

Intervenors' Exhibits File

SP88-369

COUNTY OF KAUAI
PLANNING COMMISSION

Petition No.: _____

Party: INTERVENOR

LIST OF EXHIBITS

No.	Description	Party:	OBJECTIONS			Adm
			APPL.	FILED	LAND USE COMMISSION STATE OF HAWAII	
A	"PAA-MAHAULEPU BEACHES"; 8 1/2" x 11"		/			*
B	4/13/88 LETTER FROM CHARLES ORTEGA TO PLANNING COMMISSION					YES
C	LAND STUDY BUREAU RATINGS MAP REPRODUCED FROM FIG. # 7 ; ENVIRONMENTAL ASSESSMENT FOR ANAKO GOLF COURSE					YES
D	CULTURAL SENSITIVITY MAP ; KOLOA, HAWAII (K-10) [XEROX]					YES
E17	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 17		/			-NO-
E18	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 18		/			-NO-
E19	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 19		/			-NO-
E20	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 20		/			-NO-
E21	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 21		/			-NO-
E22	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 22		/			-NO-
E23	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 23		/			-NO-
E24	"PAA-MAHAULEPU BEACHES;" 11" x 17" ; Page 24		/			-NO-
F	LABOR AREA NEWS , MAY 1988 (XEROX)					YES
E	"PAA-MAHAULEPU BEACHES;" 11" x 17" Pages 1 to 25		/			YES

Symbols: OBJECTION TO AUTHENTICITY

OBJECTION TO ADMISSIBILITY

OBJECTION TO AUTHENTICITY & ADMISSIBILITY

* NO MOTION TO MOVE INTO
EVIDENCE



Petition No.: In the Matter of the Application of Ainako Resorts
Associates and Grove Farm, Inc.
Party: Ohana o Mah'ulepu and Malama Mahaulepu

LIST OF EXHIBITS

[illegible]

Symbols: OBJECTION TO AUTHENTICITY

OBJECTION TO ADMISSIBILITY

OBJECTION TO AUTHENTICITY & ADMISSIBILITY



COUNTY OF KAUAI
PLANNING COMMISSION

Petition No. _____

Party: INTERVENOR (STEPHEN LEVINE & TERESA TICO)

LIST OF WITNESSES

(List in NAME Order of Appearance)	EXPERTISE	SUBJECT MATTER	Written Testimony	EXHIBITS	Length of Direct
TRINETTE KACH (A & B)	PROPERTY MANAGER, KAUAI; Alex & Baldwin	A & B's Master Plan for South Shore Kauai Development	—	—	
CHARLES ORTEGA	KIAHUNA GOLF CLUB, GENERAL MANAGER & DIRECTOR OF GOLF	KIAHUNA GOLF COURSE; plans for expansion/addition; status of such plans; information on operations	—	B	
DON HEACOCK	DISTRICT FISHERIES OFFICER W/ DLNR, KAUAI; MARINE BIOLOGIST	WATER QUALITY & MARINE LIFE AROUND HAWAII & KAUAI; DR. DOLLAR'S MARINE BIOLOGY REPORT FOR BELT, COLLINS & ASSOC.		AUG 18 3 08 PM '88 LAND USE COMMISSION STATE OF HAWAII	
WILLIAM KIKUCHI	ARCHAEOLOGIST KAUAI COMMUNITY COLLEGE	REVIEW OF ROSENDALH'S REPORT; ARCHAEOLOGY OF PAA AREA			
DAVID BOYNTON	BIOLOGY TEACHER HIKER IN THE PAA-MAHAULEPU AREA	BIRD POPULATION OF PAA-MAHAULEPU AREA			
ANDY BUSHNELL	BOARD MEMBER, KAUAI 1000 FRIENDS	GROVE FARM PRESENTATION TO 1,000 FRIENDS IN 1987 REGARDING DEVELOPMENT OF PAA-MAHAULEPU PROPERTIES			
DOROTHY TAO	40-YEAR RESIDENT OF KOLOA; FREQUENT HIKER OF PAA-MAHAULEPU COAST	COMMENTS ON BOTANICAL REPORT IN ENVIRONMENTAL ASSESSMENT			

COUNTY OF KAUAI.
PLANNING COMMISSION

Petition No. In the Matter of the Application of Ainako Resorts Associates and Grove Farm Company, Inc.

Party: Ohana O Maha'ulepu and Malama Mahaulepu

LIST OF WITNESSES

(See 2/15 B2)

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

NAME (List in Order of Appearance)	EXPERTISE	SUBJECT MATTER	Written Testimony	EXHIBITS	Length of Direct
Order subject to change George Cooper	Research historian	History of land acquisition by Grove Farm of subject property	Yes	1	approx. 20 min.
Jimmy Nishida	Agricultural expert	Agricultural classification of the subject property and alternate agricultural uses	No	2	approx. 15 min.
Kawika Kucher	Lay witness	Hawaiian cultural resources of subject property	No	No	approx. 15 min.
Suzanne Kashiwaeda	Spokesperson 1000 Friends	Master plan proposal for subject property	No	No	approx. 15 min.
① Charlie Ortega	Golf pro, Kiahuna Golf Course	Negotiations with applicant re: use of Kiahuna Golf Course; Kiahuna Golf Course expansion	No	C	approx. 15 min.
Barnes Resnik	Spokesperson, County Historic Preservation Review Comm.	Recommendations of committee re: proposed golf course	No	No	approx. 15 min.
② William Kikuchi	Archaeologist	Archeology of subject property	No	C	approx. 20 min.
Mel Ventura no need Subpoena	Applicant	Proposed golf course	No	No	approx. 30 min.

COUNTY OF KAUAI
PLANNING COMMISSION

Petition No. In the Matter of the Application of Ainako Resorts Associates and Grove Farm Company, Inc.
Party: Ohana O Maha'ulepu and Malama Mahaulepu

LIST OF WITNESSES

NAME (List in Order of Appearance)	EXPERTISE	SUBJECT MATTER	Written Testimony	EXHIBITS	Length of Direct
Order subject to change David Pratt <i>(OK)</i> <i>No need subpoena</i>	Applicant	Proposed golf course	No	No	approx. 20 min.
Paul Rosendahl <i>(OK)</i> <i>No need subpoena</i>	Archaeologist	Archeology of subject property	No	No	approx. 15 min.
Mayor Tony Kunimura	Mayor, County of Kauai	County infrastructure and planning	No	No	approx. 20 min.
Joe Vierra <i>(OK)</i> <i>No need subpoena</i>	Engineer	Proposed golf course	No	No	approx. 15 min.
<i>(OK)</i> Avery Youn	Architect	Kalaheo/Poipu/Koloa Regional Plan	No	D	approx. 15 min.
<i>(OK)</i> David Boynton <i>DL no objection</i>	Botanist/ Ornithologist	Natural history of subject property	No	No	approx. 20 min.
Michael Hahn <i>DL no objection</i>	Taxation	Taxation of subject property	No	No	approx 10 min.
Trinette Kaui or other A & B representative	Development	A & B's proposed development and 18 hole golf course at Kukuila	No	No	approx. 15 min.

COUNTY OF KAUAI
PLANNING COMMISSION

Petition No. In the Matter of the Application of Ainako Resorts Associates and Grove Farm Company, Inc.

Party: Ohana O Maha'ulepu and Malama Mahaulepu

LIST OF WITNESSES

NAME (List in Order of Appearance)	EXPERTISE	SUBJECT MATTER	Written Testimony	EXHIBITS	Length of Direct
Order subject to change Andrew Bushnell	Member, 1000 Friends	Grove Farm's master plan for development of Maha'ulepu	No	No	approx 20 min
Anthony Romo	Lay witness <i>DL: hotel is feasible without golf course</i>	Affidavit	Yes	E	approx 5 min.
Dorothy Tao	Botanist	Rare plants situate at subject property	No	No	approx 15 min.
Don Heacock <i>DL no objection</i>	Marine Biologist	Impact of proposed golf course on marine life <i>ag chemicals</i>	No	F	approx 15 min.
Stanley Griep or Mel Sanehira	Golf course	Golf courses	No	No	approx 15 min.
Representative of State Unemployment Office	employment	Employment	No	No	approx 15 min.
<i>[UH Ag. Chemist withdrawn by TT]</i>	Agricultural chemicals	Agricultural chemicals	No	No	approx. 15 min.
Lee Akina	Lay Witness	Maui golf course analogies	No	No	approx. 15 min.

COUNTY OF KAUAI
PLANNING COMMISSION

Petition No. In the Matter of the Application of Ainako Resorts
Associates and Grove Farm Company, Inc.
Party: Ohana o Maha'ulepu and Malama Mahaulepu

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
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 PROPERTIES, INC.	)	Z-IV-88-39;
	)	Use Permit U-88-31;
	)	Special Permit SP-88-6
	)	
	)	CERTIFICATE OF SERVICE
	)	
	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the List of Witnesses
was duly served on June 9, 1988, by placing same in the Court
Jacket of the following:

DENNIS LOMBARDI, ESQ.
4334 Rice Street
Lihue, Hawaii

Attorney for AINAKO RESORTS ASSOCIATES
and GROVE FARM PROPERTIES, INC.

LORNA A. NISHIMITSU, ESQ
County Attorney's Office
4396 Rice Street
Lihue, HI 96766

Attorney for PLANNING COMMISSION

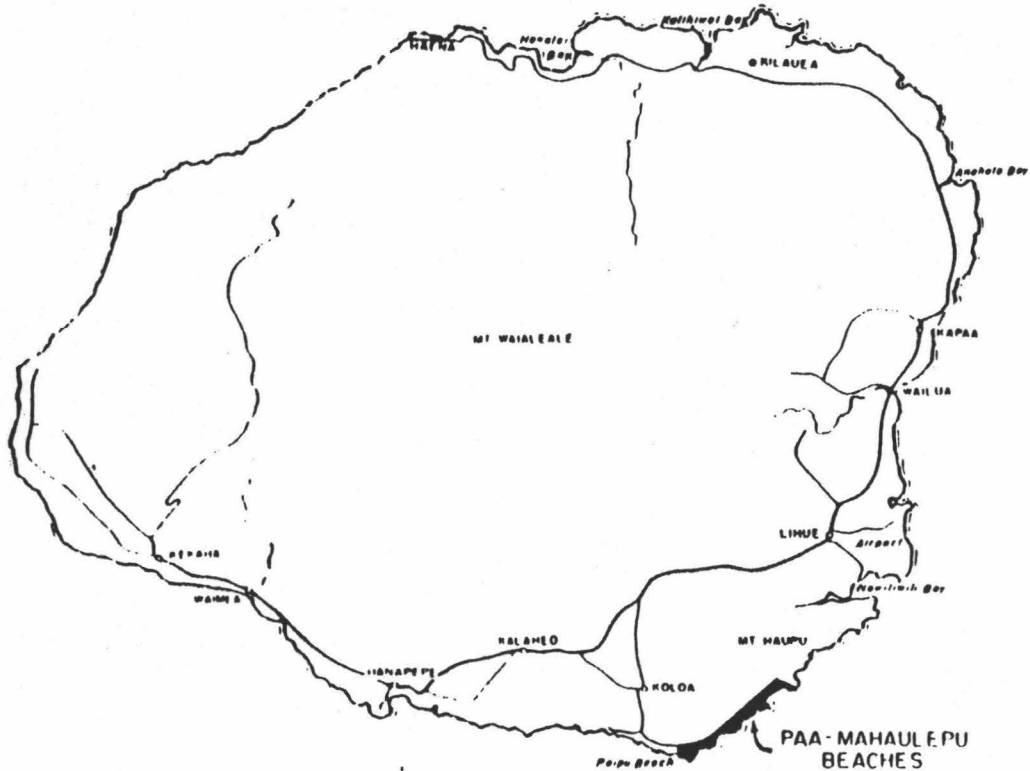
DATED: Lihue, Hawaii, June 9, 1988.

Teresa S. Levine
TERESA S. TICO
STEPHEN LEVINE

Attorneys for OHANA O MAHA'ULEPU
and MALAMA MAHAULEPU

PAA-MAHAULEPU BEACHES

*A REPORT OF THE PROPERTY OWNED BY GROVE FARM CO., LTD.
ALONG THE KOLOA COASTLINE
PREPARED FOR THE DIRECTORS OF THE COMPANY*



ISLAND OF KAUAI

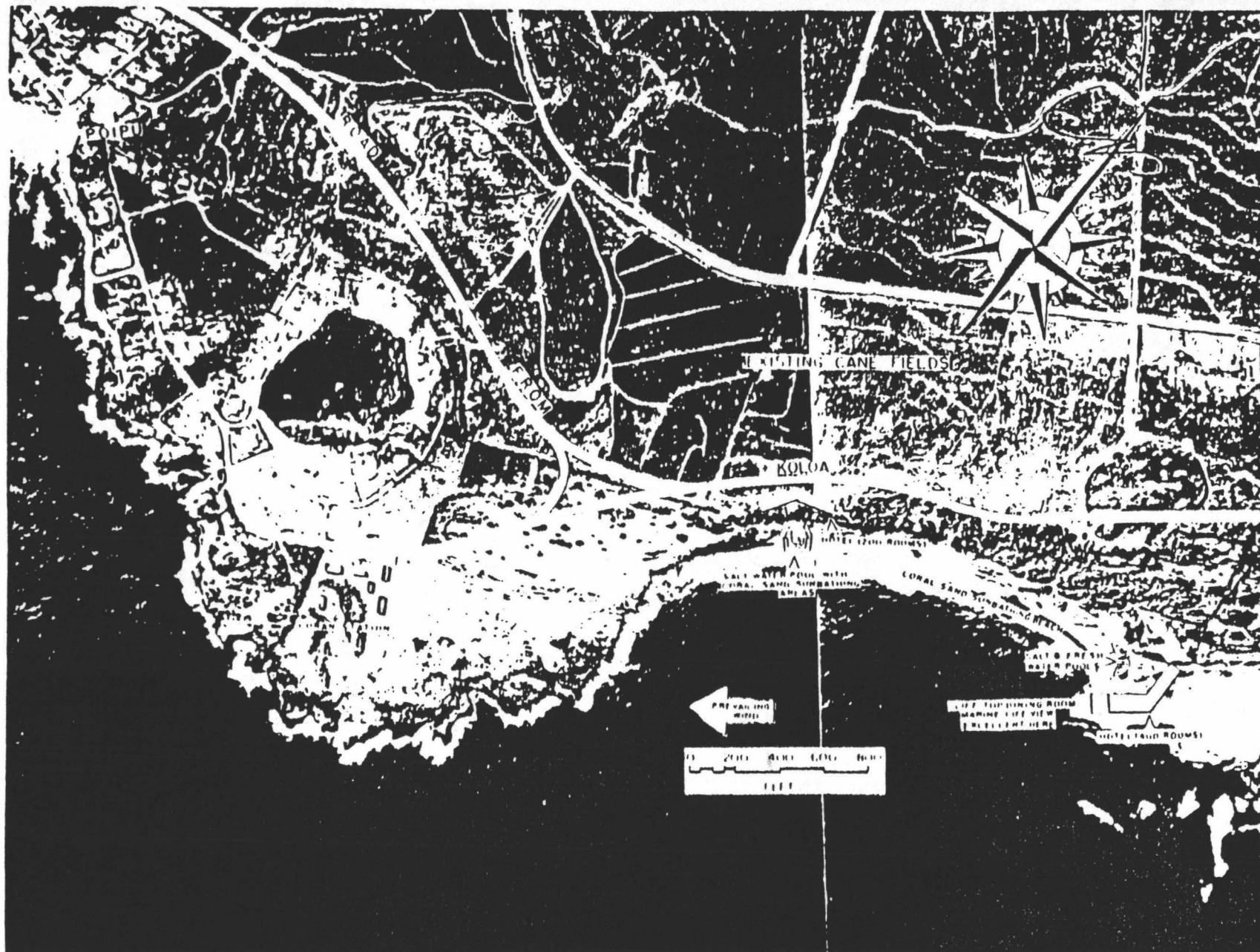


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CONTENTS

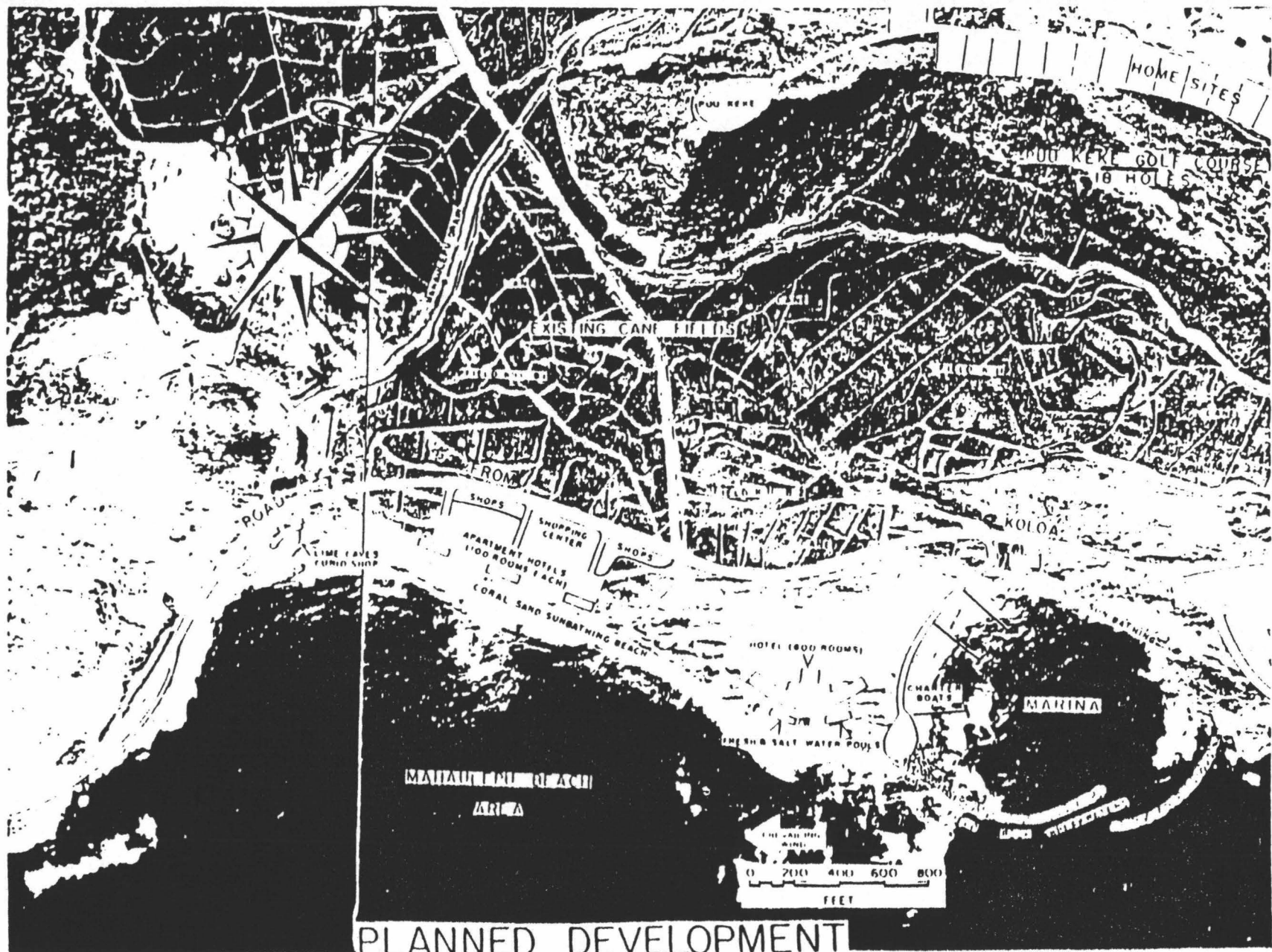
Location Map	1
Existing Terrain	2
Photo	2-A
Existing Terrain	3
Existing Terrain	4
Photo	4-A
Existing Terrain	5
Photos	5-A, 5-B, 5-C
Planned Development	II, III, IV, V

