number of Years Leased From to
C. Authorized Agent Attach Letter of Authorization.

NOTE: *Lessee must have an unexpired and recorded lease of five (5) years or more from date of filing this application.

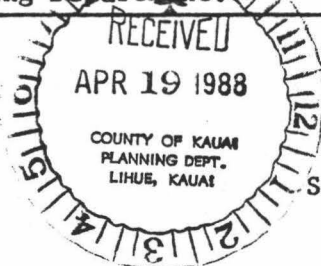
DESCRIPTION OF PROPOSED USE, IMPROVEMENT, ALTERATION, AND/OR CONSTRUCTION: (specify exact use, number of units, etc.) 18 hole golf course, driving range, clubhouse

including limited retail and food service, and parking and maintenance facility.

FOR VARIANCE OR USE PERMITS ONLY

CONDITIONS JUSTIFYING VARIANCE OR USE PERMIT APPLICATION: (use additional sheets as required)

The construction, work, use, or activity approved in this permit shall be subject to inspection by the Planning Inspector or authorized personnel of the Planning Department, County of Kauai. The applicant is advised that inspection will occur prior to or during construction and use to ascertain compliance with the provisions of Ordinance No. 164, as amended, (Comprehensive Zoning Ordinance, County of Kauai) and/or other laws which are enforced by the Planning Department.



Signature

M. C. Ventura
Applicant

M. C. Ventura

David W. Pratt
David W. Pratt Owner

Permit Fee \$
Received By
Date Rec'd.

AINAKO DEVELOPMENT CORP.

March 30, 1988

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 14 PM '88

Mike Lauretta, Planner
Kauai County Planning Dept.
4280 Rice St.
Lihue, HI 96766

RE: Information on Agriculture

Dear Mike:

This letter is in response to your request for additional information on agriculture in the Koloa-Poipu region.

When Grove Farm decided to leave the sugar business in the 1970's it had the choice of selling its land by tax parcels, leaving it fallow or leasing it to McBryde and Lihue Plantation. It chose the latter course of action, with a provision that a certain number of acres (900) could be withdrawn from McBryde's lease. This was hashed out with McBryde, the ILWU, and others, and formed the basis for Grove Farm's willingness to extend leases to McBryde and LP. The current lease with McBryde Sugar terminates in 1994.

At that time, the sugar philosophy was to plant as much as acreage as possible, including planting some low-productive land in sugar. More recently, with the international and national situation creating problems for sugar, two things have happened: 1) the sugar philosophy has changed from extensive to more intensive planting, with a retreat from low productive areas and a focus on more productive areas, and 2) in an effort at self preservation, McBryde (and other sugar companies) are diversifying into other crops.

McBryde itself has converted approximately 700 acres from sugar to macadamia nuts and another 700 acres to coffee, tea, corn, and other diversifications. It's field of coffee converted from sugar is within a few hundred yards of the Hyatt golf course site on land with the same soil classification.

Over the years Grove Farm has withdrawn approximately ~~300-500~~ 300 acres of the 900 it can withdraw from sugar. That land is primarily what is now Poipu Kai, as well as the proposed

M. Lauretta, Planner

March 30, 1988
Page 2

golf course. The attached list identifies specific withdrawals and approximate areas.

We hope this information assists you.

Sincerely,

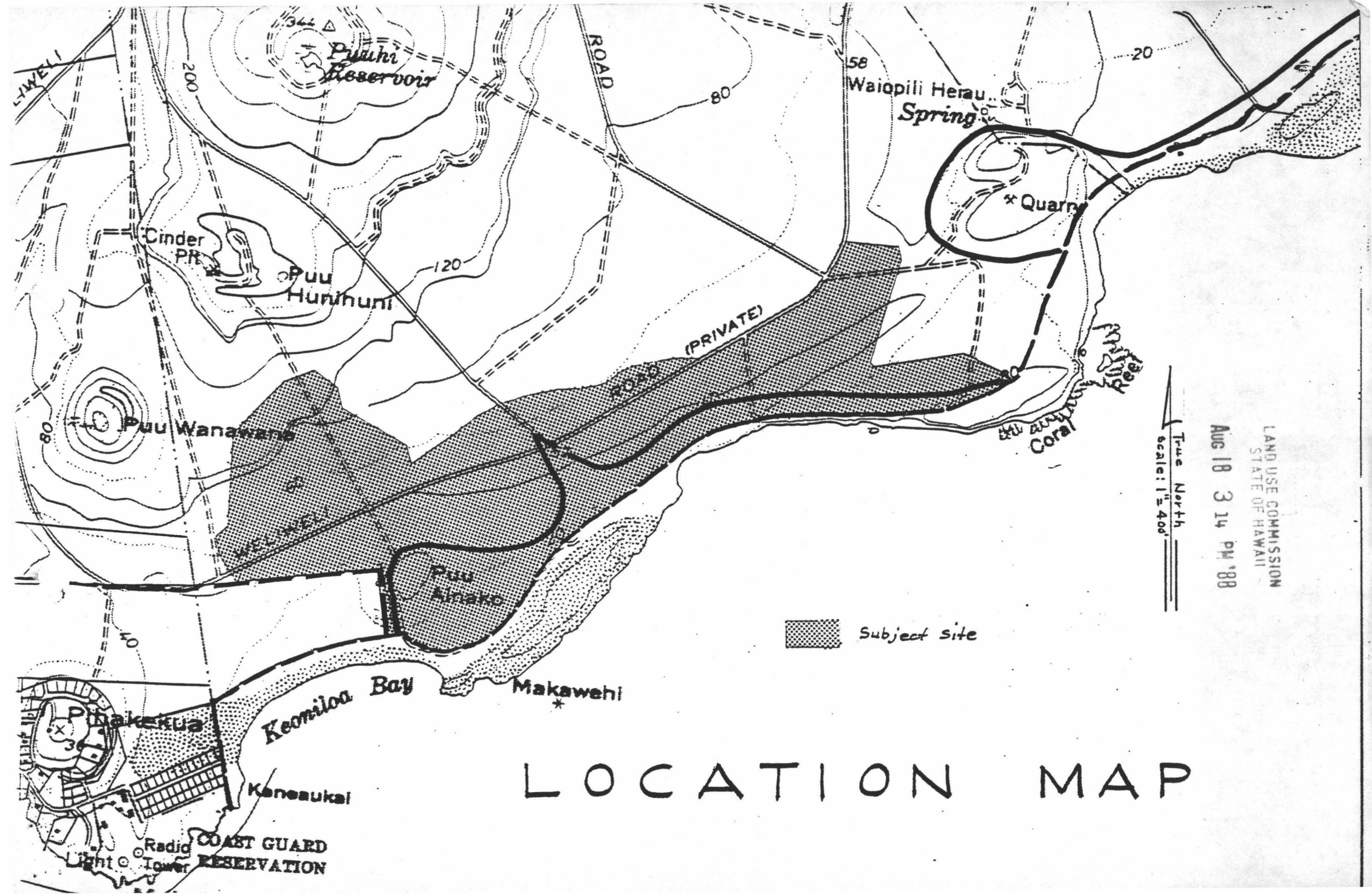


M. C. Ventura
President

MCV/cs
enclosure

MCBRYDE SUGAR COMPANY, LIMITED
CANE WITHDRAWALS

Date of Withdrawal Approval or or Request	Tax Map Key	Withdrawal Purpose	Cane + Attributable Area in Acres
June 7, 1974	2-8-22:04 & 2-9-01:02	Leadership Homes sale of 101.354 acres - 27.8 acres non-cane land	73.554
May 31, 1978	2-8-22:04	2,800 sq. ft. land- scaping easement 800 square feet cane area	0.018
July 1978	2-9-01:01	New Koloa water tank	2.00
May 3, 1979	2-9-02:01	Koloa factory K.E. switchyard	1.000
December 10, 1979	3-4-01:03	Halfway Bridge quarry expansion - original withdrawal also included a 1.70-acre parcel that was continued in cane - see letter dated June 24, 1982	1.610
October 22, 1981	2-8-22:04	Grading area mauka of Leadership Homes entry road	0.090
June 7, 1982	2-9-03:01	Expansion of limestone stockpile area and new scale site	2.000
August 31, 1982	3-4-01:03	Expansion of quarry at Halfway Bridge	10.800
February 2, 1988		Hyatt Regency Golf Course will use approximately 130 acres of this withdrawl	194.000



Puuhi Reservoir

58 Waiopili Herau Spring

x Quarry

Cinder Pt.

Puu Hunihuni

Puu Wanawana

ROAD (PRIVATE)

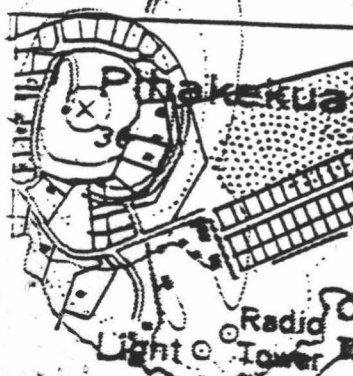
WELL

Puu Alaka

Coral Reef

Keomiloo Bay

Makawehi



COAST GUARD RESERVATION

Radio Light Tower

Subject site

True North
Scale: 1" = 400'

Aug 18 3 14 PM '88

LAND USE COMMISSION
STATE OF HAWAII

LOCATION MAP

But still having b...litical impact

Sugar becoming less important

By Mark Coleman

The sugar industry in Hawaii has an impact that far exceeds its real size, in the view of David Ramsour, chief economist for the Bank of Hawaii.

In previously unpublished comments prepared for a planners' conference on Kauai late last year, Ramsour noted that sugar's contribution to the state economy has declined significantly during the past 35 years, yet many residents and policymakers still act as if it was critical to the state's prosperity.

"The sugar industry has not only maintained a non-expansive policy since 1950 — it has not varied much from one million tons of raw sugar per year — but it has been steadily reducing the factors of production that it needs from our economy," said Ramsour. "Land utilization is down by over 20 percent since 1950 (and) the labor required today is only 32 percent of what it was in 1950."

Ramsour noted that, "not only have the number of sugar workers become significantly smaller percentages of the state and (individual) Island workforces, but the absolute income effects (also) have dropped radically — especially in real or un-inflated dollars."

For example, he said, "over the last 15 years alone the value of total sugar wages for the state has dropped by 38 percent in un-inflated terms. The effect Island by Island has been a 55 percent decline in real wage contribution by sugar on Oahu since 1970, a 49 percent drop on the Big Island, a 31 percent drop on Kauai, and a 30 percent drop . . . on Maui."

Sugar today also provides less than 0.5 percent of state general excise tax revenues, compared with 3.5 percent at statehood in 1959 and 10 percent in 1950.

Sugar still directly produces about \$400 million in revenues, but this amounts to just 2.5 percent of the state's gross product. Sugar jobs, meanwhile, account for only 1.8 percent of all jobs in Hawaii, and only 3 percent of all incomes in the state.

Sugar workers comprise less than 0.5 percent of Oahu's labor force, only 7 percent of the Big Island's, 5 percent of Maui's, and just under 12 percent of Kauai's.

By contrast, "almost 13.5 percent of the territory's labor force was directly employed in sugar in 1950, and the job force of supporting or related industries appears to have been even proportionately greater then."

For Kauai, the Big Island, and Maui, "the all-encompassing role of sugar was truly extensive in 1950," said Ramsour. "Just the mill and field employees alone comprised 45 percent of Kauai's labor force, (and) no one on the Island really worked for

any other industry."

The Big Island's community was virtually in the same condition, he said, with "just under 40 percent directly employed by sugar, (and) Maui was only slightly less committed to sugar with 30 percent of its labor force in the industry."

"The disappearance of the sugar industry in 1950 or in

for the sugar industry's future presents "one of the greatest challenges to planners (who are) . . . resisting the urge to replace sugar."

"No industry or economic activity is indispensable," said Ramsour. "But once we begin believing or wishing down deep that it were, we begin unconsciously to take on rigidities that not only

warned against trying to find a replacement for sugar that would be organized in sugar's image.

"There are individuals who remember how well-defined and organized sugar has been — who want to recreate a new plantation they can define easily, put their hands around, organize neatly. Many of these people are planners," he said.

Planners, he said, also must avoid "the overwhelming urge to create and guide" any industries that might replace sugar.

"What started sugar, and what likewise must start its replacements," said Ramsour, "are risk-takers who think they have found a mechanism through which they can respond to what the market has expressed a need for."

Ramsour added that if "sugar had required the State Plan and an army of planners to get it started" back in 1835, Hawaii might not have celebrated the industry's 150th anniversary last year.



1960 would have been an economic event of awesome proportions," said Ramsour.

That is not to say, however, that the elimination of sugar today would be as easy to take as some of the current statistics would suggest, he added.

"The pain of at least \$120 million in wages lost to sugar and another \$150 million endangered by that loss would put a substantial burden on the state's \$2.5 billion operating budget," he said. "And the consequences would be great on Kauai's and Hawaii's local budgets in particular."

Nevertheless, the economic significance of the industry has declined during the past 35 years, and planning

hurt the balance of our economy, but may lower the prospect for adjustments that might in some instances save the very industry in question."

Ramsour, who emphasized he was not saying sugar should be replaced, also



Red Miller, Jr.

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LAND USE COMMISSION
STATE OF HAWAII

AINAKO DEVELOPMENT CORP.

March 7, 1988

LAND USE COMMISSION
STATE OF HAWAII
AUG 10 3 04 PM '88

Mr. Tom Shigemoto
Planning Director
Planning Department
4280 Rice St.
Lihue, HI 96766

Re: Hyatt Regency Kauai
Golf Course Permits

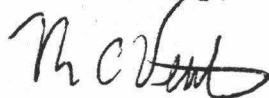
Dear Mr. Shigemoto:

Enclosed please find the Hyatt Regency Golf Course Demand Study prepared by Robert E. Yoxall, Inc. This additional data is in support of our Golf Course permit application submitted on February 12, 1988.

The study, prepared by one of the leading recreation consultants in the country, clearly indicates sufficient demand to justify the development of at least one additional regulation 18 hole golf course adjacent to the Hyatt Regency Kauai.

Please contact me if you require any additional data in support of our application.

Sincerely,



M. C. Ventura
President

MCV/ei

Enclosure

Robert E. Yoxall, Inc. recreation consultants

**GOLF COURSE DEMAND
STUDY**

GROVE FARM SITE

LIHUE, HAWAII

PREPARED FOR:

GROVE FARM PROPERTIES, INC.

ROBERT E. YOXALL, INC.

March 2, 1988

261 Chateau Drive, Los Altos, CA 94022 (415) 941-5526

TABLE OF CONTENTS

Introduction.....	1
Methodology.....	1
The Site.....	2
Summary.....	3
Area Overview.....	4
Pertinent Demographics and Travel Trends	
Demographics.....	7
Travel Trends.....	12
Operational Considerations.....	15
Conclusions.....	15
Appendix	
Location Maps	
Exhibits	

Golf Course Demand Study

Introduction

Grove Farm Properties, Inc., and Ainako Resort Associates propose to develop a resort complex on the southeast side of the Island of Kauai, in the Poipu area. A 605 room Hyatt Regency Hotel, with all the usual resort amenities is planned. One of the key recreational amenities will be a world class golf complex.

The Consultant, Robert E. Yoxall, Inc., of Los Altos, CA, has been asked to determine the existing demand, if any, for additional golf facilities on Kauai, and the impact the proposed Hyatt Hotel course might have on golf facilities already existing.

Methodology

The Consultant has reviewed current pertinent demographics for the site, the County of Kauai, and the state of Hawaii.