LAND USE COMMISSION
STATE OF HAWAII
Aug 18 3 10 PM '88
Plaza



PLANNED DEVELOPMENT
OF PAA BEACH SHOWING ROADWAY, HOTEL ROOMS & SWIMMING FACILITIES Plate II

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OF MAHAULEPU BEACH SHOWING ROADWAY, SHOPPING CENTER, HOTEL ROOMS,
SWIMMING FACILITIES, MARINA, GOLF COURSE AND HOMESITES

Plate IV

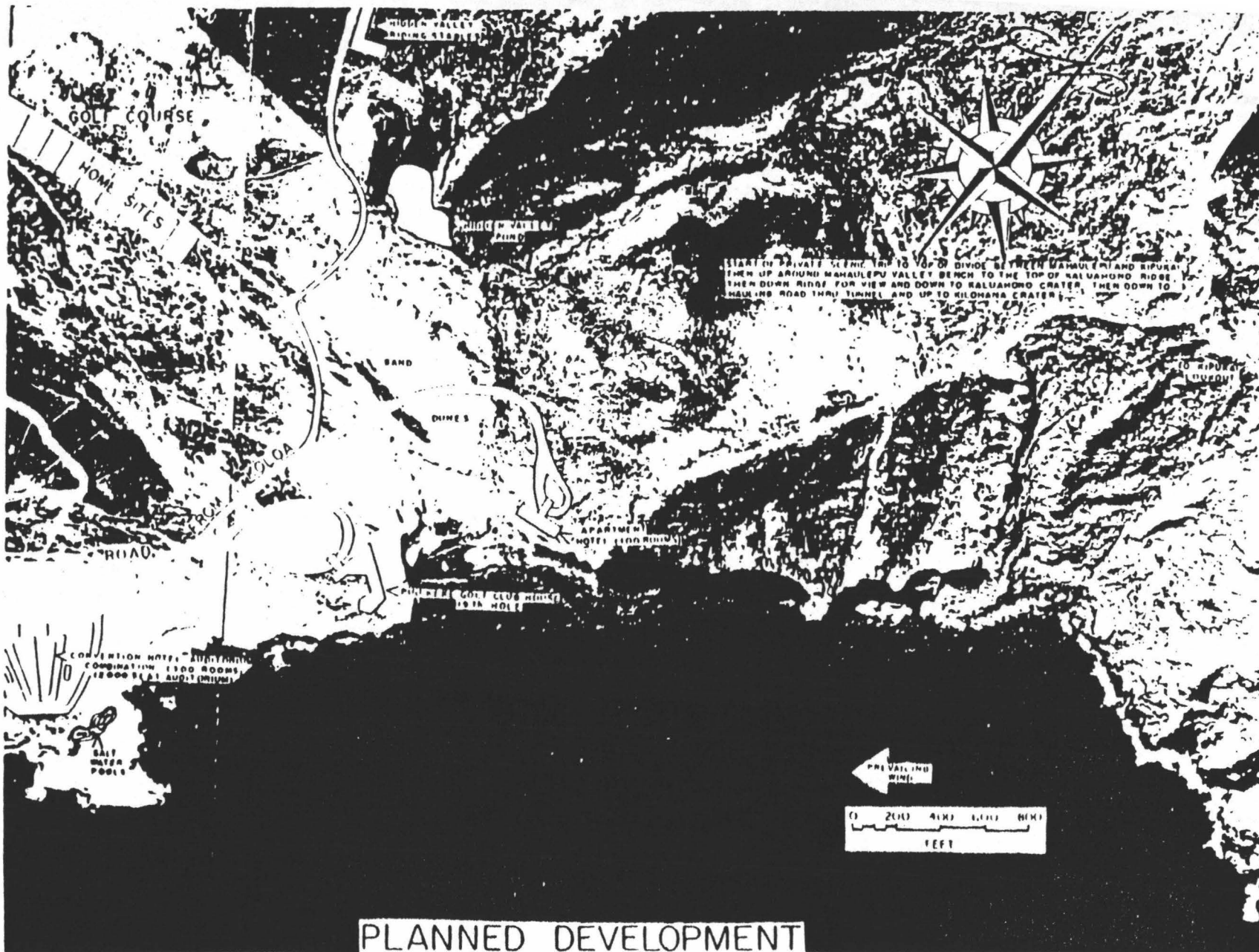
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PLANNED DEVELOPMENT
 OF AREA BETWEEN PAA AND MAHAULEPU BEACHES SHOWING ROADWAY, PRACTICE GOLF
 COURSE, RESIDENCES FOR LEASE TO HOTELS & PICNIC SITE

Plate III

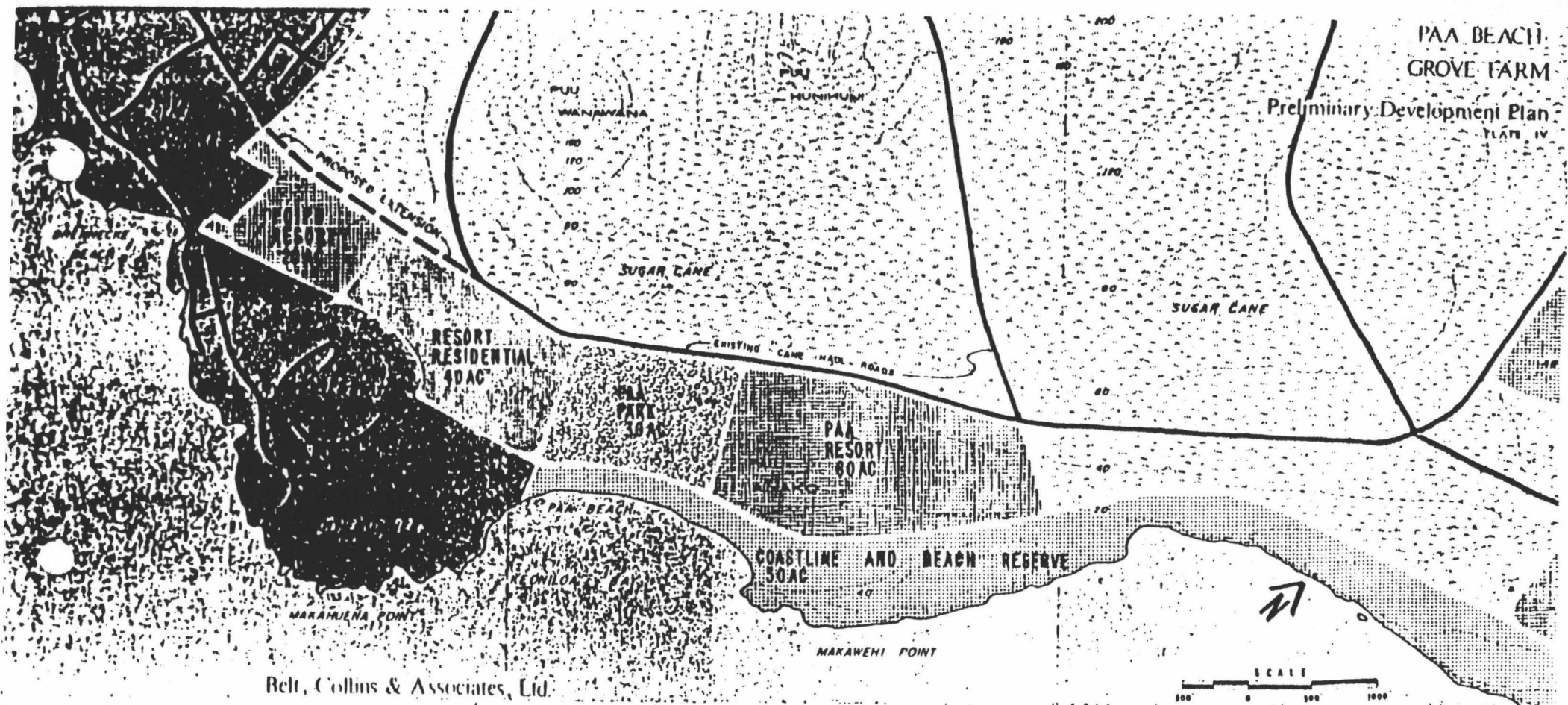
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PLANNED DEVELOPMENT
 OF NORTHEAST END OF MAHAULEPU COASTLINE SHOWING ROADWAY, HOTEL
 WITH CONVENTION AUDITORIUM, HOMESITES, GOLF COURSE & CLUBHOUSE,
 RIDING STABLES, ADDITIONAL HOTEL ROOMS, & PRIVATE SCENIC DRIVE

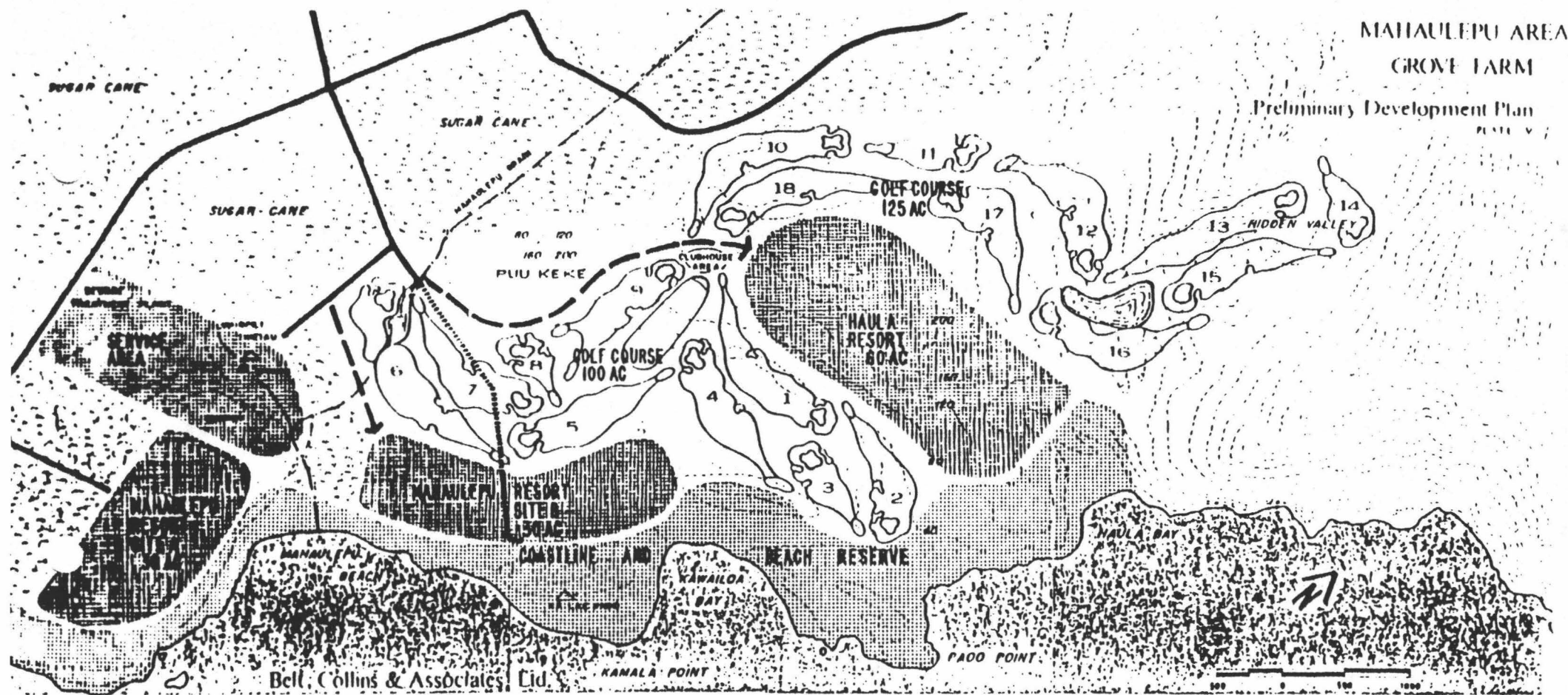
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Plate X