Said demographics were then correlated to the most recent survey of golf participation in the United States as it relates to Hawaii, and to the results of a golf course and hotel survey for the Islands jointly prepared by *The Hallstrom Appraisal Group* and the Consultant. Statistics

regarding hotel trends in Hawaii, compiled by *Pannell, Kerr, Forster*, were also utilized.

The Consultant also interviewed individuals with operational responsibility at several resort and daily fee golf facilities on the Island of Kauai to ascertain the current sentiment regarding the future Island trends in golf

The Consultant then analyzed the resulting statistical base and applied his experience of more than 35 years in the golfing industry as the basis for the conclusions reached.

The Site

The proposed golf course site is located in the Poipu area, approximately 20 - 25 minutes driving time south and west of the Lihue airport. Site access is gained from the easterly end of Poipu Road.

About 200 acres, adjacent to the proposed Hyatt Regency hotel, has been designated for golf course development.

The land, for the most part, has been in agricultural use, growing sugar cane. The balance of the land, not in agricultural use, has been left in its natural state.

The world famous golf course architectural firm, Robert Trent Jones II, of Palo Alto, California, has prepared

several preliminary golf course route plans, each of which takes advantage of spectacular ocean and mountain vistas.

The terrain encompassed in the golf course site is relatively flat, but does, in some areas, have natural undulation. There is no obvious impediment to the construction of a golf course, on the site chosen by the developer.

Considering all of the physical aspects of the site, such as location, access, terrain, soils and construction, it is the Consultant's opinion that the site is well suited for the development of an outstanding golf course facility.

Summary

This Consultant is convinced the Island and County of Kauai can support the development of additional golf courses.

An analysis of the demographics pertinent to the site, trends in the hotel and golf industries, and tourism as it relates specifically to the Island and County of Kauai, shows there will be sufficient demand generated by hotel guests, resident population and other accommodation facilities, to justify the development of at least one regulation 18 hole golf course at the subject site.

In addition to at least 4,500 golfers among the present permanent population, almost 10% of all the visitors to Kauai play golf.

Based upon current participation figures and the economics of golf course operations, a 400 room resort hotel in southern Kauai could fully support its own 18 hole golf course on guest play alone.

The Developers intend to build a 605 room resort hotel, to be operated by Hyatt Hotels Corporation, and an outstanding 18 hole regulation golf course on the subject site.

The Consultant estimates that the Hyatt Hotel course will realize a minimum of 48,000 rounds annually, when the resort hotel operations are stabilized. That figure will increase, as additional accommodation facilities are developed on-property, and the resident population increases.

When annual rounds reach the 55,0000 level, and an obvious pent-up demand develops, consideration should be given to expanding the facilities.

Area Overview

The northernmost major Island in the Hawaiian chain, Kauai is commonly called "The Garden Island", in reference to the lush vegetation which abounds on the 550 square mile

volcanic landform. Centered around the constantly cloud covered Mt. Waialeale, considered the world's wettest spot with an annual rainfall of 486 inches, the Island features diverse geological formations and varying climatic conditions.

Archaeologists suggest Polynesians first inhabited the Island circa 800 A.D. Captain Cook was the original Westerner to visit the Hawaiian Islands, making his first landing ever in the "Sandwich Islands" at Waimea Bay on Kauai in 1778.

Lihue, is the seat of the County of Kauai, which includes the Island of Niihau. Lihue is the center of major economic activity for the Island, the location of its two major transportation facilities: Lihue Airport, handling the majority of visitor arrivals; and, Nawiliwili Harbor, a deep water port.¹

The least inhabited of the State's four counties, Kauai had a total estimated population of 46,100, as of July 1986. The population has been steadily increasing since 1974, principally due to the emergence of tourism as the Island's leading industry, particularly in the areas of Princeville and Poipu.

¹. The Hallstrom Appraisal Group, Inc., Economic Background, County of Kauai, Exhibit 1, Page 10.

Since Hurricane Iwa, employment has steadily increased. With the increase in employment, a substantial increase in total income has also been realized.

While Kauai was traditionally agriculture oriented, the visitor industry has become the mainstay of the economy in recent years. In 1970, there were only 2,628 hotel rooms available on the Island. By 1985, that figure had grown to 5,656, more than doubling the 1970 tourist capacity.

Tourist dollars also provide economic stimulus for other market sectors including real estate, restaurant, retail, transportation and construction.

Owing to the diversity of landforms, Kauai offers a wide range of recreational pursuits. Naturally, the sea is the focal point of most activity with uncrowded fishing, sailing and surfing available on the State's most beautiful beaches. The warm tropical climate and spectacular vistas make Kauai a favorite for hikers and campers, particularly in the Waimea Canyon and Na Pali Coast areas. The Island's golf courses, designed by some of the world's most noted golf course architects, lure thousands of golf enthusiasts annually.

Pertinent Demographics-Travel Trends

Demographics

According to the publication, Golf Facilities in the United States², there are a total of 49 existing regulation golf course facilities in the State of Hawaii. Of these, fourteen are private club facilities (nine of these are military), seven are categorized as municipal and twenty-eight as daily fee facilities.

The low percentage of private club facilities (28.5%) is typical of the western and sunbelt states, where better access to public golf facilities is the basis for higher golf participation rates.

The NGF, in analyzing some statistics, groups both municipal and daily fee courses under the term "public". In this report, the Consultant has also used the term, in combining pertinent data.

The average public golf accessibility, for the U.S. in general, is 48 public holes per 100,000 people³. The State of Hawaii has 72.1 public holes per 100,000 of the permanent populace. This is 150.2% of the national average and indicates a high rate of golf participation. The accompanying chart entitled, "*Golfer Access Percent - vs -*

². National Golf Foundation, Golf Facilities in the United States, 1987 Edition, Jupiter, FL.

³. NGF, op cit., p.14.

Golfer Participation" illustrates this quite well. Each dot represents one of the 50 States. A regression line has been drawn, indicating that when golfer access increases (more holes of golf per 100,000 of population) the rate of participation among the populace also increases.

In the number of golf holes per total population, Hawaii ranks 20th in the United States. In the number of public holes, Hawaii ranks eighth.

Broken down, in terms of the number of golf holes, municipal and daily fee courses for the entire State, there were a combined total of 684 holes. Of these, 108 holes were contained in nine hole facilities, and 72 holes in Executive or Par-3 type facilities.

The Island of Oahu, has 459 of the total 684 public golf holes in the State, or approximately 67%. The population of Oahu comprises almost 77% of the State's total.

NGF has ranked some 296 Metropolitan Statistical Areas (MSA) in the U.S. in terms of overall golf access. Oahu, as outlined in the preceding paragraph, ranked 229th (23rd Percentile). With respect to public golf access, Oahu ranked 198th (33rd Percentile)⁴. The State as whole would rank 22nd out of the 50 States and the District of Columbia.

⁴. NGF, op cit., Figure 2.1.

The 225 remaining public golf holes, spread over the other 4 major Islands and 23% of the population, would rank Hawaii, Molokai, Maui and Kauai, collectively, as 30th in general golf access in the nation.

Kauai, according to provisional estimates for 1986⁵, had a Resident population of 46,300 persons. As of the date of this report, a survey of golf facilities by the Consultant found 72 golf holes actually in operation on the Island of Kauai. An additional 36 holes are under construction at the Westin Lagoons resort and scheduled for opening in mid-1988. There are also an additional 9 holes under construction at Princeville. Including holes under construction, there are a total of 117 holes, or 6.5 regulation length golf courses on the Island.

Using the NGF formula for Golf Accessibility, Kauai has almost 426% greater access to golf than the U.S. average. Similarly, Maui (329%), Hawaii (218%), and Molokai (740%), also have greater access to golf. If the defacto population⁶ of these four Islands is considered, the golf access figures are as follows: Kauai-304%, Maui-206%, Hawaii-212%, and Molokai-604%.