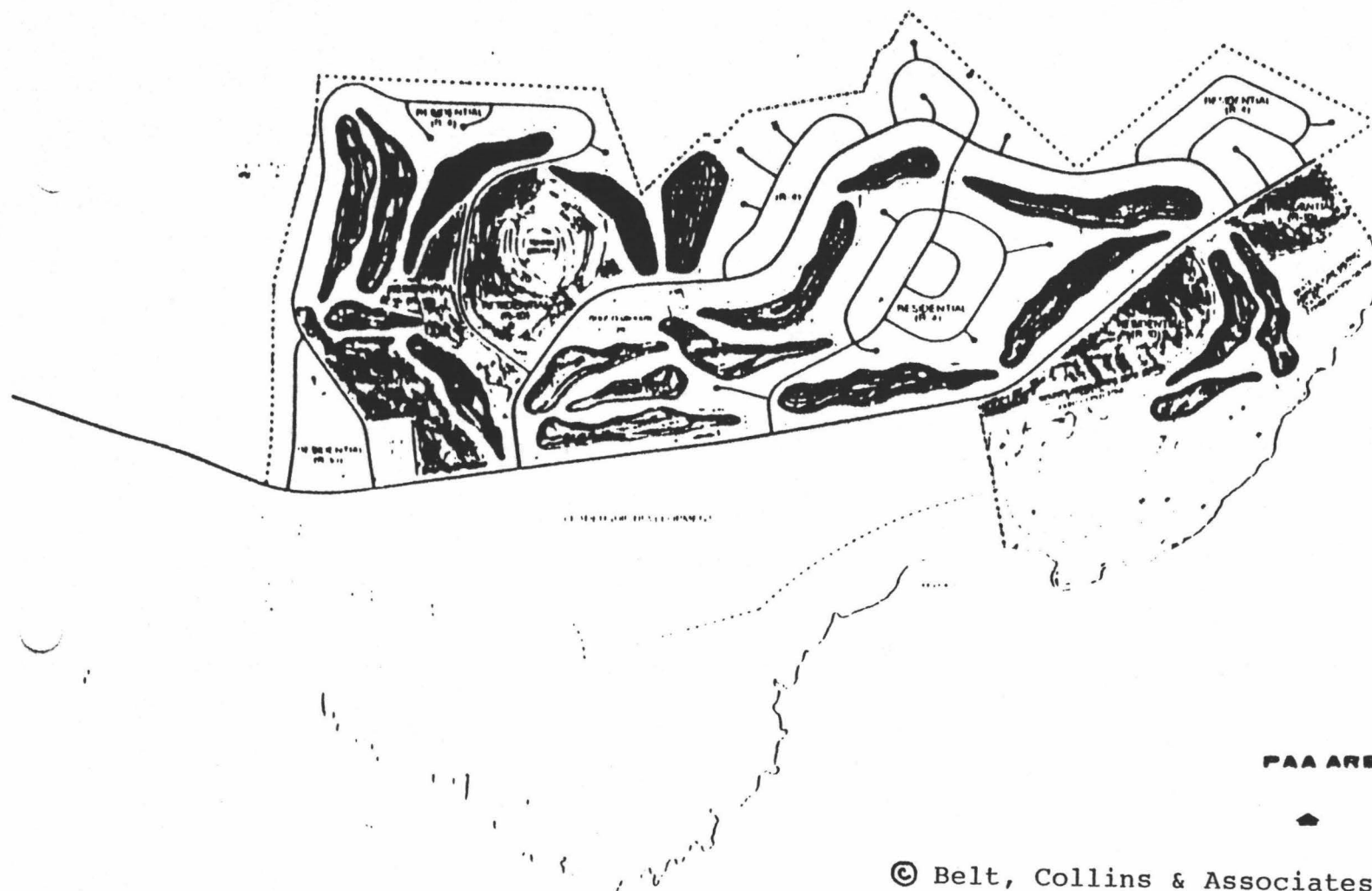


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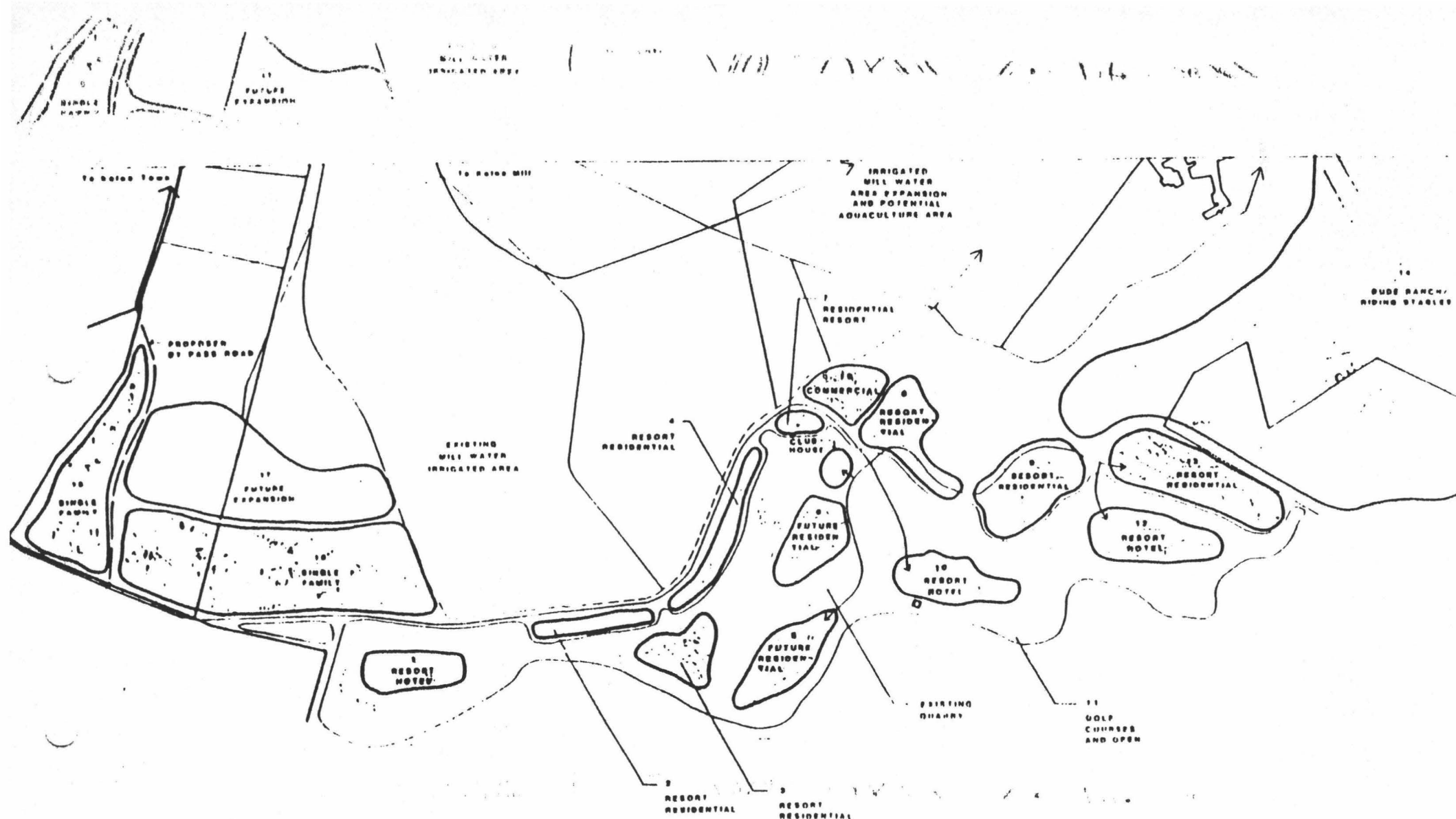


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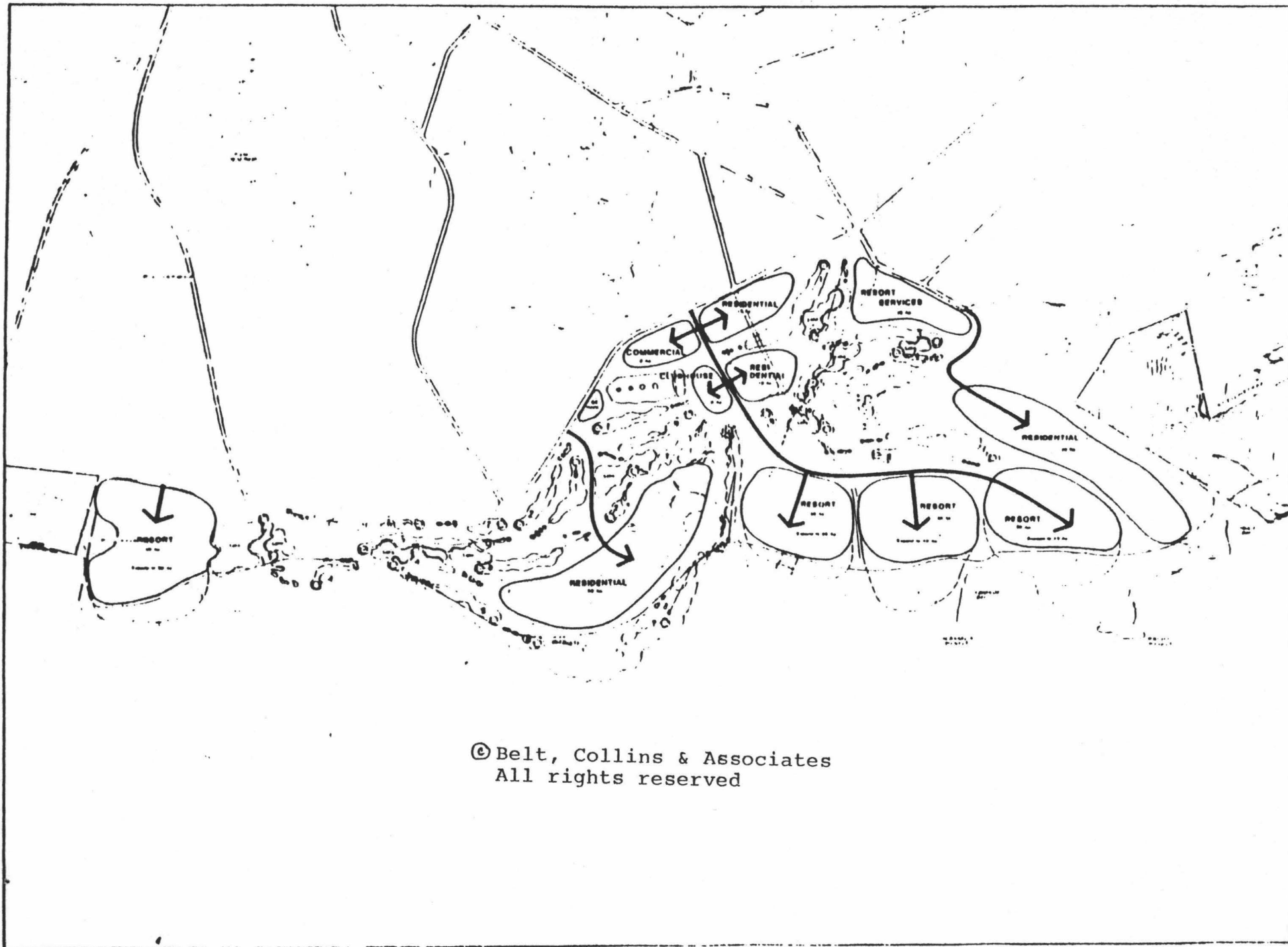
GROVE FARM
PAA AREA DEVELOPMENT PLAN

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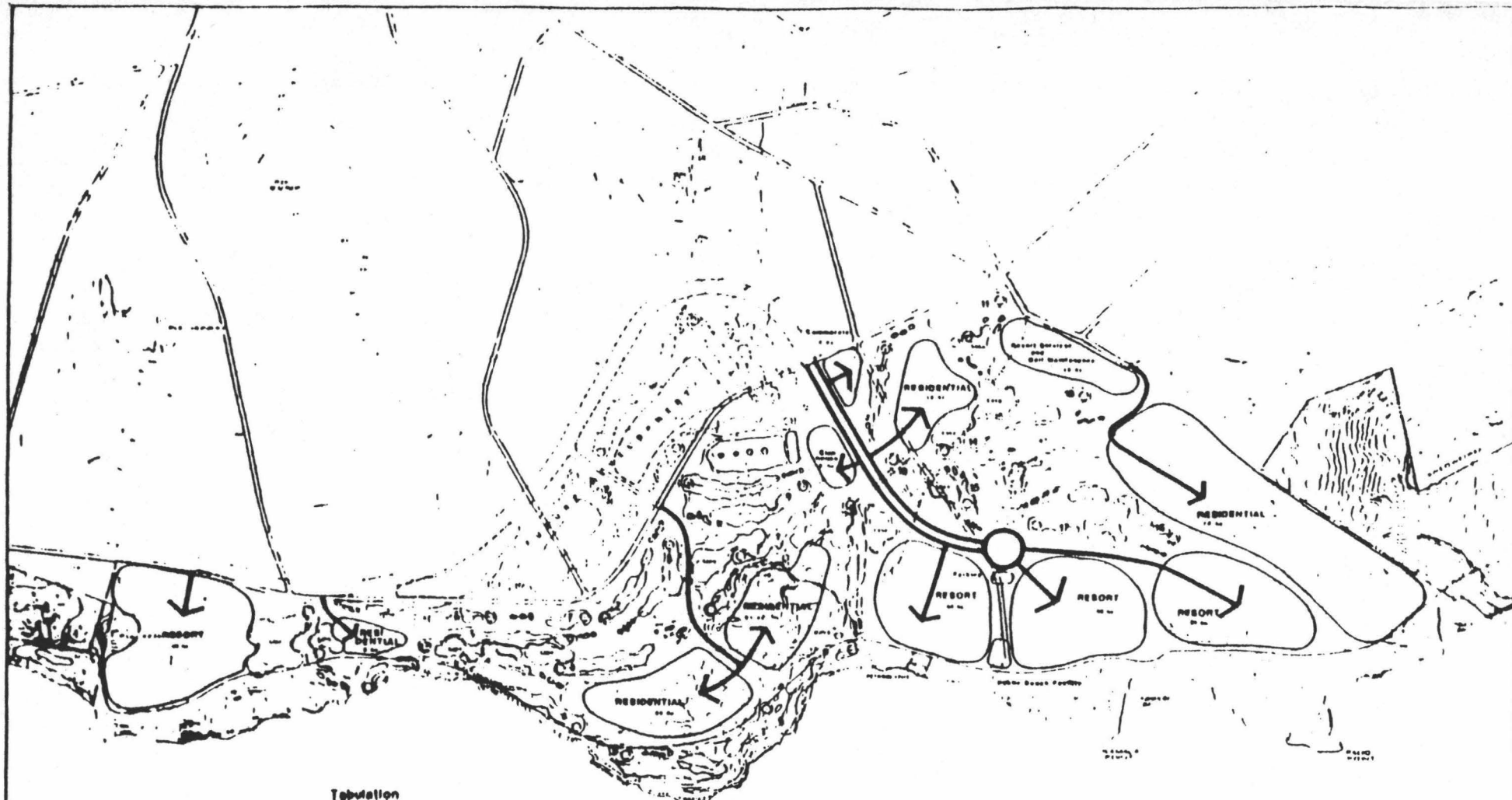


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Figure IV-3
PAA-MAHAULEPU RESORT AREA



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Tabulation

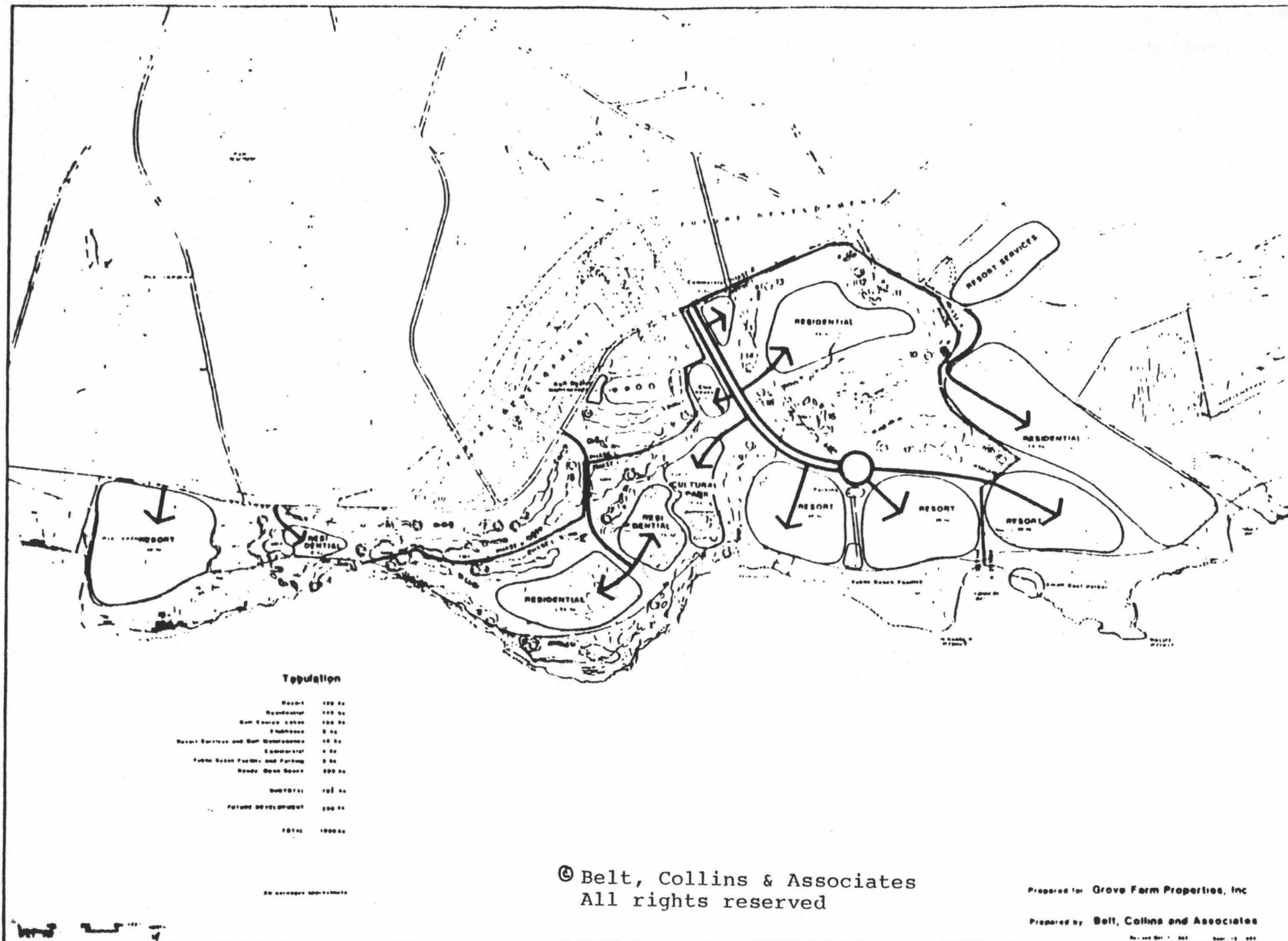
Garage	100 Ac
Residential	100 Ac
Self Storage	100 Ac
Commercial	0 Ac
Guest Services and Self Storage	10 Ac
Commercial	0 Ac
Public Beach Facility and Parking	0 Ac
Public Beach Facility	0 Ac
Subtotal	010 Ac
Port and Self Storage	100 Ac
Total	070 Ac

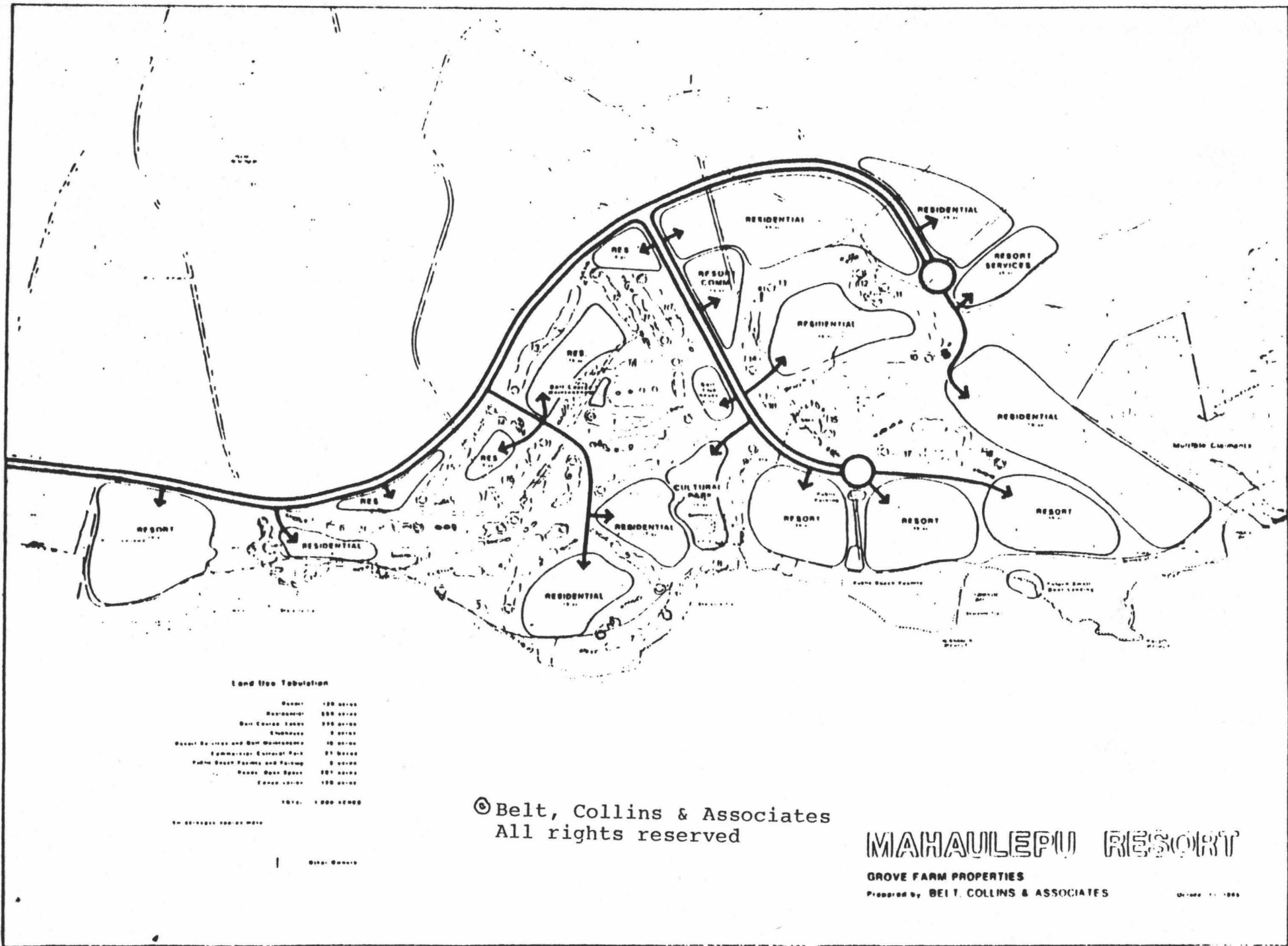
PROPERTY OWNERS ASSOCIATION NOTED
 SELF STORAGE AND STORAGE NOTED
 50 acreage approximately

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Prepared for: Grove Farm Properties, Inc.

Prepared by: Belt, Collins and Associates





Land Use Tabulation

Beach	120 acres
Beachside	500 acres
Beach Service	100 acres
Clubhouse	5 acres
Public Beach and Golf Maintenance	10 acres
Commercial Exterior Park	21 acres
Public Beach Parking and Parking	0 acres
Public Beach Facility	100 acres
Public Beach	100 acres

TOTAL: 1,000 acres

Scale: 1 inch = 100 feet

Scale: 1 inch = 100 feet

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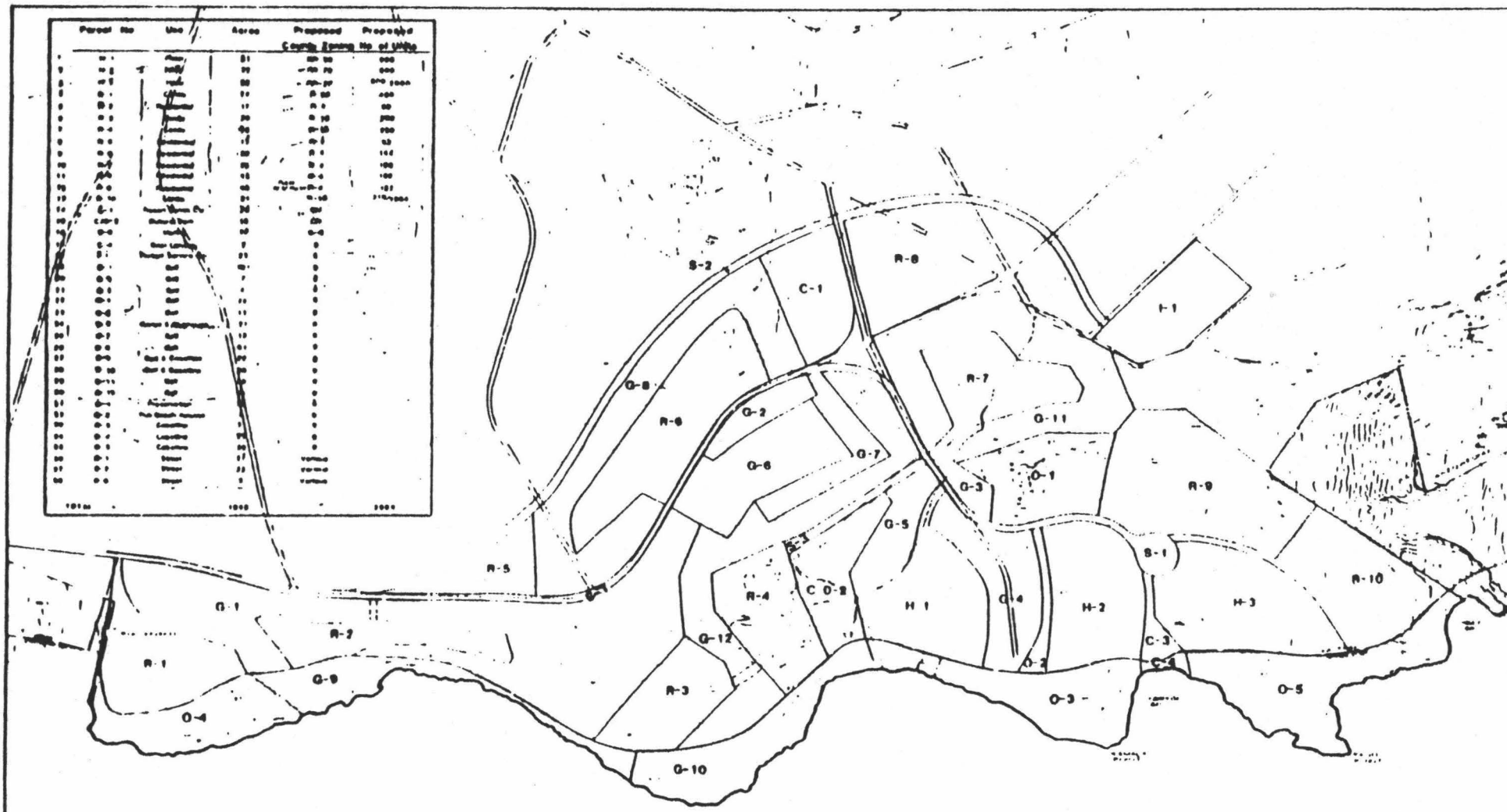
MAHAULEPU RESORT

GROVE FARM PROPERTIES

Prepared by BELT, COLLINS & ASSOCIATES

October 11, 1965

Parcel No.	Use	Area	Proposed County Zoning Map of 1980	Proposed County Zoning Map of 1980
1	Res.	31	RM-20	RM-20
2	Res.	31	RM-20	RM-20
3	Res.	31	RM-20	RM-20
4	Res.	31	RM-20	RM-20
5	Res.	31	RM-20	RM-20
6	Res.	31	RM-20	RM-20
7	Res.	31	RM-20	RM-20
8	Res.	31	RM-20	RM-20
9	Res.	31	RM-20	RM-20
10	Res.	31	RM-20	RM-20
11	Res.	31	RM-20	RM-20
12	Res.	31	RM-20	RM-20
13	Res.	31	RM-20	RM-20
14	Res.	31	RM-20	RM-20
15	Res.	31	RM-20	RM-20
16	Res.	31	RM-20	RM-20
17	Res.	31	RM-20	RM-20
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21	Res.	31	RM-20	RM-20
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24	Res.	31	RM-20	RM-20
25	Res.	31	RM-20	RM-20
26	Res.	31	RM-20	RM-20
27	Res.	31	RM-20	RM-20
28	Res.	31	RM-20	RM-20
29	Res.	31	RM-20	RM-20
30	Res.	31	RM-20	RM-20
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34	Res.	31	RM-20	RM-20
35	Res.	31	RM-20	RM-20
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37	Res.	31	RM-20	RM-20
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41	Res.	31	RM-20	RM-20
42	Res.	31	RM-20	RM-20
43	Res.	31	RM-20	RM-20
44	Res.	31	RM-20	RM-20
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96	Res.	31	RM-20	RM-20
97	Res.	31	RM-20	RM-20
98	Res.	31	RM-20	RM-20
99	Res.	31	RM-20	RM-20
100	Res.	31	RM-20	RM-20



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PRELIMINARY PARCEL PLAN

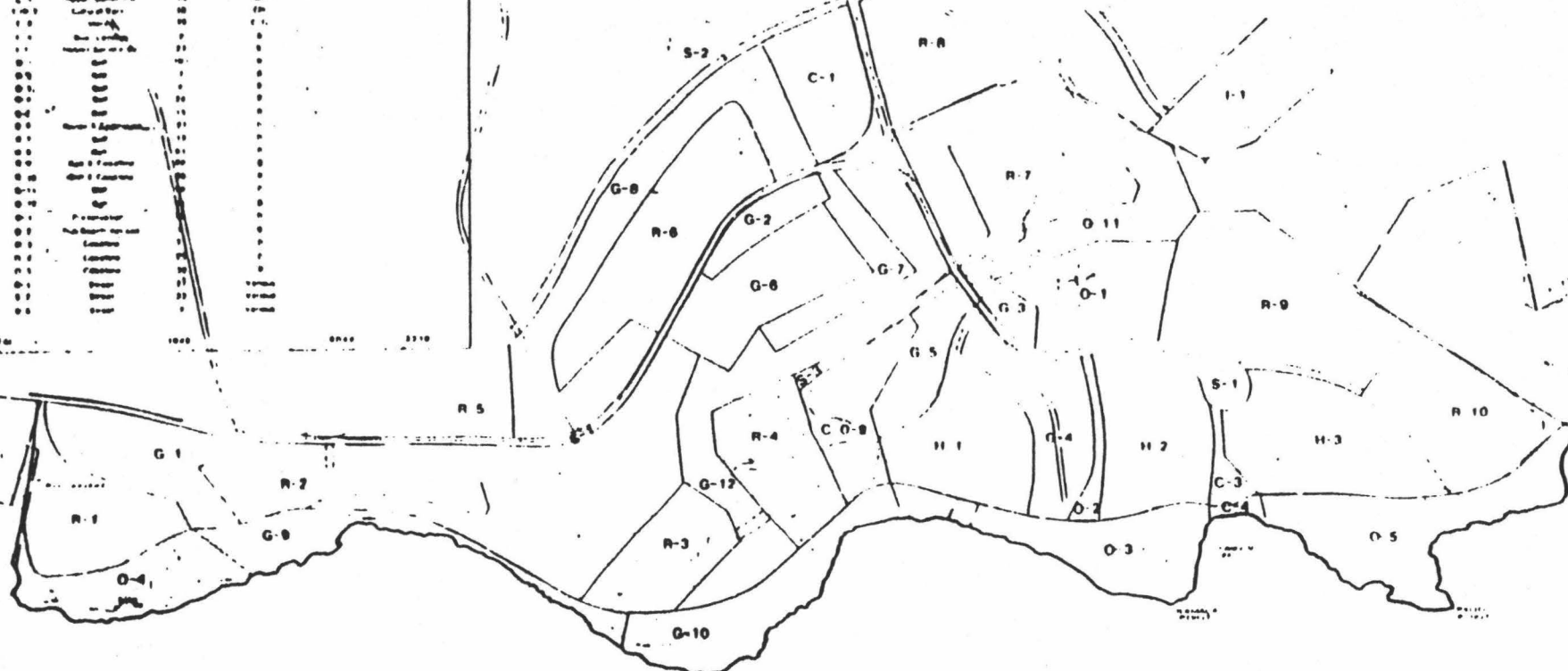
KAWAIHOA BAY RESORT

GROVE FARM PROPERTIES

Prepared by BELT COLLINS & ASSOCIATES

March 1 1981

Parcel No	Use	Acres	Proposed County Zoning	Message No. of Units	Desirable Units
1	Residential	1.1	R-10	120	120
2	Residential	1.1	R-10	120	120
3	Residential	1.1	R-10	120	120
4	Residential	1.1	R-10	120	120
5	Residential	1.1	R-10	120	120
6	Residential	1.1	R-10	120	120
7	Residential	1.1	R-10	120	120
8	Residential	1.1	R-10	120	120
9	Residential	1.1	R-10	120	120
10	Residential	1.1	R-10	120	120
11	Residential	1.1	R-10	120	120
12	Residential	1.1	R-10	120	120
13	Residential	1.1	R-10	120	120
14	Residential	1.1	R-10	120	120
15	Residential	1.1	R-10	120	120
16	Residential	1.1	R-10	120	120
17	Residential	1.1	R-10	120	120
18	Residential	1.1	R-10	120	120
19	Residential	1.1	R-10	120	120
20	Residential	1.1	R-10	120	120
21	Residential	1.1	R-10	120	120
22	Residential	1.1	R-10	120	120
23	Residential	1.1	R-10	120	120
24	Residential	1.1	R-10	120	120
25	Residential	1.1	R-10	120	120
26	Residential	1.1	R-10	120	120
27	Residential	1.1	R-10	120	120
28	Residential	1.1	R-10	120	120
29	Residential	1.1	R-10	120	120
30	Residential	1.1	R-10	120	120
31	Residential	1.1	R-10	120	120
32	Residential	1.1	R-10	120	120
33	Residential	1.1	R-10	120	120
34	Residential	1.1	R-10	120	120
35	Residential	1.1	R-10	120	120
36	Residential	1.1	R-10	120	120
37	Residential	1.1	R-10	120	120
38	Residential	1.1	R-10	120	120
39	Residential	1.1	R-10	120	120
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72	Residential	1.1	R-10	120	120
73	Residential	1.1	R-10	120	120
74	Residential	1.1	R-10	120	120
75	Residential	1.1	R-10	120	120
76	Residential	1.1	R-10	120	120
77	Residential	1.1	R-10	120	120
78	Residential	1.1	R-10	120	120
79	Residential	1.1	R-10	120	120
80	Residential	1.1	R-10	120	120
81	Residential	1.1	R-10	120	120
82	Residential	1.1	R-10	120	120
83	Residential	1.1	R-10	120	120
84	Residential	1.1	R-10	120	120
85	Residential	1.1	R-10	120	120
86	Residential	1.1	R-10	120	120
87	Residential	1.1	R-10	120	120
88	Residential	1.1	R-10	120	120
89	Residential	1.1	R-10	120	120
90	Residential	1.1	R-10	120	120
91	Residential	1.1	R-10	120	120
92	Residential	1.1	R-10	120	120
93	Residential	1.1	R-10	120	120
94	Residential	1.1	R-10	120	120
95	Residential	1.1	R-10	120	120
96	Residential	1.1	R-10	120	120
97	Residential	1.1	R-10	120	120
98	Residential	1.1	R-10	120	120
99	Residential	1.1	R-10	120	120
100	Residential	1.1	R-10	120	120

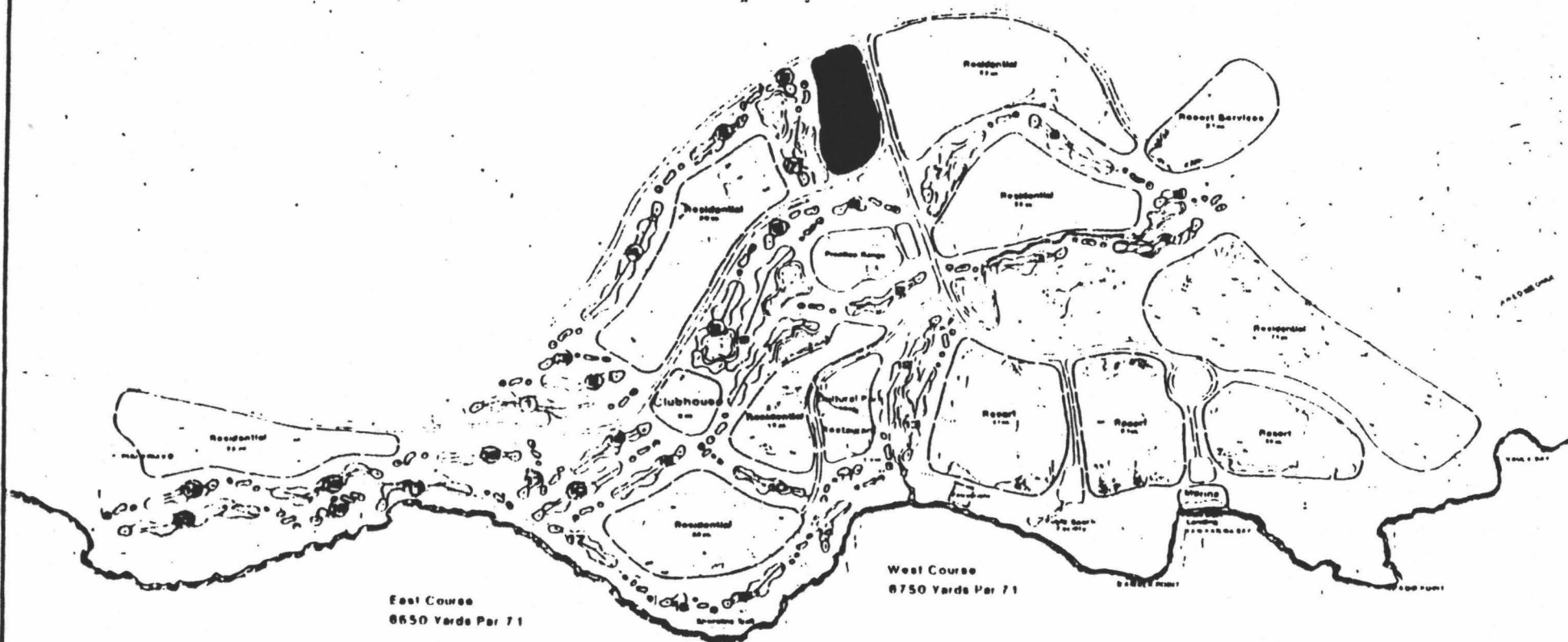


PRELIMINARY PLAN
Subject of Map

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PRELIMINARY PARCEL PLAN KAWAIILOA BAY RESORT

GROVE FARM PROPERTIES
Prepared By: BELT COLLINS & ASSOCIATES
October 8, 1966

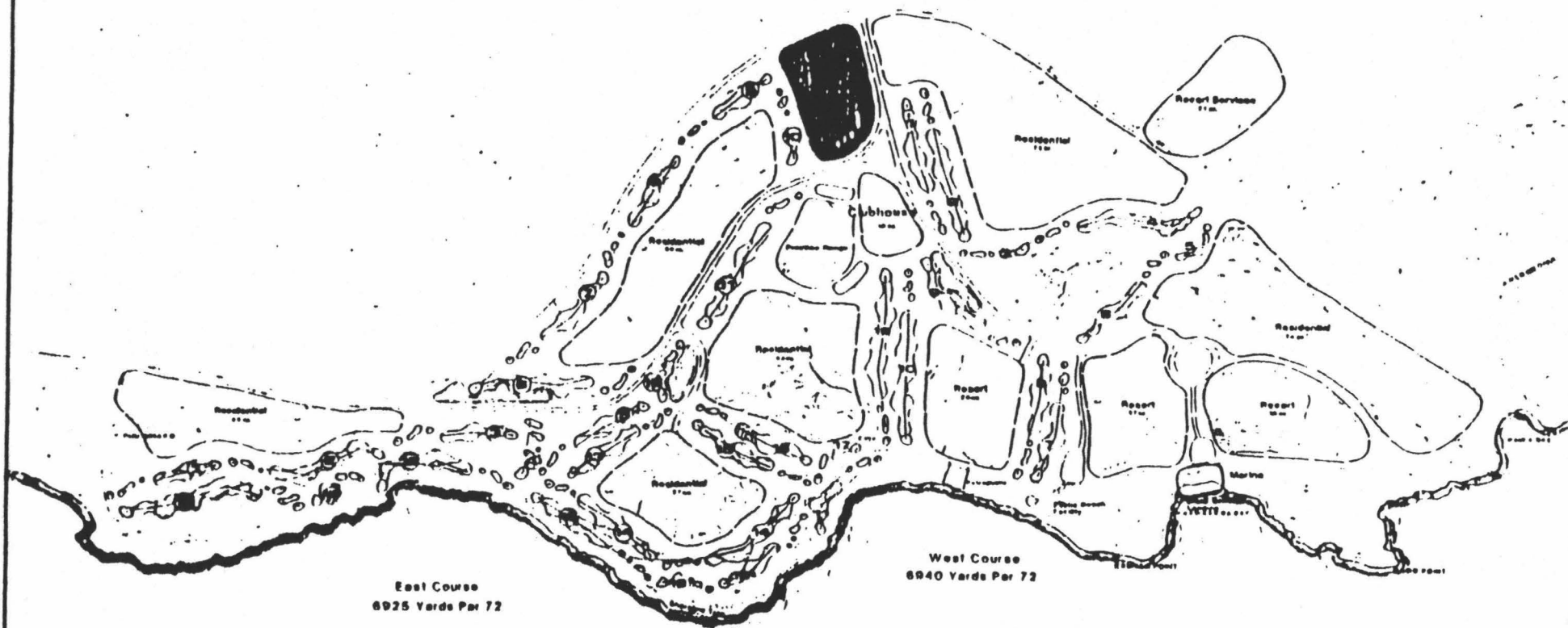


GOLF COURSE CONCEPT A
KAWAIHOA BAY RESORT
 GROVE FARM PROPERTIES

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ROBERT TRENT JONES II
 GOLF COURSE DESIGN - RESORTS/RECREATION PLANNING
 11111 Park Avenue, Suite 200, Dallas, Texas 75244
 Scale: 1"=400'
 Date: September, 1987