⁵. Hawaii State Department of Planning and Economic Development, The Population of Hawaii, 1980-1986, (Statistical Report 201, September 21, 1987), P. 13.

⁶. The defacto estimate refers to the total number of persons, on average, physically present on the Island at any given time, including visitors, but excluding residents temporarily absent.

It would appear that Hawaiian golf access is excellent, and consequently Hawaii should continue to attract large numbers of golfers.

The Western Region of the U.S., of which Hawaii is a part, has a 9.7% golf participation rate⁷. This means that 9.7% of the total population over the age of five years, has played golf during the preceding year.

Applying this percentage to the 1986 estimated resident population of the State of Hawaii, indicates a potential 103,014 resident golfers. Using the same calculation, Kauai should have a resident golfer population of almost 4,500 persons.

A comparison of percentages of the population within age groups for the U.S., the State of Hawaii, and the County of Kauai, indicates a close correlation. Exhibit A of this study shows the percentage of golfers within various age groupings, for the entire U.S.⁸ Exhibit B shows the application of those percentages to the resident population of Kauai.

Comparing population groups by income, in 1985, the State of Hawaii had a personal per capita income equal to the U.S.

⁷. National Golf Foundation, Golf Participation in the United States, 1986 Edition, Jupiter, FL., Figure 1.11.

⁸. Ibid.

average.⁹ Disposable income was 101% of the U.S. average. The average Hawaiian household was composed of 3.04 persons. The actual per capita income for Kauai County was slightly lower than for Hawaii as a whole. This difference, however, should not markedly effect the golf participation rate for public golf facilities. Exhibit C illustrates the Kauai golf population in terms of household income.

Golfer play frequency varies enormously. Some golfers play every day, some play only once a year. The mean (average) play frequency for the U.S. golfer in 1986 was 20.2 rounds, while the median (equal proportion above and below) play frequency was 12 rounds. The median play frequency is pulled well below the mean due to the large number of infrequent players.¹⁰ Projecting the average play frequency of 20.2 rounds per annum, for the approximately 4,500 golfers residing on Kauai, there is a resident demand for some 90,900 rounds annually. Distributed equally over the 6.5 regulation length 18 hole courses, operating this year on Kauai, would indicate a resident demand for 13,985 rounds per course, annually. This figure is, of course only part of the picture. Of much greater impact will be the rounds contributed by the golfing tourist.

⁹. Hawaii State Department of Planning and Economic Development, The State of Hawaii Data Book, 1986, Table 372 - Revised from 1985 Data Book, p. 375.

¹⁰. National Golf Foundation, Golf Participation in the United States, 1986 Edition, Jupiter, FL., P. 20.

Travel Trends

Since 1980 there has been a steady growth of visitors to the state of Hawaii. The annual growth rate of tourism has exceeded 3%. Approximately 22% of all visitors to the state visit Kauai.¹¹

As it is true in golf, that greater accessibility leads to higher participation, it is also true in the hotel industry that greater availability of accommodations leads to increased demand and higher occupancy levels. The short term may reflect an oversupply, but increasing demand soon balances the equation.

While the average tourist stay in the state was 10.2 days, in 1985¹², an interpolation of the tourism statistics indicates the average visit to Kauai was about 6.3 days.

Based on a typical 6.3 day visit to Kauai, there were, on average, almost 15,000 visitors present on any given day.¹³ Projecting the growth rate to 1988, the daily visitor average would increase to approximately 19,000¹⁴. A comparison of daily visitor population to the State and to Kauai, by linear regression, showed a strong correlation. A

¹¹. Hawaii State Department of Planning and Economic Development, The State of Hawaii Data Book, 1986, Table 207, p. 211.

¹². Ibid. Table 213, p. 216.

¹³. Hawaii State Department of Planning and Economic Development, The Population of Hawaii, 1980-1986, Tables 5 & 6, P. 11-12.

¹⁴. See Table 3, Golfer Statistics, compiled by Robert E. Yoxall, Inc.

"T" test and "T Probability" analysis (Table 1.) corroborated the correlation.

LINEAR REGRESSION:

TABLE 1.

Average Daily Visitors			Regression Output:	
Hawaii	Kauai	Kauai Est.	Constant	-14,153.48
X	Y	Y est.	Std Err of Y Est.	983.71
96,497	7,259	6,519.70	R Squared	0.908
95,968	7,225	6,406.37	No. of Observations	7
105,310	7,050	8,407.76	Degrees of Freedom	5
108,045	7,990	8,993.70	X Coefficient(s)	0.21423
118,660	10,930	11,267.82	Std Err of Coeff	0.03039
116,700	11,470	10,847.92		
132,910	14,840	14,320.69	t Value	7.04828488
			t Probability	0.00306310

Note:

1. The larger the t Value, the more reliable the coefficient.
 2. The smaller the t Probability the less probability that the result is due to chance.
 3. At least 5 Degrees of Freedom are needed for reliability.
 4. Numbers shown under X and Y above are average daily visitors for the years 1980-1986.
-

Close to 86% of those visiting Hawaii, do so for pleasure, or, business and pleasure reasons.¹⁵ About 60% stay in hotels.¹⁶ Although the average golf participation rate is 9.7%, earlier studies by the Consultant, together with his personal experience in the resort hotel field, indicate that approximately 11% of the guests in a destination resort

¹⁵. Hawaii State Department of Planning and Economic Development, The State of Hawaii Data Book, 1986, Table 212, p. 215.

¹⁶. Hawaii State Department of Planning and Economic Development, The State of Hawaii Data Book, 1986, Table 209, p. 212.

hotel featuring golf, will be on the golf course on any specific day.

Resort golf courses, in Hawaii, comparable to the one planned for the Hyatt Regency site average approximately 48,000 rounds per year. Princeville, for example, averaged 47,000 in 1987. These same resort courses found about 70% of their play was from hotel guests, on-property home owners, and guests.¹⁷

The average Kauai hotel occupancy rate for the years 1978 - 1984 was 67.87%. At the end of 1987 the average occupancy had reached 76.01%.¹⁸ The average number of occupants per room, in 1985, was 1.83.¹⁹ Occupancy levels for hotels and resorts on the south side of Kauai ran almost 10% higher than the Island average.

Typically then, a 600 room hotel, with its' own Daily Fee golf course on south Kauai could expect (in 1987 at a conservative 80% occupancy rate, and 1.8 occupants per room) approximately 95 of the hotel guests to play golf on any day. This equates to some 35,000 rounds per year.²⁰

17. From a survey of Resort golf courses just completed by the Hallstrom Appraisal Group, Inc.

18. Pannell, Kerr, Forster, Trends in the Hotel Industry, Dec. 1987.

19. Hawaii State Department of Planning and Economic Development, The State of Hawaii Data Book, 1986, Table 214, p. 217. Interpolated by Robert E. Yoxall, Inc.

20. Computed thusly: 600 rooms, times 80.0% occupancy rate, times 1.80 persons per room, times 11% playing golf, times 365 days per year. Computation by Robert E. Yoxall, Inc.

Operational Considerations

Daily Fee golf courses in the Pacific states of the western region average approximately 40,000 rounds of golf annually. Those that are located in destination resort areas will average considerably more, although most will not permit the total to exceed 65,000. The limitation tends to ensure reasonable playing time, and above average maintenance levels. The average daily fee course in Kauai plays 48,000 rounds annually, and it is our assumption that the new course will not permit play to exceed 55,000 rounds.

Maintenance quality of the course must be above average. As in other Hawaiian resort courses which have been surveyed, total operating expenses will not exceed revenue, when the operation has been stabilized.

Conclusions

Based upon the ratio of golf holes to both the resident and Defacto population, golfer access is excellent for Kauai, and the other neighbor Islands.

An analysis of Kauai's resident population indicates a minimum potential for 4,500 resident golfers playing an estimated 90,900 rounds annually.