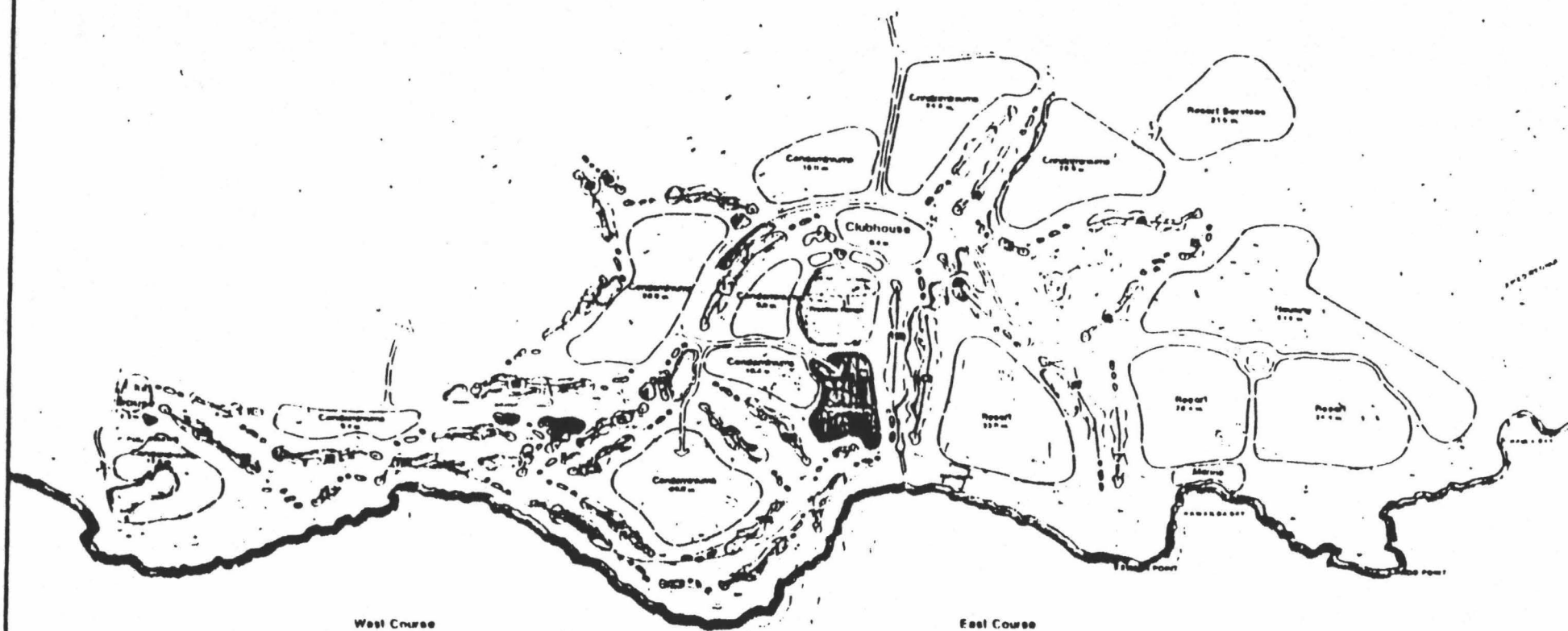
GOLF COURSE CONCEPT B
KAWAIILOA BAY RESORT
GROVE FARM PROPERTIES

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ROBERT TRENT JONES II
 GOLF COURSE DESIGN - RECREATIONAL PLANNING
 440 Forest Avenue - Palo Alto, California 94301 AND 94302

Scale: 1"=400'
 Date September, 1987





West Course
6900 Yards Par 72

East Course
6800 Yards Par 72

GOLF COURSE CONCEPT C KAWAIHOA BAY RESORT

GROVE FARM PROPERTIES

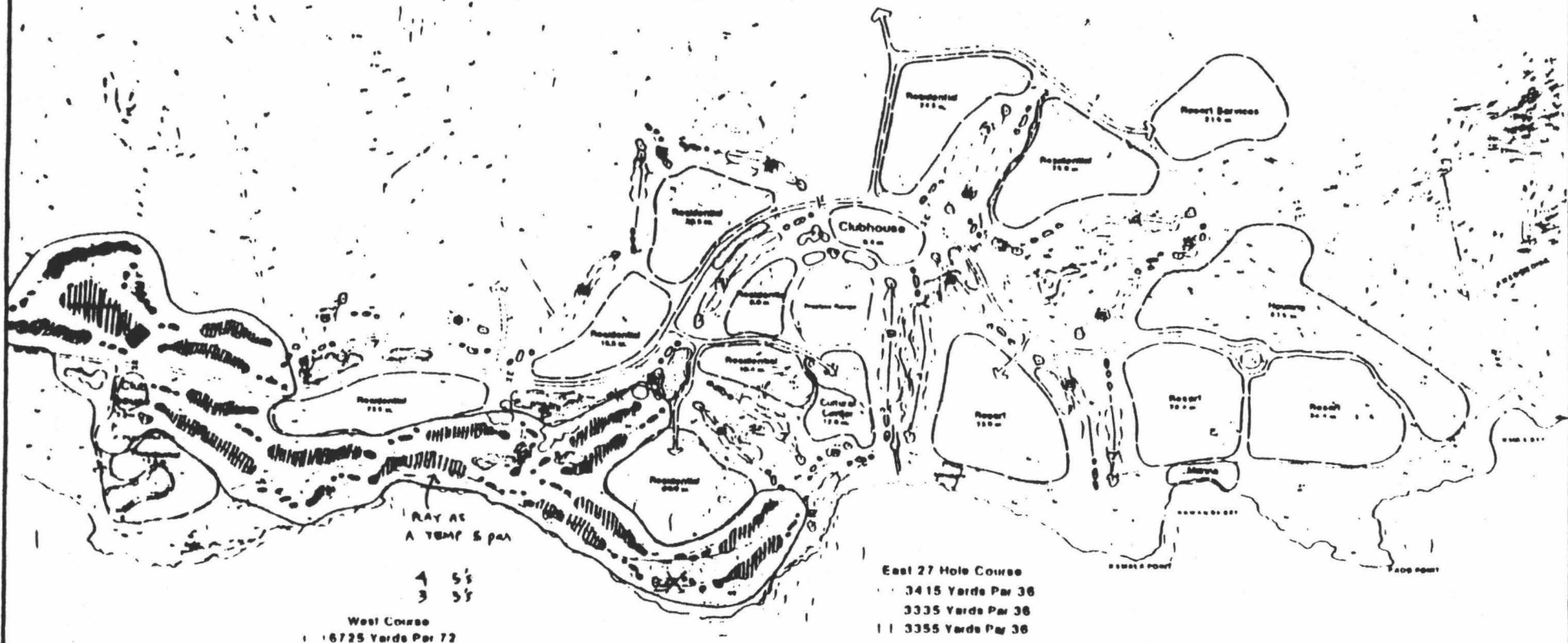
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ROBERT TRENT JONES II
GOLF COURSE DESIGNER - 20+ SEASONAL PLAYERS
100 Forest Avenue - P.O. Box 1000 - Kailua - HI 900

Scale: 1"=400'

Date: September, 1987





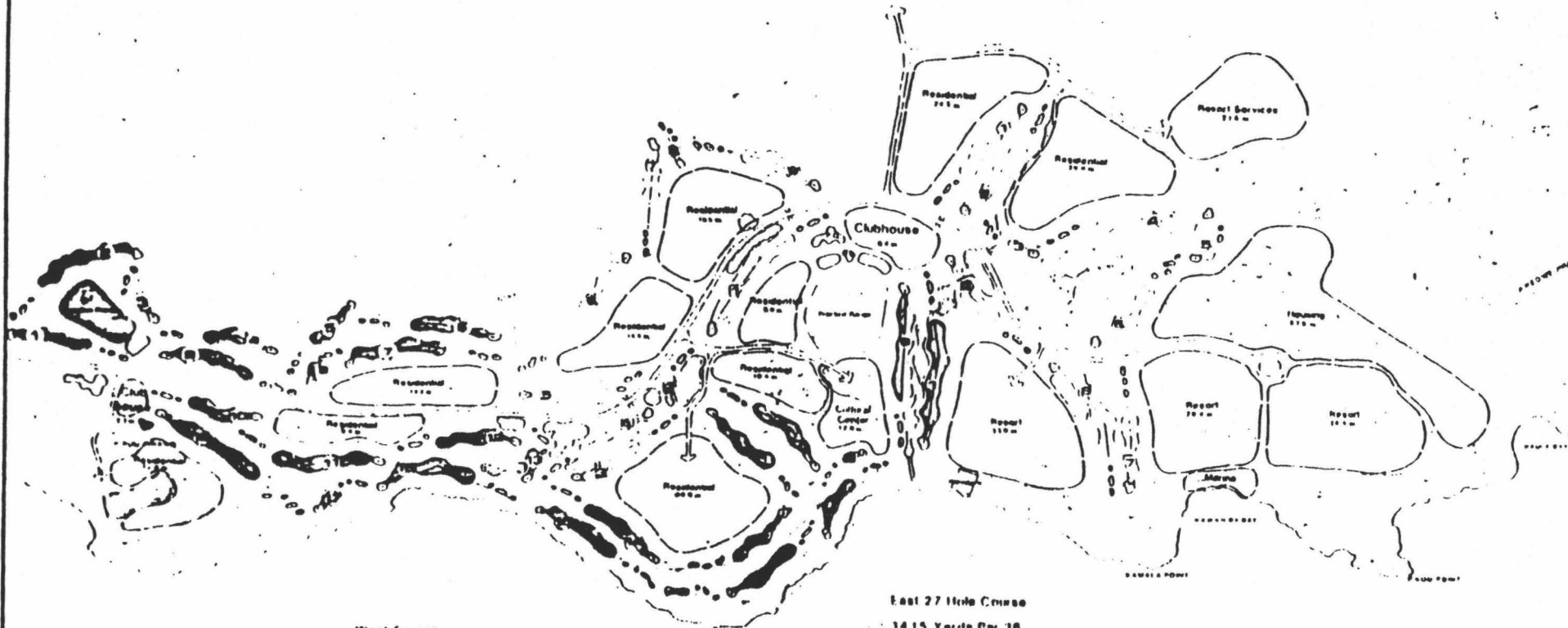
CONCEPT 2
12-11-87

GOLF COURSE CONCEPT D
KAWAILOA BAY RESORT
GROVE FARM PROPERTIES

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ROBERT TRENT JONES II
GOLF COURSE DESIGN • RECREATIONAL PLANNING
700 Forest Avenue • Palo Alto, California • 94304
Scale: 1"=400'
Date: November, 1987





West Course
6725 Yards Par 72

East 27 Hole Course
1415 Yards Par 36
3335 Yards Par 36
3340 Yards Par 36

GOLF COURSE CONCEPT E PALAWALLOLA BAY RESORT

GROVE FARM PROPERTIES

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ROBERT TRENT JONES II
GOLF COURSE DESIGN - SITE PLANNING
100 Forest Avenue - Palo Alto California 94304-5000

Scale: 1"=400'
Date: November, 1987



GOLF COURSE (PHASE II) KAWAIILOA BAY RESORT

GROVE FARM PROPERTIES

ROBERT TRENT JONES II

GOLF COURSE DESIGN - SITE PREPARATION, PLANNING &
THE FARMER GROUP - P.O. Box 1000, Honolulu, HI 96808

Scale 1"=200'

Date: January, 1988

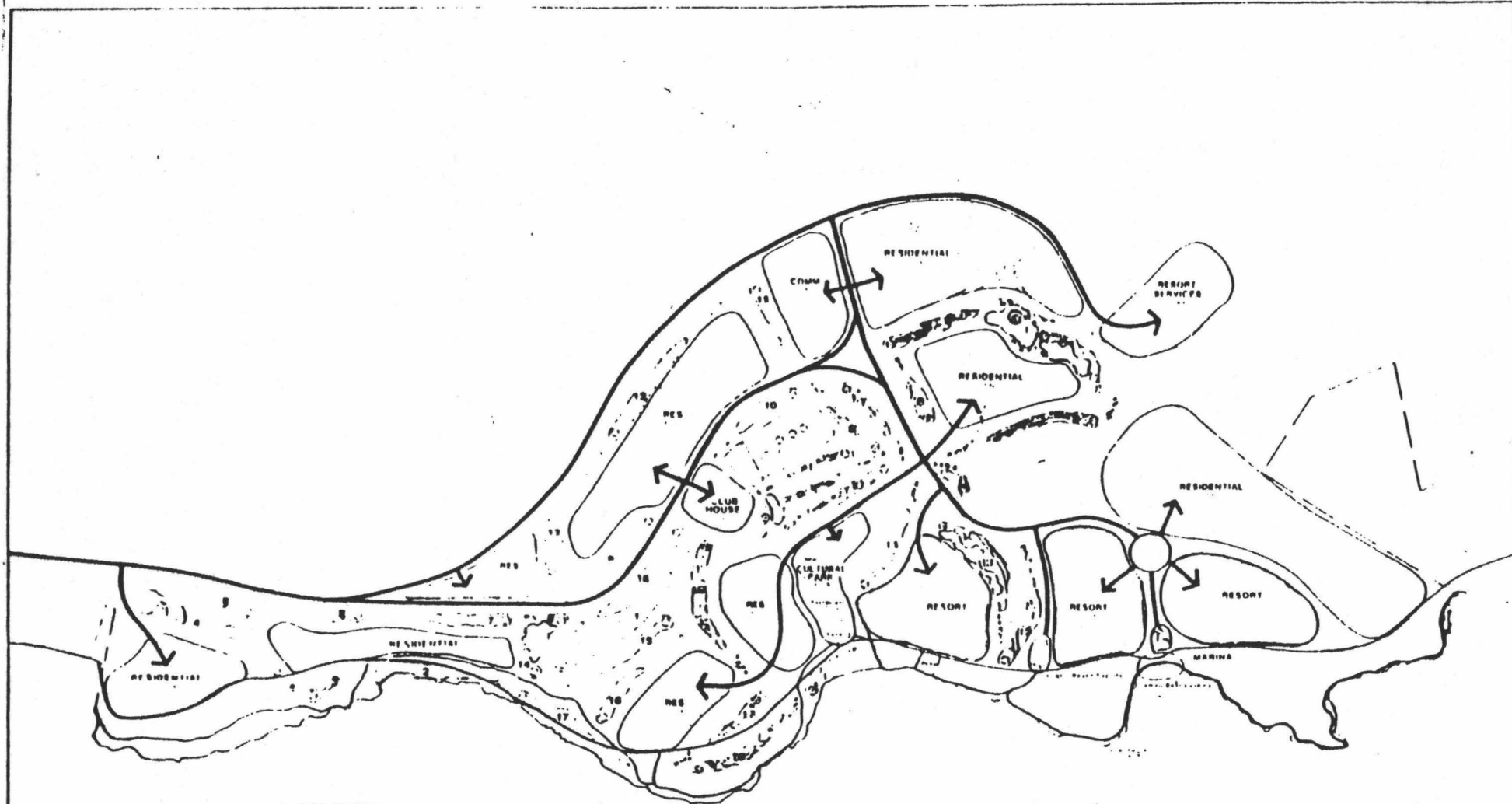


The Farmer Group

NO.	NAME	AREA (AC.)	PERCENTAGE	TOTAL AREA (AC.)
1	PROPOSED GOLF COURSE	150.00	100.00	150.00
2	PROPOSED RESORT	100.00	66.67	100.00
3	PROPOSED HOTEL	100.00	66.67	100.00
4	PROPOSED RESTAURANT	100.00	66.67	100.00
5	PROPOSED CASINO	100.00	66.67	100.00
6	PROPOSED SPA	100.00	66.67	100.00
7	PROPOSED GOLF COURSE	150.00	100.00	150.00
8	PROPOSED RESORT	100.00	66.67	100.00
9	PROPOSED HOTEL	100.00	66.67	100.00
10	PROPOSED RESTAURANT	100.00	66.67	100.00
11	PROPOSED CASINO	100.00	66.67	100.00
12	PROPOSED SPA	100.00	66.67	100.00
13	PROPOSED GOLF COURSE	150.00	100.00	150.00
14	PROPOSED RESORT	100.00	66.67	100.00
15	PROPOSED HOTEL	100.00	66.67	100.00
16	PROPOSED RESTAURANT	100.00	66.67	100.00
17	PROPOSED CASINO	100.00	66.67	100.00
18	PROPOSED SPA	100.00	66.67	100.00
19	PROPOSED GOLF COURSE	150.00	100.00	150.00
20	PROPOSED RESORT	100.00	66.67	100.00
21	PROPOSED HOTEL	100.00	66.67	100.00
22	PROPOSED RESTAURANT	100.00	66.67	100.00
23	PROPOSED CASINO	100.00	66.67	100.00
24	PROPOSED SPA	100.00	66.67	100.00
25	PROPOSED GOLF COURSE	150.00	100.00	150.00
26	PROPOSED RESORT	100.00	66.67	100.00
27	PROPOSED HOTEL	100.00	66.67	100.00
28	PROPOSED RESTAURANT	100.00	66.67	100.00
29	PROPOSED CASINO	100.00	66.67	100.00
30	PROPOSED SPA	100.00	66.67	100.00

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1 inch = 660 yards

1-18 Par 72
6640 Yards

1-18 Par 72
6640 Yards

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PRELIMINARY MASTER PLAN

FLORIDA

GROVE FARM PROPERTIES

BY BELT COLLINS AND ASSOCIATES

EXHIBIT B
IN EVIDENCE

April 13, 1988

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



KIAHUNA GOLF CLUB
(SPORTS SHINKO GROUP)

RURAL ROUTE ONE
BOX SEVENTY-EIGHT
KOLOA, KAUAI
HAWAII 96756
808-742-9595

Dear Planning Commission:

First off I would like to introduce myself to the Planning Commission. My name is Charles Ortega, General Manager and Director of Golf at the Kiahuna Golf Club located in Poipu Beach, Kauai. I would like to take this opportunity to address the recent article in the April 10, 1988 Sunday edition of the Garden Island newspaper title "STUDY SUPPORTS SHIPWRECK GOLF COURSE".

In the article Mr. Mel Ventura, developer of the Hyatt Hotel project stated, "in order to ensure access golf for Hyatt guest, he approached the management at the nearby Kiahuna Golf Club, but was unable to get a promise of start times". After reading the entire article, it is my feeling that this above quote is a misrepresentation of what truly transpired regarding the negotiations for starting times between Mr. Ventura and the Kiahuna Golf Club, Sports Shinko (Kauai) Co., Ltd.

I would like to go on record that we were approached by Mr. Ventura in October 1986 with a proposal in regards to guarantee start times at the Kiahuna Golf Club for guests of the new Hyatt Hotel. The proposal given to the Kiahuna Golf Club from Mr. Ventura was business wise a very unreasonable proposal which would economically be very unfeasible for the Kiahuna Golf Club to accept. We responded to Mr. Ventura's proposal explaining the problems with his proposal, but after that no further proposal or negotiation was presented to the Kiahuna Golf Club by Mr. Ventura. I would like the commission to know that the Kiahuna Golf Club was able to reach an acceptable agreement with the new Westin Hotel in Lihue with regards to providing their hotel guests with start times at the Kiahuna Golf Club until the Westin golf course is completed and opened for play sometime in June or July of this year.

Also for the commissions records, the Kiahuna Golf Club, Sports Shinko (Kauai) Co., Ltd. does have plans for the near future to construct an additional 9 holes at the existing Kiahuna Golf Club which would make the facility a 27 holes golf complex. I hope this information helps clear up the facts from the recent article regarding the hotel and golf course development at Shipwrecks Beach, Poipu Beach Kauai.

Thank you for your time and energy regarding this matter.

Sincerely yours,

Charles M. Ortega

Charles M. Ortega
General Manager
Director of Golf

LAND USE COMMISSION
STATE OF HAWAII
AUG 18 3 10 PM '88

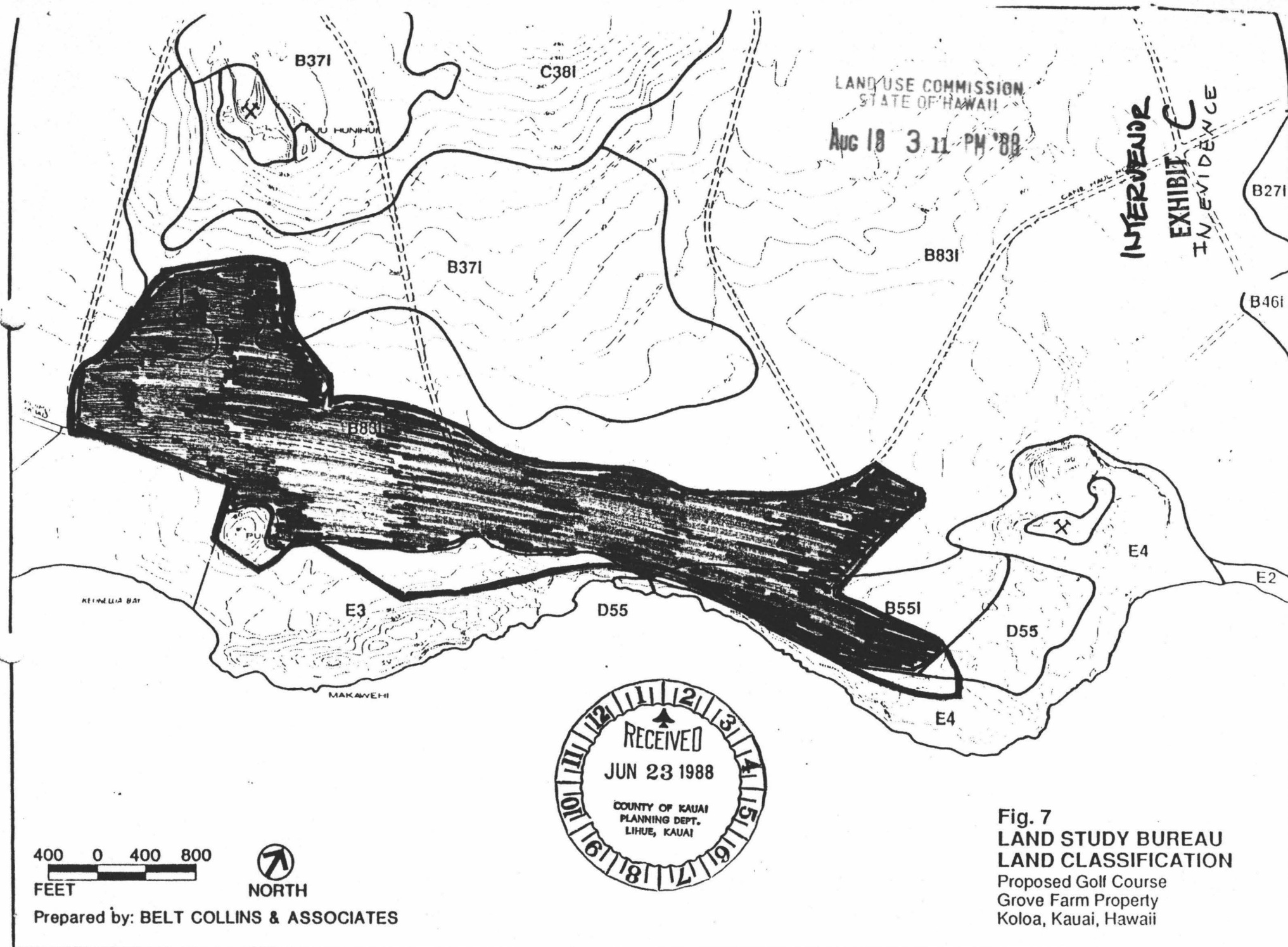
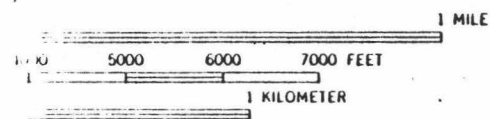
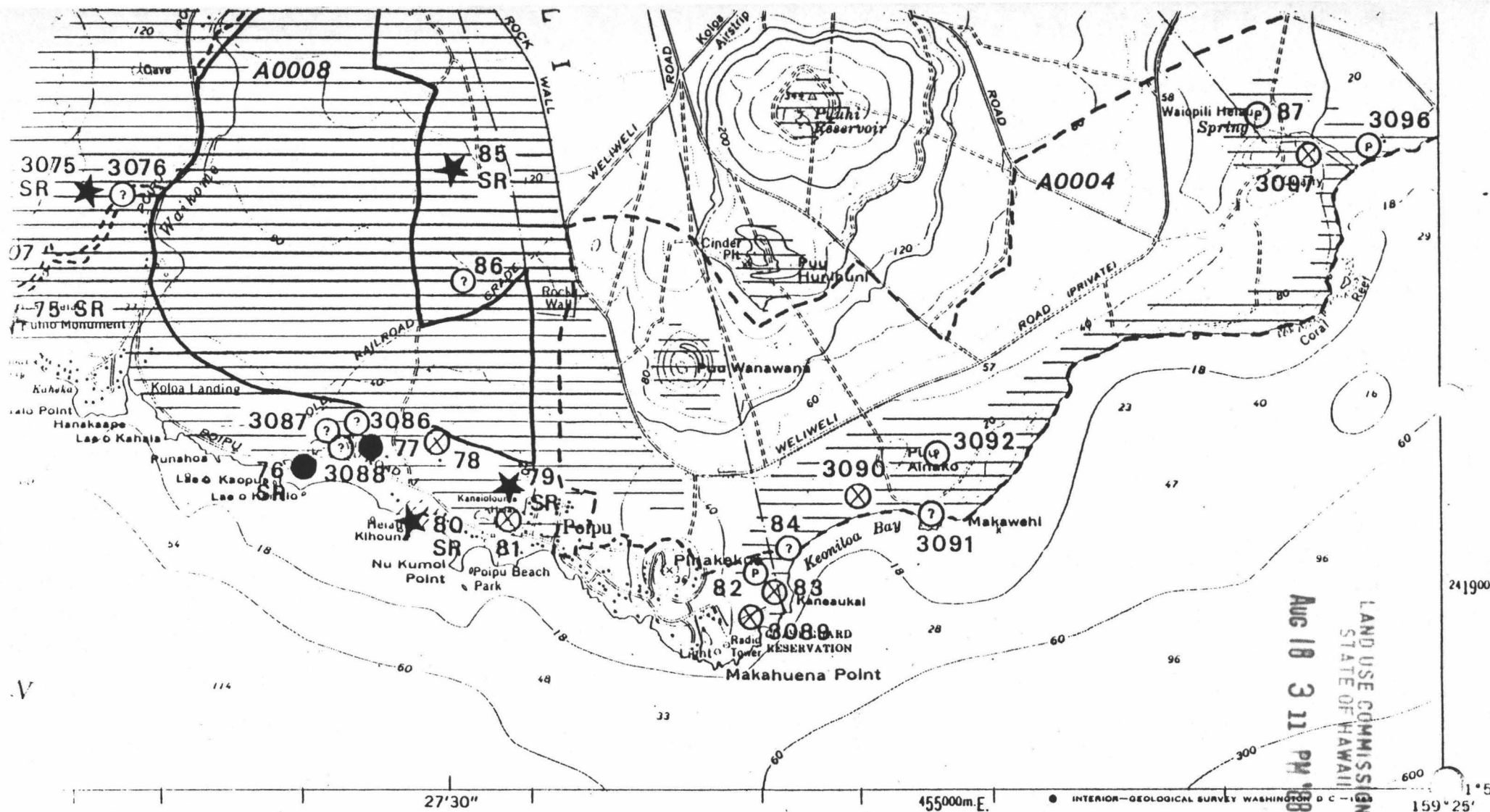


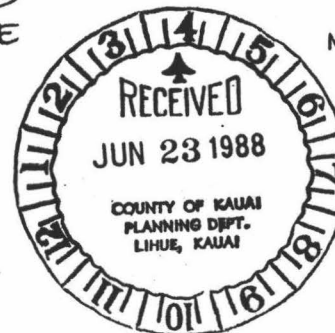
Fig. 7
LAND STUDY BUREAU
LAND CLASSIFICATION
Proposed Golf Course
Grove Farm Property
Koloa, Kauai, Hawaii



40 FEET
FOOT CONTOURS
LEVEL
UM IS MEAN LOWER LOW WATER
LINE OF MEAN HIGH WATER
APPROXIMATELY 1 FOOT

ACCURACY STANDARDS

EXHIBIT D
IN EVIDENCE



ROAD CLASSIFICATION

Medium-duty _____ Light-duty _____

Unimproved dirt _____

State Route

Map of the Island of Kauai, scale 1:62 500, is available

K-10 KOLOA, HAWAII
N2152-W15925/7.5

1963

SENSITIVITY

Cultural Resource Data

EXHIBIT E

PAA-MAHAULEPU BEACHES

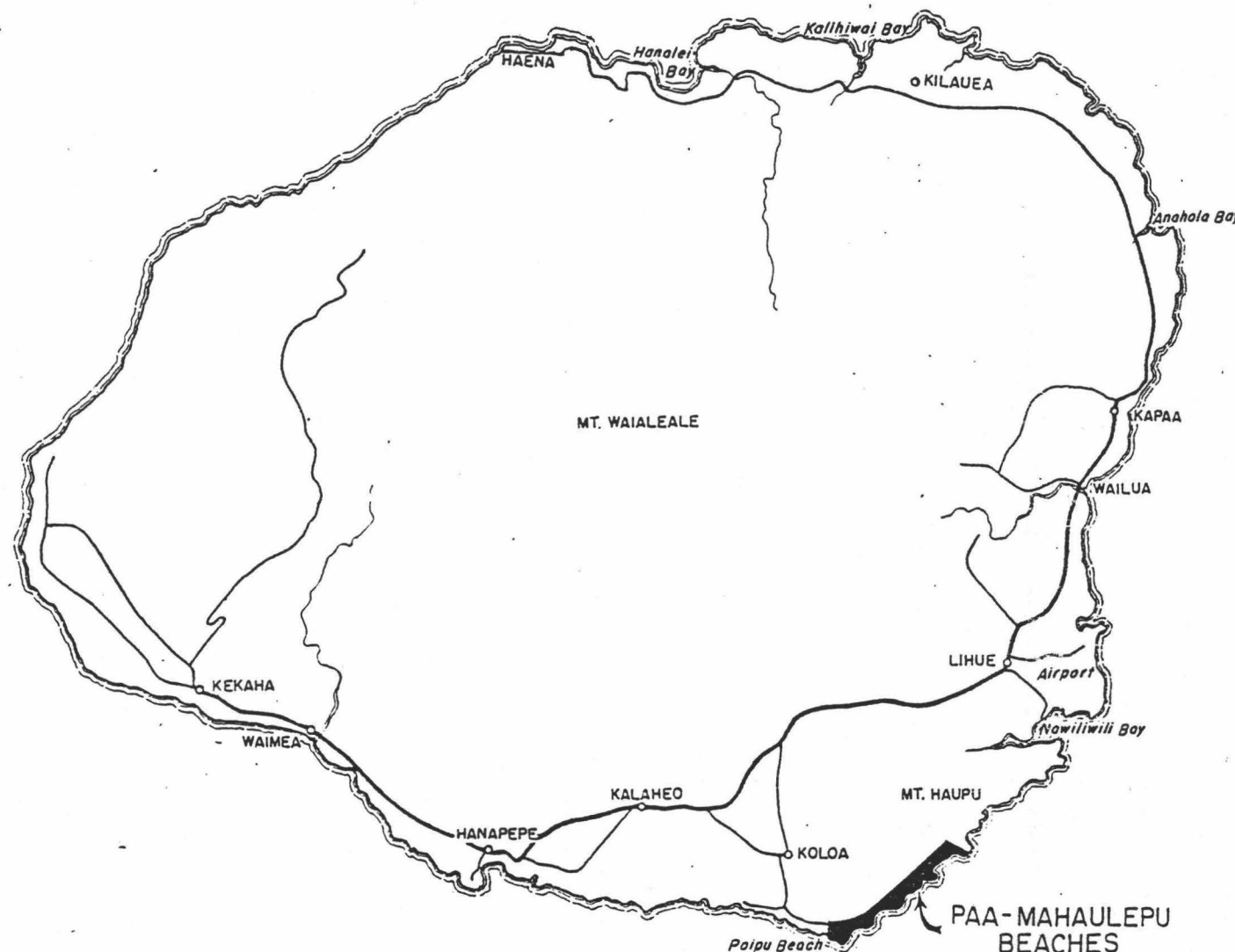
A REPORT OF THE PROPERTY OWNED BY GROVE FARM CO., LTD.
ALONG THE KOLOA COASTLINE
PREPARED FOR THE DIRECTORS OF THE COMPANY



CONTENTS

	Plate
Location Map	I
Existing Terrain	2
Photo	2-A
Existing Terrain	3
Existing Terrain	4
Photo	4-A
Existing Terrain	5
Photos	5-A, 5-B, 5-C
Planned Development	II, III, IV, V