Over 45% of the visitors to the state come from the western region of the U.S. A high percentage of the foreign

visitors to Hawaii come from Japan, where the golf participation rate is higher than in the U.S. Therefore, it is assumed at least 9.7% of the visitors to Kauai will be golfers.

If 86% of the visitors come for pleasure reasons, and Kauai will have in excess of 1 million visitors in 1988, more than 83,420 visitors will be golfers.

The Developers intend to build a 605 room resort hotel, to be operated by Hyatt Hotels Corporation, and an outstanding 18 hole regulation golf course on the subject site.

It is assumed that hotel occupancy figures will become stabilized at a conservative 80%, and the average number of occupants per room will be at least 1.80.

According to Mr. Patrick Cowell, the Regional Vice President and Managing Director of Hyatt Hotels Hawaii, the golf course should anticipate at least 75% of the rounds will be played by Hyatt guests.

Mr. Cowell's estimate appears to be quite valid. In an interview with Mr. Charles Ortega, General Manager and Director of Golf for the Kiahuna Golf Club, it was learned that Kiahuna is presently receiving about 60% of its play from guests of the adjacent hotels. This past year Kiahuna played slightly over 48,000 rounds, on the eighteen hole

course, and is projecting higher figures for 1988. Kiahuna does cater to the local players, by offering them lower green fees than those that are available for transient players. Ortega was quite optimistic about the future growth of golf on Kauai.

The Westin Kauai currently has 36 holes under construction. Eighteen are expected to be opened in July, with the second course scheduled for a November completion.

According to Kim Worrell, the newly appointed Director of Golf, it is expected that almost 100% of the play on the courses will come from guests of the hotel. One course will be limited to golfers with handicaps of 18, or less. The green fee is expected to be in the range of \$125-\$140 for this course. The other 18 will open with fees in the \$75-\$80 range. No special rate for locals is contemplated at this time. Mr. Worrell anticipates that play will build from about 30,000 rounds annually, per course to a stabilized rate of about 55,000 rounds per course.

At Princeville, the Director of Golf is Mac Hunter. Mr. Hunter supervises play over 27 existing holes which is now being expanded to 36 holes.

Princeville is currently averaging about 70,000 rounds annually, for the 27 holes. This breaks down to an average 47,000 per 18 holes. Mr. Hunter believes the average will

build to about 55,000, when the new nine is integrated into the complex. Although hotel occupancy figures are somewhat lower at Princeville than those at south Kauai, fully 60% of the golf play is generated by hotel guests and on-property players. Princeville does offer a special green fee to local players, and also makes a membership available to members of other Hawaiian clubs.

Amazingly, the golf shop at Princeville has a sales volume that is among the highest in the United States.

The Consultant also interviewed Mr. Abraham Koga, who is responsible for the operations of the public golf course at Wailua. Wailua Golf Course, is one of the most heavily played golf courses in the United States, averaging between 120,000 to 130,000 rounds annually. In Hawaii, only the Ali Wai course on Oahu exceeds this total.

Fully 50%-60% of the play on the Wailua course is generated by local residents. The green fee structure is extremely low, and coupled with the very fine maintenance level (for a public course), it is easy to see why the course is so popular.

Mr. Koga was very optimistic about the future of golf, on Kauai, sharing the popular belief of all the individuals interviewed, "The more golf available, the more golf that will be played".

With the foregoing facts and assumptions in mind, a 605 room Hyatt Regency resort hotel on the subject site, with a stabilized annual occupancy rate of 80%, can expect to generate over 95 guest golf rounds per day, or about 35,000 guest rounds per year, for an on-site golf course. The indicated present local resident demand could increase the annual total to a minimum of 48,000 rounds.²¹

With excellent golf accessibility, a growing resident population and an expanding tourism industry, for the State as a whole and for Kauai in particular, it is the Consultant's opinion that the Island can support additional golf facilities, without creating a negative impact on those facilities already existing²².

²¹. Computed as above, plus approximately 13,985 resident and on-property rounds.

²². See Table 3, Golfer Statistics.

Island of Kauai

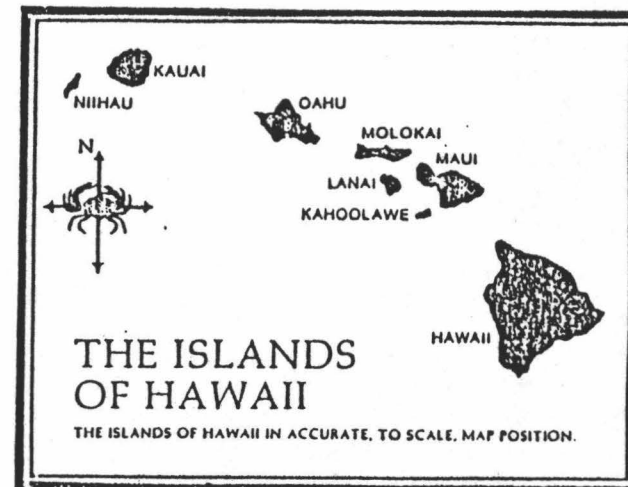
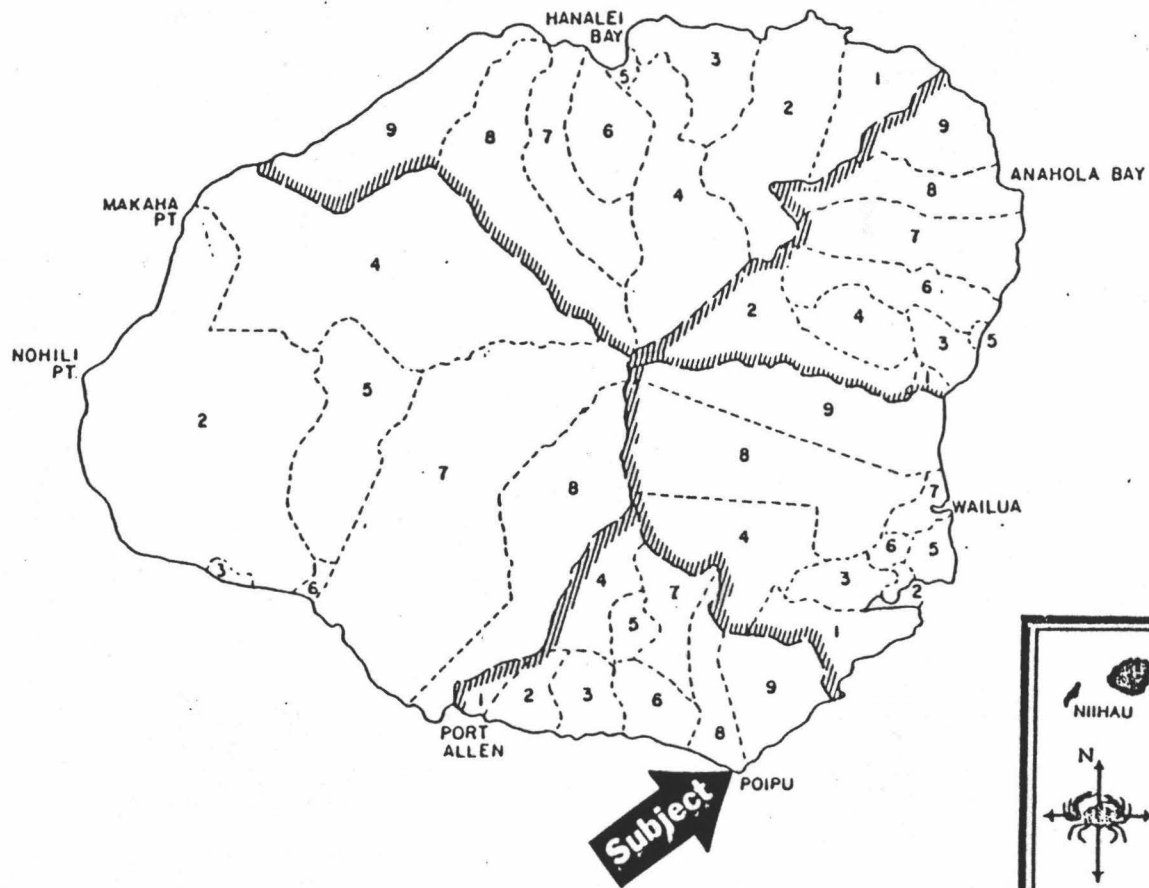