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



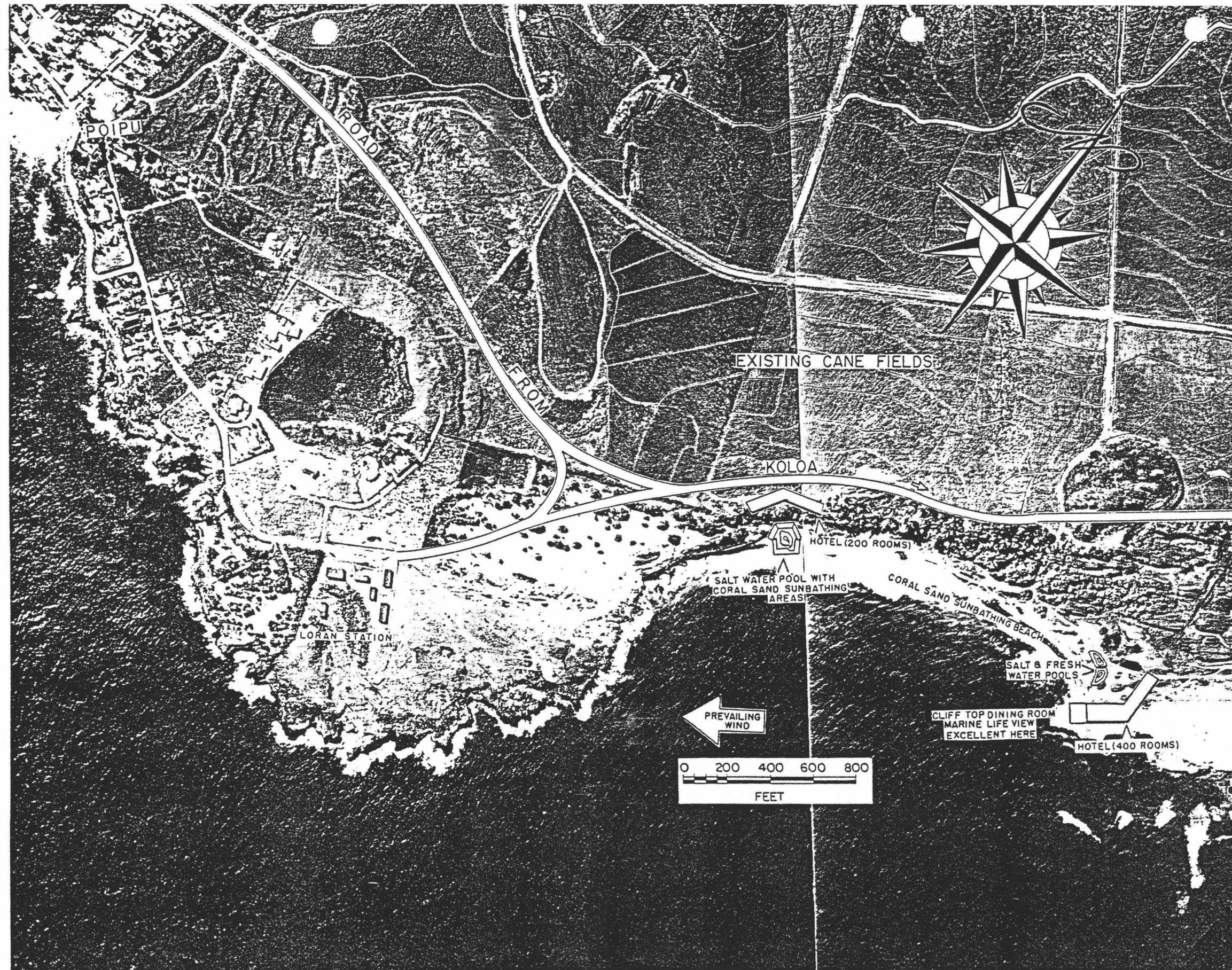
ISLAND OF KAUAI

0 1 2 3 4
MILES

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~~17-24 DENIED AS EVIDENCE (4-3)~~

accepted into evidence
in its entirety 6-1 6/24/83
1



PLANNED DEVELOPMENT
OF PAA BEACH SHOWING ROADWAY, HOTEL ROOMS & SWIMMING FACILITIES Plate II

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PLANNED DEVELOPMENT
OF MAHAULEPU BEACH SHOWING ROADWAY, SHOPPING CENTER, HOTEL ROOMS,
SWIMMING FACILITIES, MARINA, GOLF COURSE AND HOMESITES

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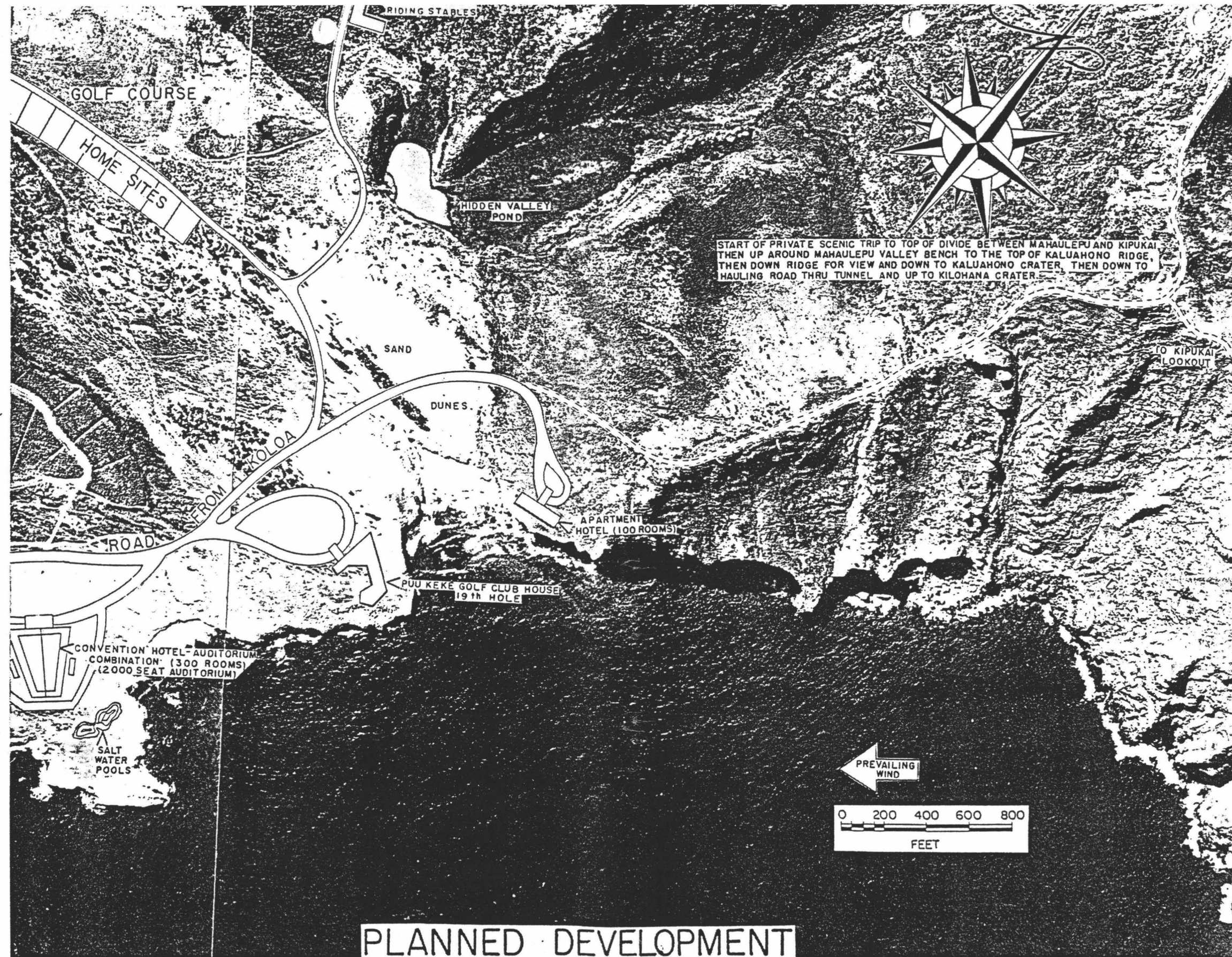
Plate IV



OF AREA BETWEEN PAA AND MAHAULEPU BEACHES SHOWING ROADWAY, PRACTICE GOLF COURSE, RESIDENCES FOR LEASE TO HOTELS & PICNIC SITE

Plate III

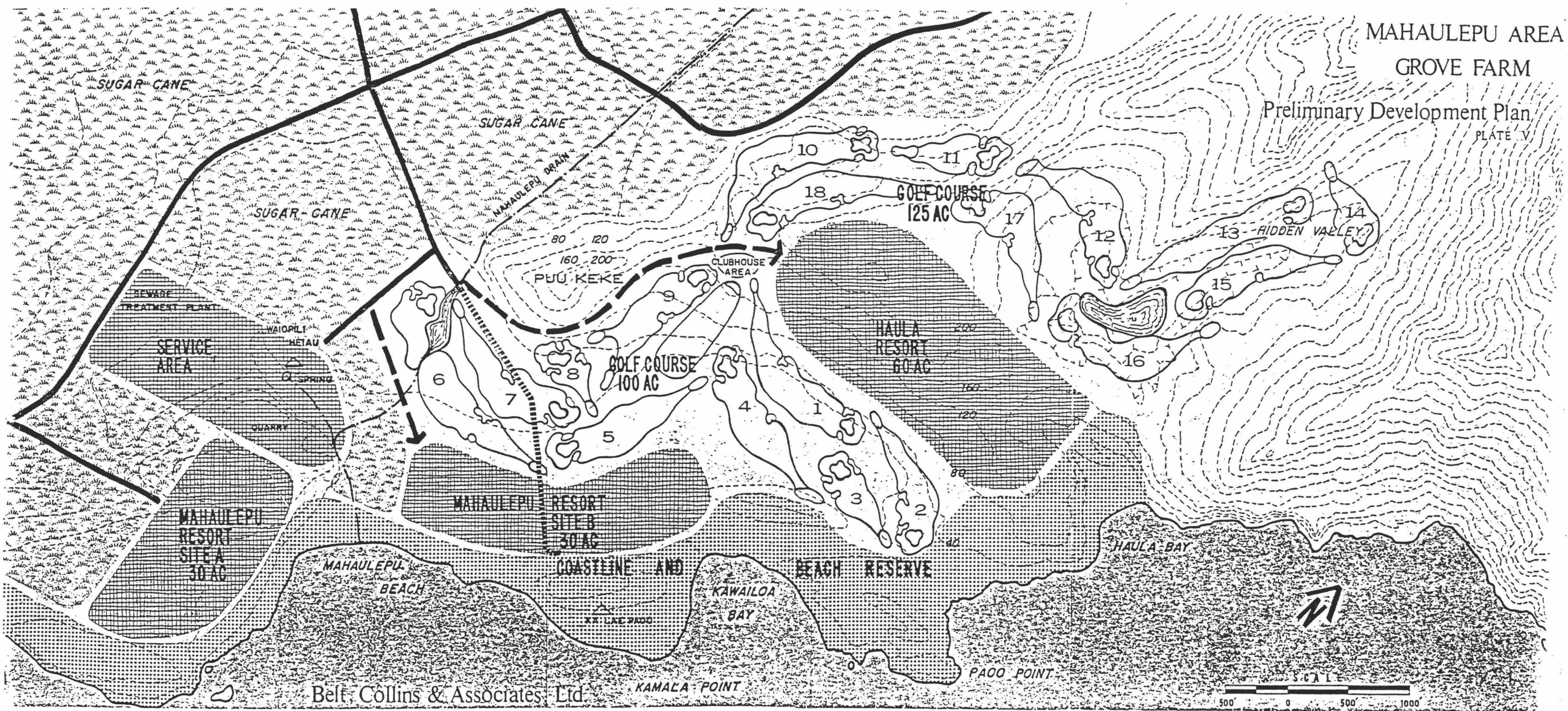
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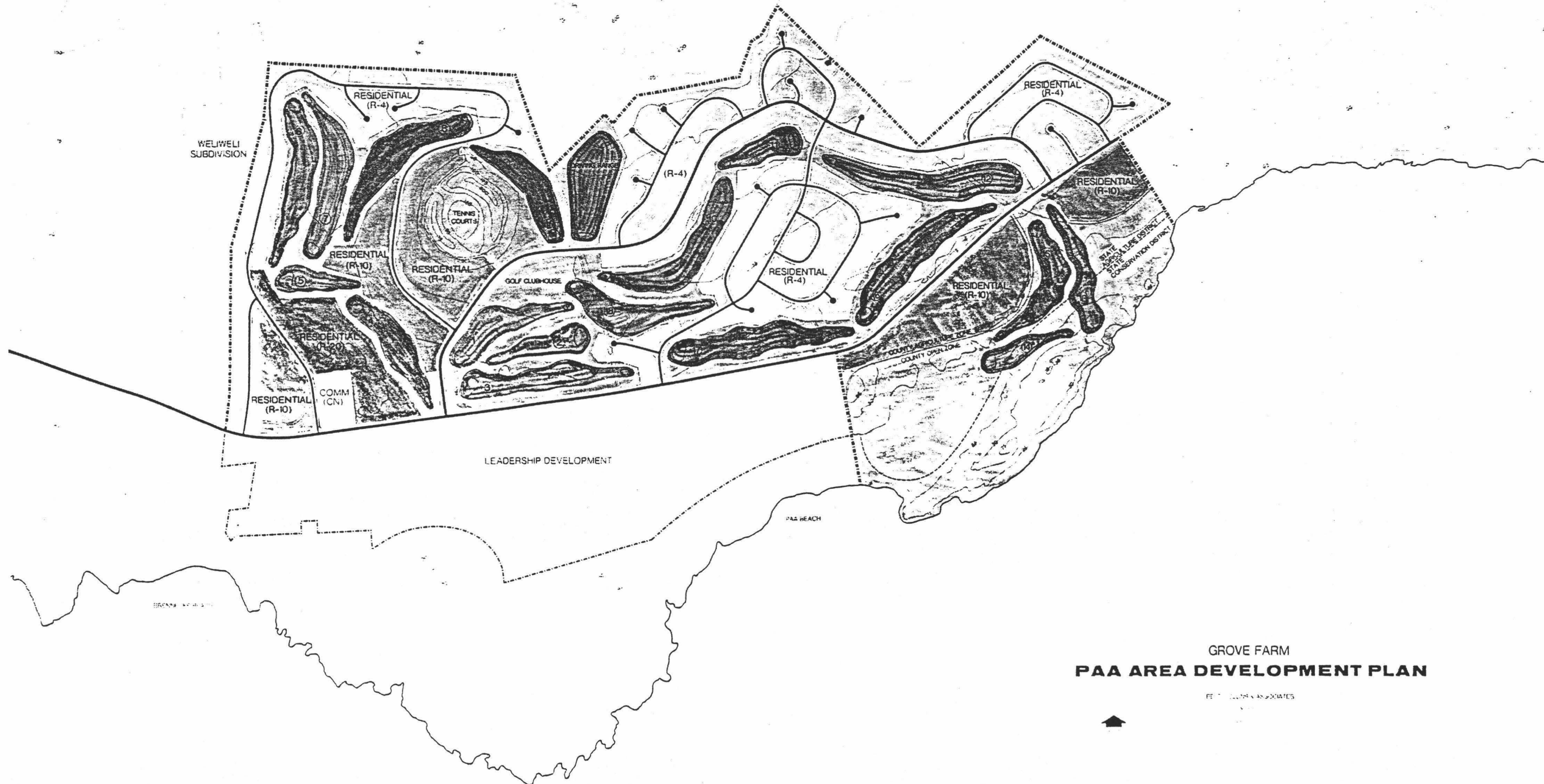
OF NORTHEAST END OF MAHAULEPU COASTLINE SHOWING ROADWAY, HOTEL WITH CONVENTION AUDITORIUM, HOMESITES, GOLF COURSE & CLUBHOUSE, RIDING STABLES, ADDITIONAL HOTEL ROOMS, & PRIVATE SCENIC DRIVE

Plate V

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GROVE FARM
PAA AREA DEVELOPMENT PLAN