EXHIBIT A - U.S. GOLFERS - BY AGE GROUP

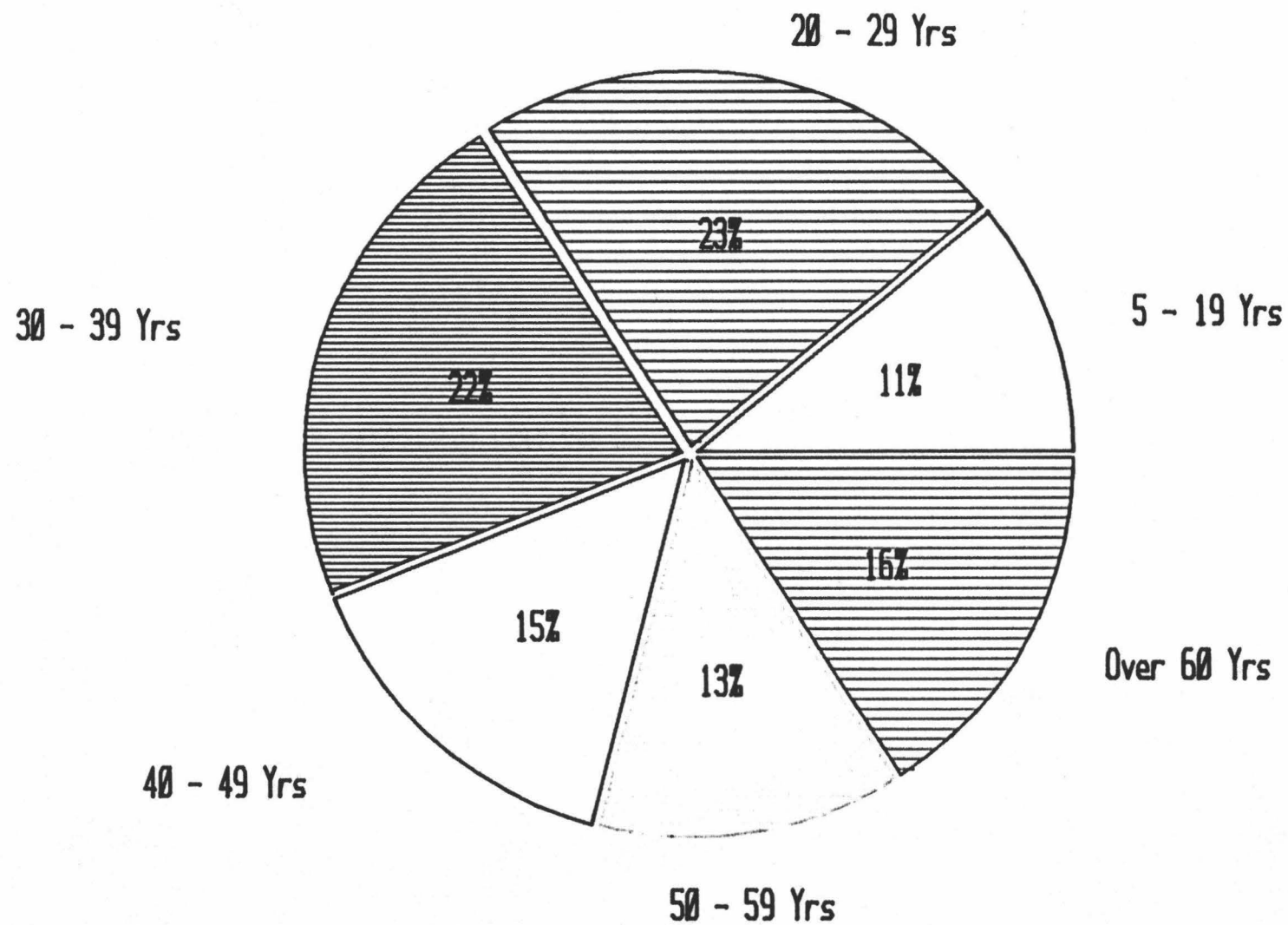


EXHIBIT B - EST. RESIDENT GOLFERS - BY AGE GROUP

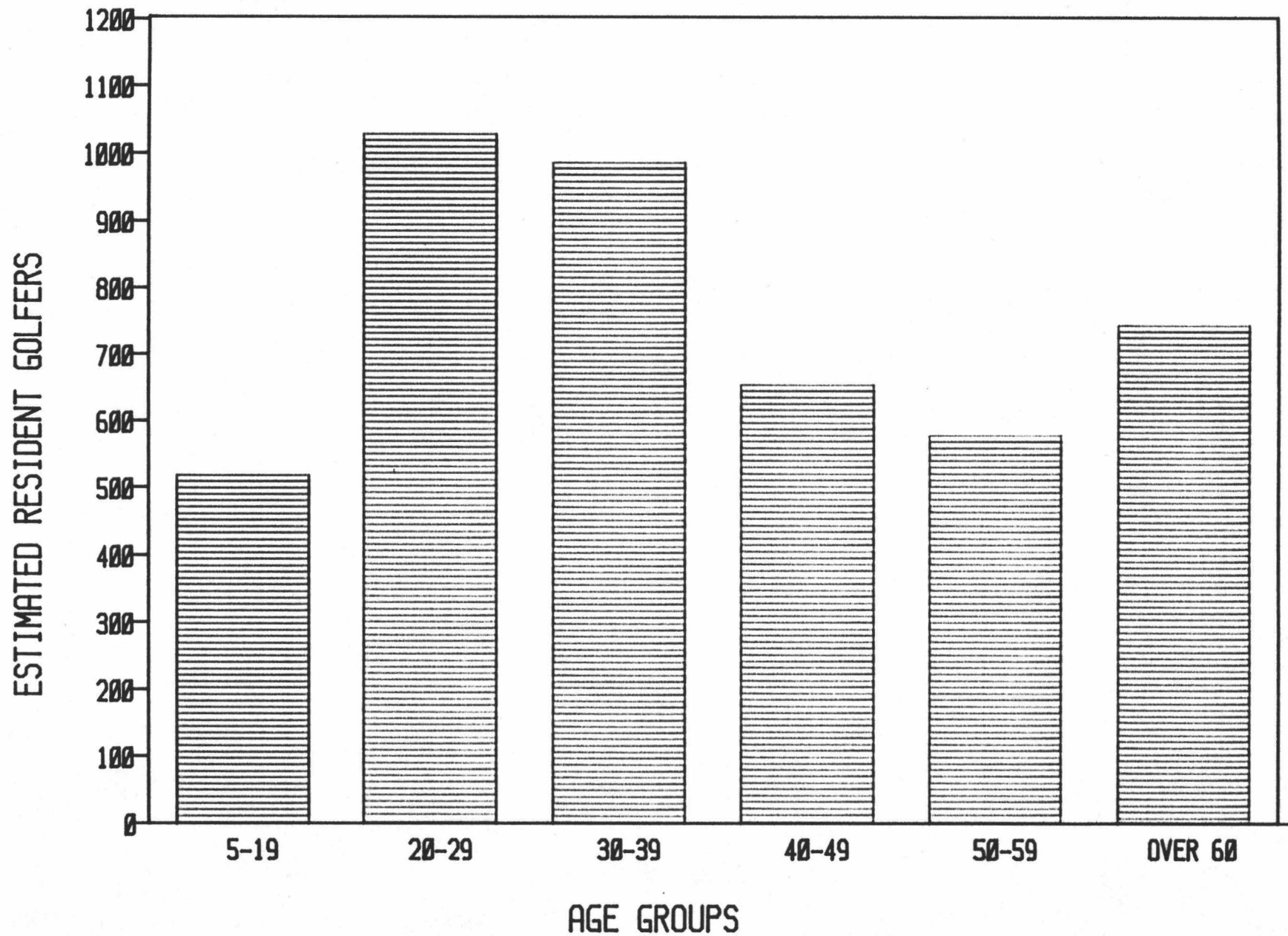
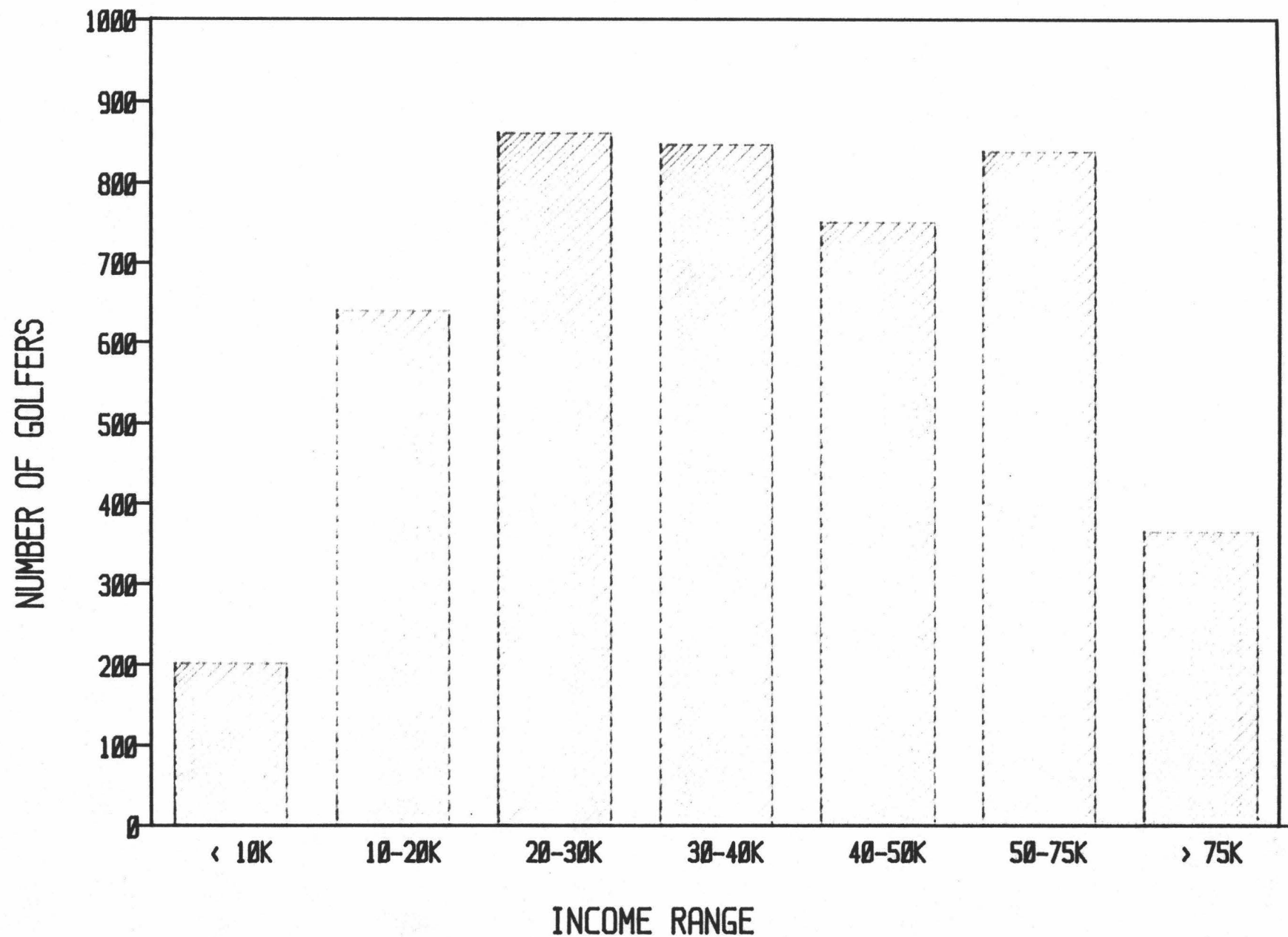
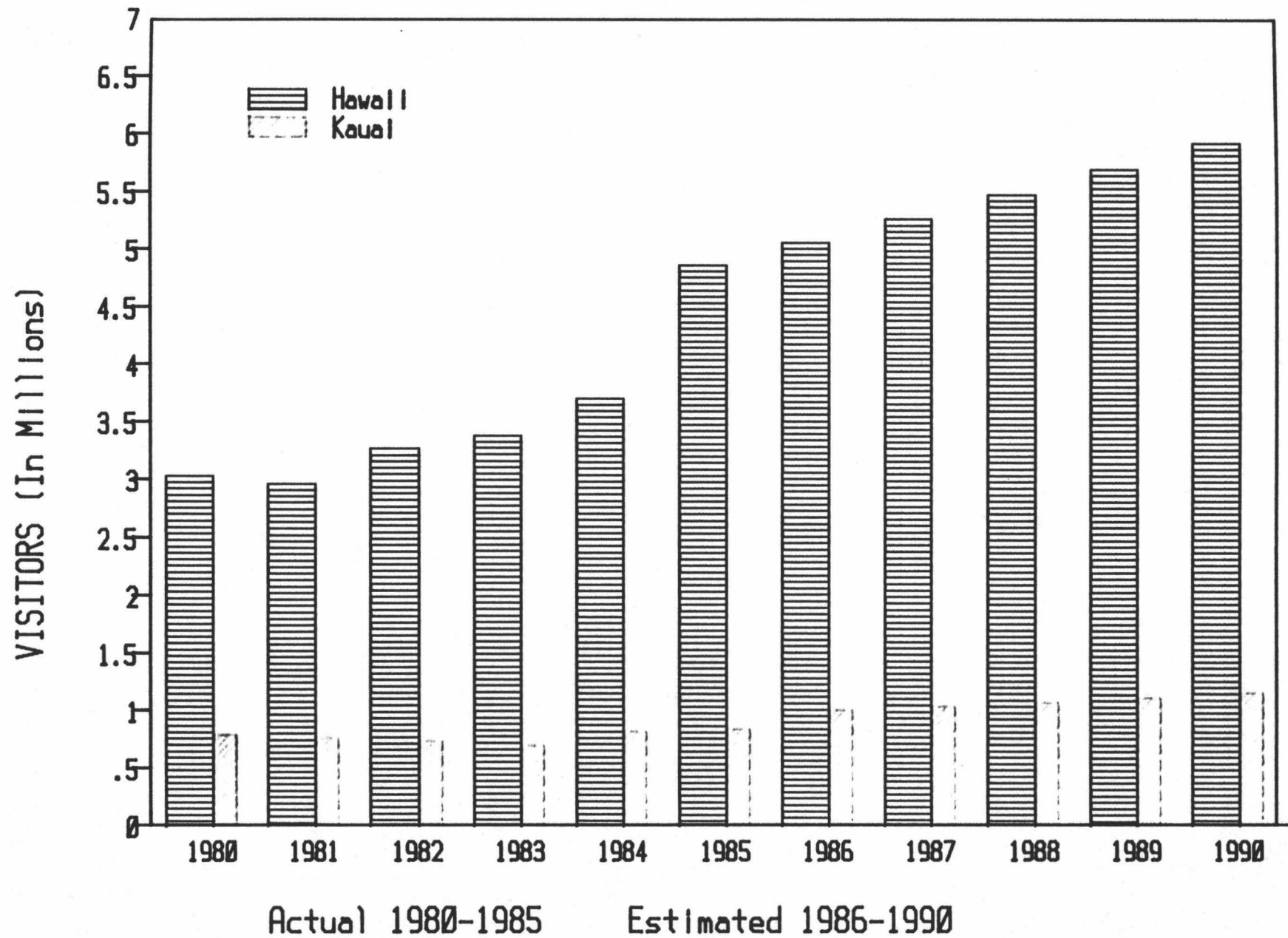


EXHIBIT C - KAUAI GOLFER PROFILE - BY INCOME RANGE



ANNUAL VISITORS - HAWAII - KAUAI



GOLFER ACCESS PERCENT - VS - GOLFER PARTICIPATION

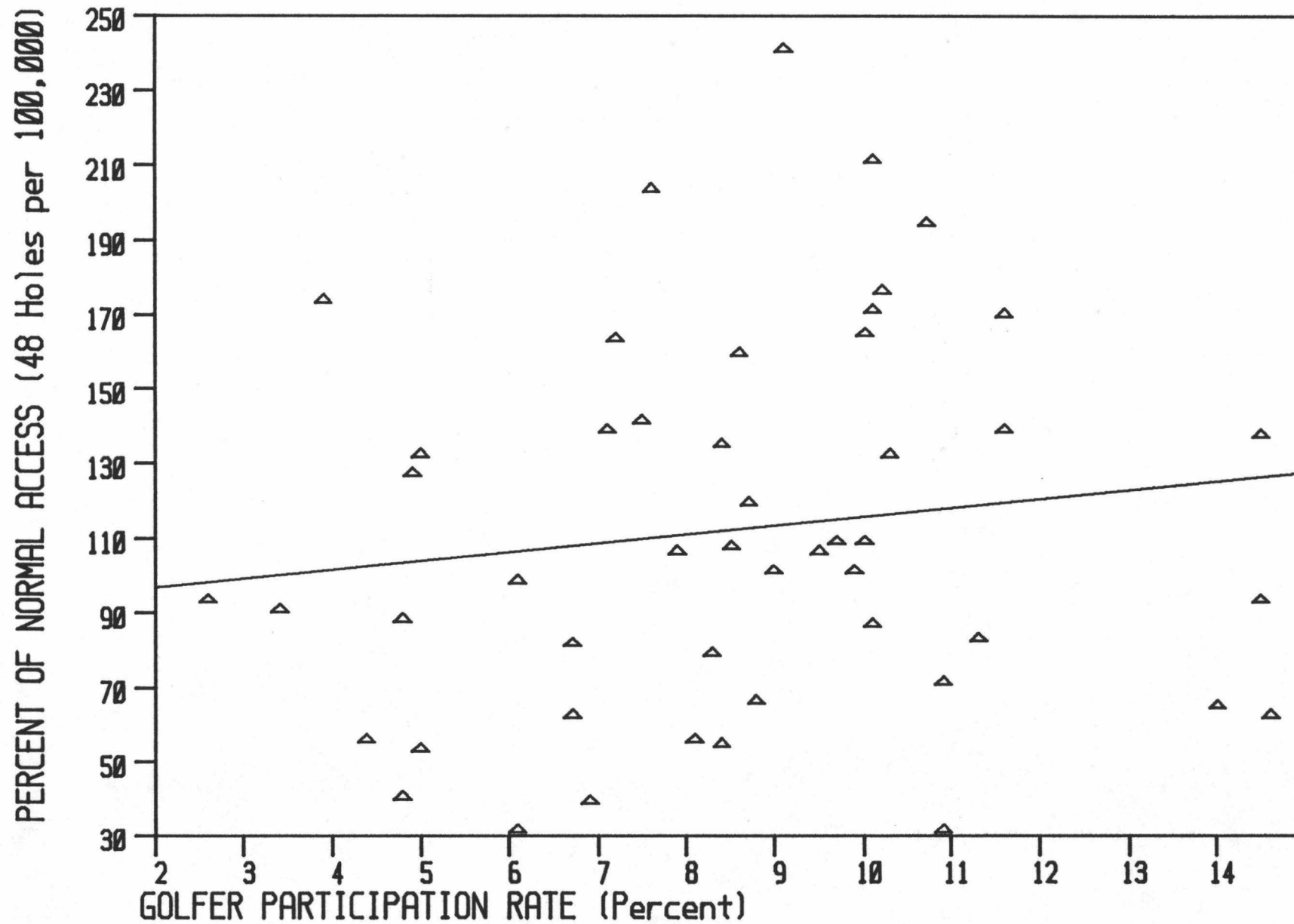


TABLE 2
SURVEY OF COMPARABLE RESORT GOLF COURSES

No.	Course	# Holes	Rounds(18)	% Hotel	% Other
1	Kiahuna	18	44,000	65%	35%
2	Princeville	27	47,000	75%	25%
3	Mauna Kea	18	53,504	65%	35%
4	Wailea	36	57,500	75%	25%
5	Kapalua	36	38,750	70%	30%
6	Turtle Bay	18	50,000	65%	35%
	Average		48,375	70%	30%

Source: The Hallstrom Appraisal Group, Inc.

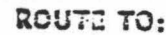
GOLFER STATISTICS

TABLE 3.

Percent of Golfer Participation - Western U.S.	9.7%
Average Rounds Played Annually	20.2
Estimated Number of Kauai Resident Golfers:	
1986	4,500
1987	4,634
1988	4,772
1989	4,914
1990	5,060
Estimated Average Daily Visitors to Kauai:	
1986	16,718
1987	18,834
1988	21,217
1989	23,902
1990	26,927
Estimated Average Daily Visitor Golfers:	
1986	1,621
1987	1,826
1988	2,058
1989	2,318
1990	2,611
Estimated Daily Tourist and Resident Golf Round Demand:	
1986	1,352
1987	1,499
1988	1,664
1989	1,849
1990	2,057
Number of 18 Hole Courses Required to Average 48,000 rounds per course:	
1986	10.28
1987	11.40
1988	12.65
1989	14.06
1990	15.64

Note:

1. 20.2 rounds per year is basis for resident round demand.
2. Tourist golf demand is computed on the basis of 60% of all golfers overnighing in a hotel, with 11% playing on any given day. This resulting number is very conservative, in the Consultant's opinion.
3. Daily round demand is multiplied by 365 days, then divided by 48,000 to determine number of courses required.



Youn
Shigemoto
Kitta
Gwera
Hawley
Hawley
Gwera
Hawley
Hawley
Yamaguchi
Ferrara
Kashiwabara
Hironaka
Yamashiro



LAND USE COMMISSION
STATE OF HAWAII
AUG 29 12 3, PM '88

February 12, 1988

Mr. Tom Shigemoto,
Planning Director
Kauai County Planning Dept.
4280 Rice St.
Lihue, HI 96766

RE: Golf Course at the Hyatt Regency Kauai, Poipu

Dear Mr. Shigemoto:

We are pleased to submit our application, filing fee, and 15 copies of the map and supporting documents for the golf course at the Hyatt Regency Kauai. We will submit additional material as it becomes available, including the golf demand study that we have previously discussed.

The applicants of this request are Ainako Resort Associates, developer of the golf course and the Hyatt Regency Hotel, and Grove Farm Company, Incorporated landowner and lessor of the golf course land for the project.

As you know golf is an integral part of the Hawaii resort experience. For this course, we have retained Robert Trent Jones II, who has built some of the finest courses here on Kauai, and has demonstrated his sensitivity to local environmental conditions. We feel we have an outstanding design, and look forward to working with you on this application.

Sincerely,

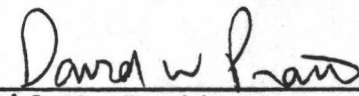
Ainako Resort Associates

Grove Farm Company, Incorporated

by: Ainako Development Corp.
its General Partner

by: 
M. C. Ventura

its President

by: 
David W. Pratt

its President

Enclosures

ltr2