BEIT, COLLINS & ASSOCIATES



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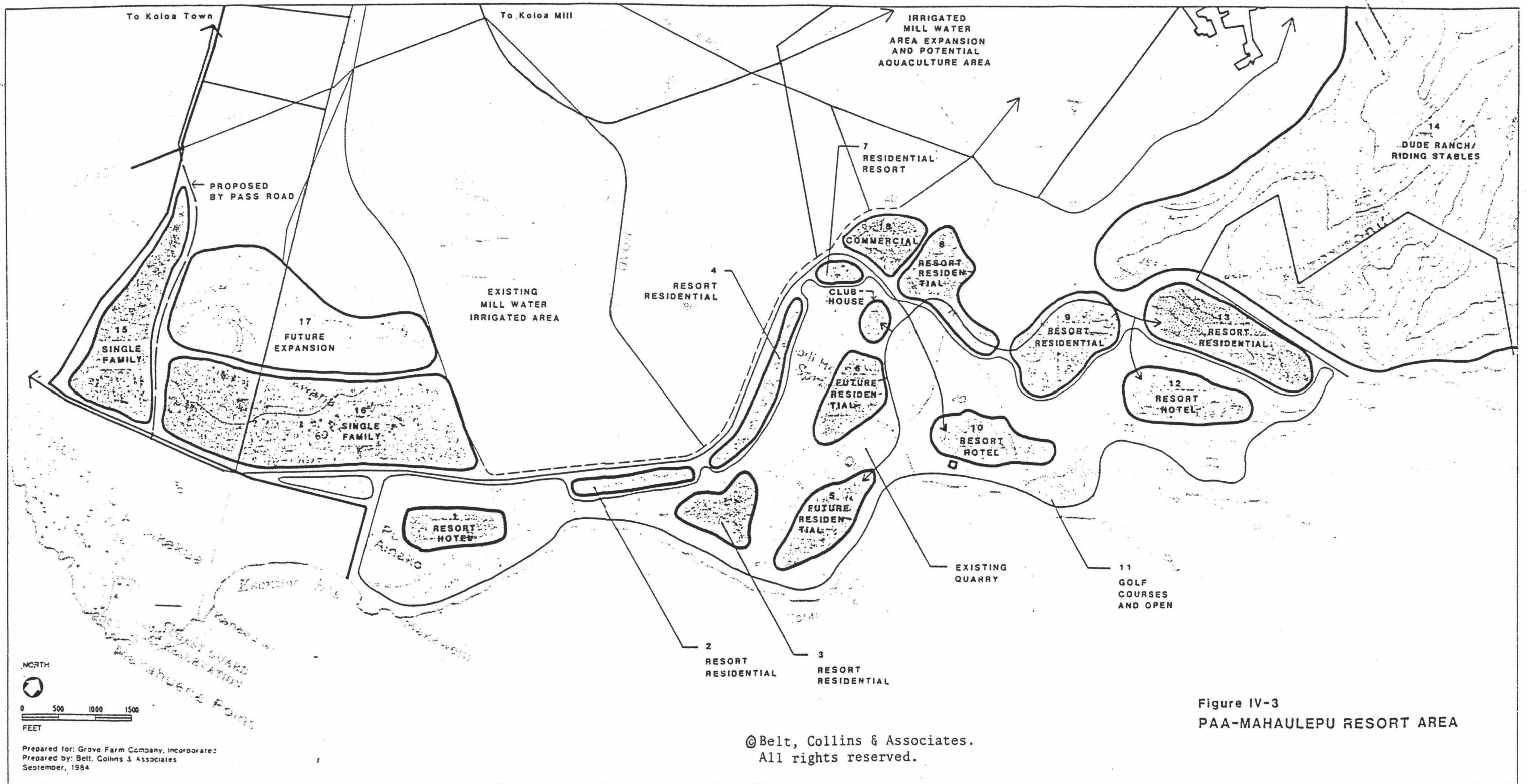
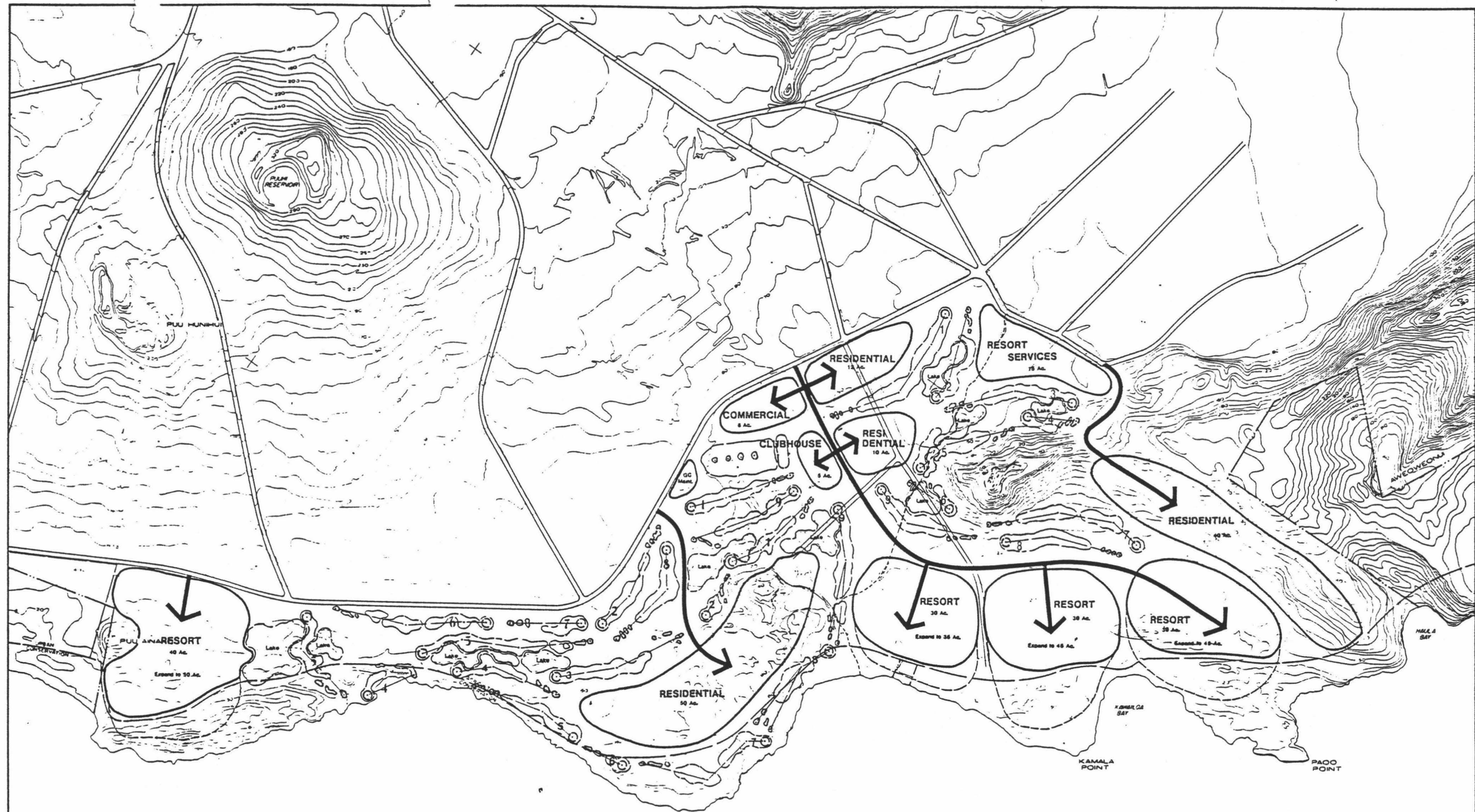


Figure IV-3
PAA-MAHAULEPU RESORT AREA

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Prepared for: Grove Farm Company, Incorporated
Prepared by: Belt, Collins & Associates
September, 1984

7/29/85



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Tabulation

Resort	130 Ac.
Residential	142 Ac.
Golf Course, Lakes	196 Ac.
Clubhouse	5 Ac.
Resort Services and Golf Maintenance	16 Ac.
Commercial	4 Ac.
Public Beach Facility and Parking	3 Ac.
Roads, Open Space	206 Ac.
SUBTOTAL	702 Ac.
FUTURE DEVELOPMENT	298 Ac.
TOTAL	1000 Ac.

All acreages approximate.

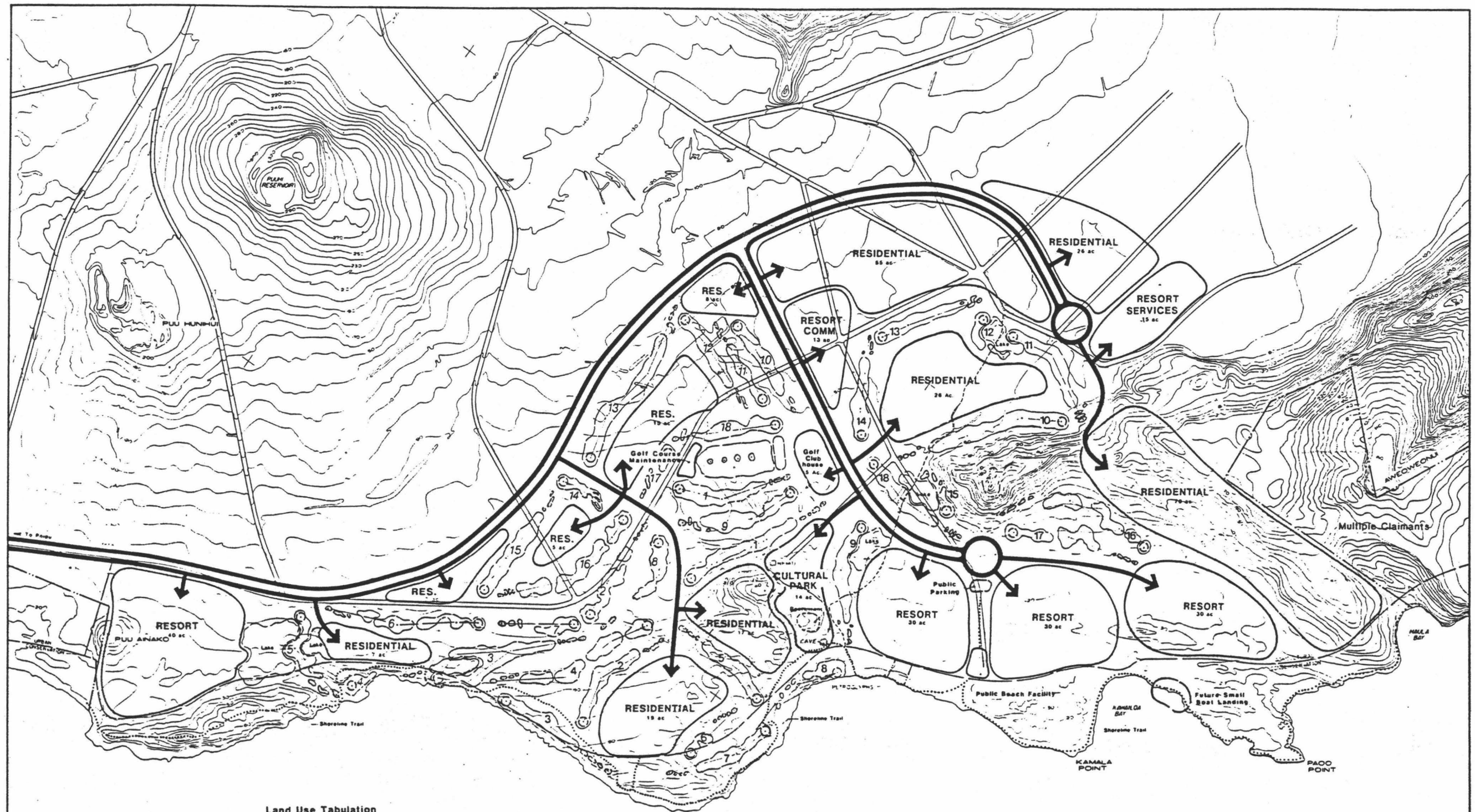
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Prepared for Grove Farm Properties, Inc.

Prepared by Belt, Collins and Associates

Revised Oct. 7, 1985 Sept. 12, 1986

0 400 800 1200 FEET NORTH
SCALE 1"=400'



Land Use Tabulation

Resort	130 acres
Residential	255 acres
Golf Course, Lakes	235 acres
Clubhouse	5 acres
Resort Services and Golf Maintenance	16 acres
Commercial/Cultural Park	27 acres
Public Beach Facility and Parking	5 acres
Roads, Open Space	207 acres
Conservation	120 acres

TOTAL 1,000 ACRES

All acreages approximate

Other Owners

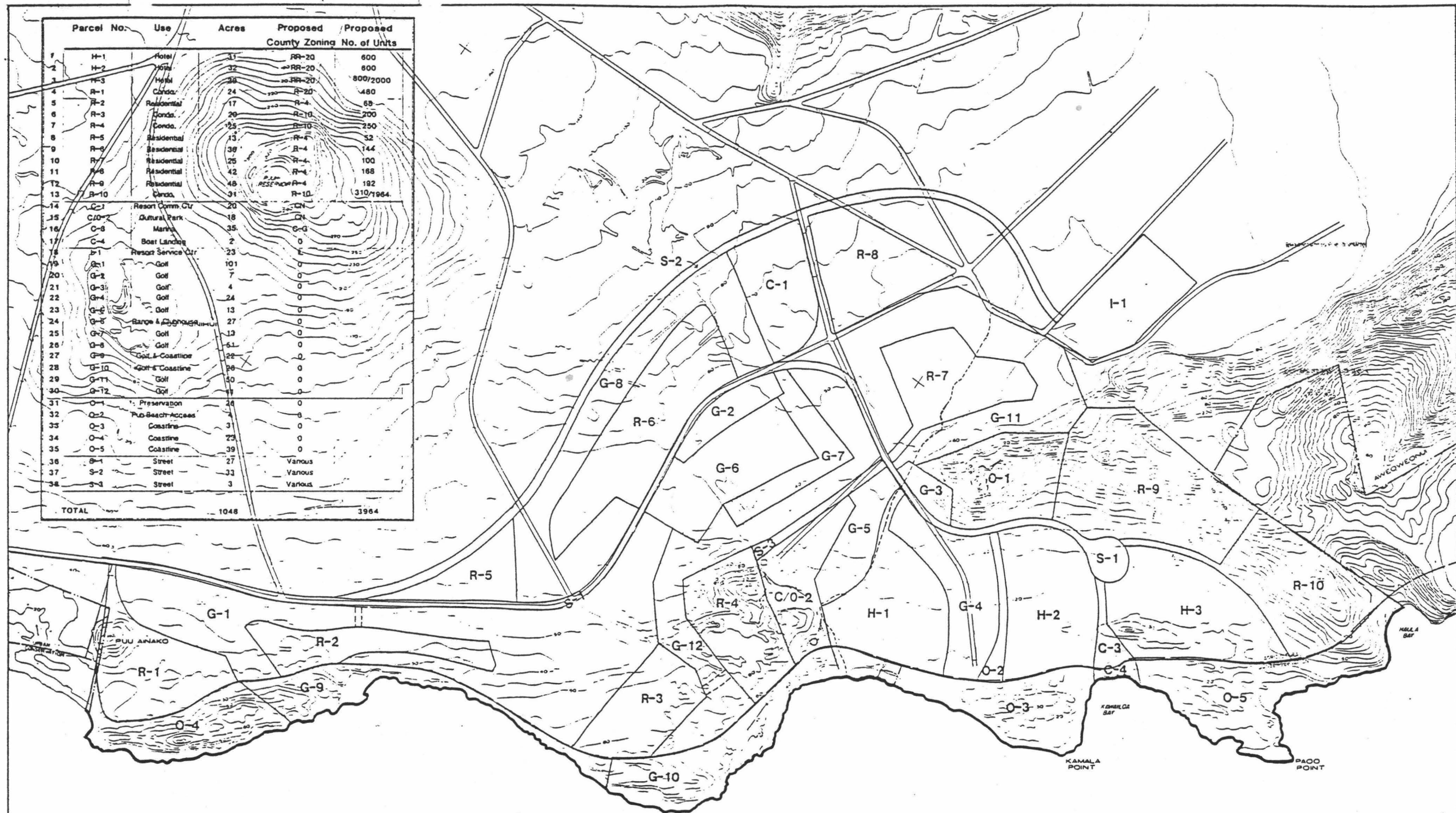
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MAHAULEPU RESORT

GROVE FARM PROPERTIES
Prepared by: BELT, COLLINS & ASSOCIATES

October 11, 1985

LAND USE COMMISSION
STATE OF HAWAII
Aug 29 12 32 PM '88



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PRELIMINARY PARCEL PLAN

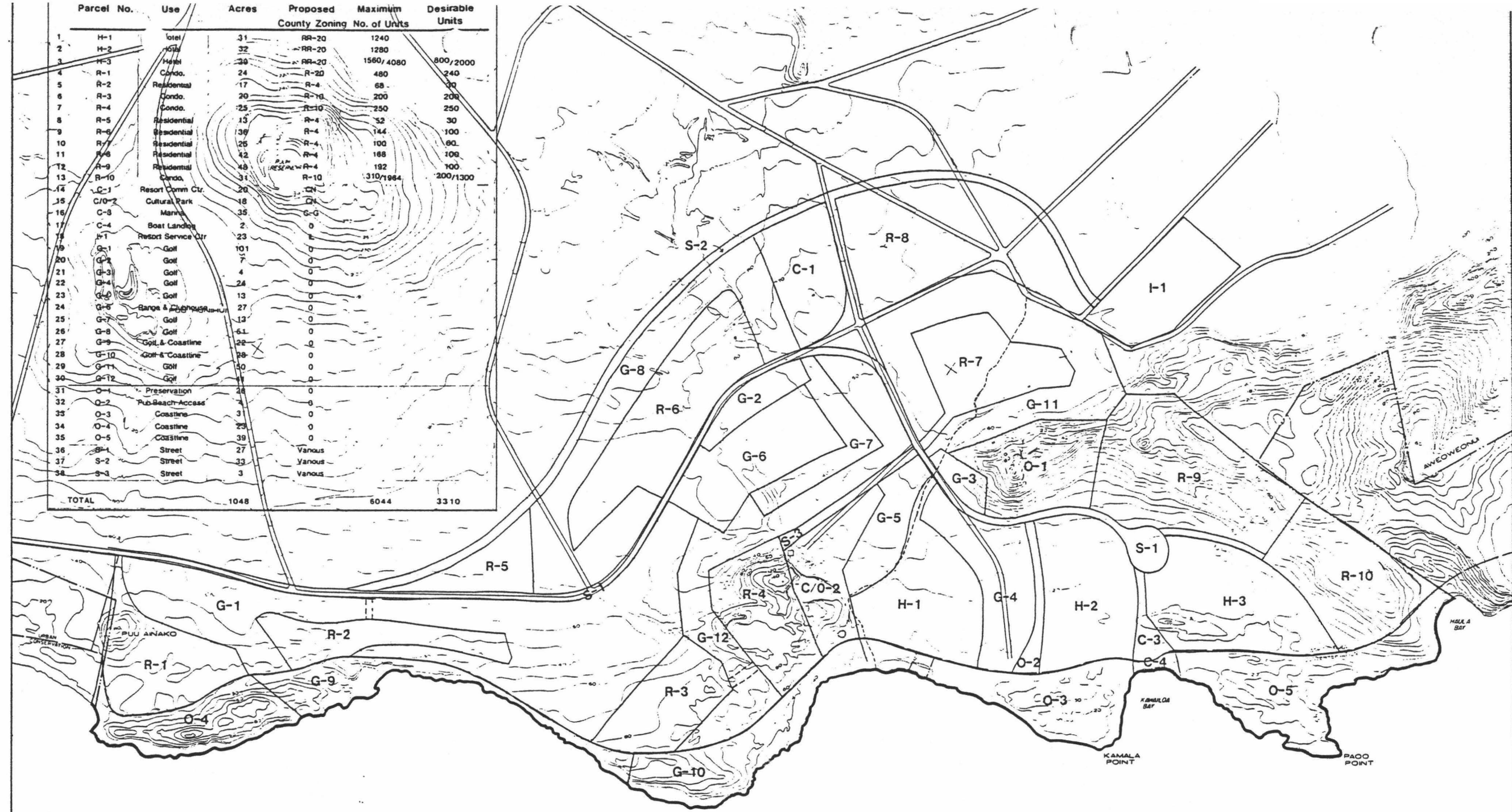
KAWAIILOA BAY RESORT

GROVE FARM PROPERTIES

Prepared by: BELT COLLINS & ASSOCIATES

March 3, 1987

Parcel No.	Use	Acres	Proposed County Zoning	Maximum No. of Units	Desirable Units
1	H-1	31	RR-20	1240	
2	H-2	32	RR-20	1280	
3	H-3	30	RR-20	1560/4080	800/2000
4	R-1	24	R-20	480	240
5	R-2	17	R-4	68	30
6	R-3	20	R-10	200	208
7	R-4	25	R-10	250	250
8	R-5	15	R-4	52	30
9	R-6	39	R-4	144	100
10	R-7	26	R-4	100	60
11	R-8	42	R-4	168	108
12	R-9	48	R-4	192	100
13	R-10	31	R-10	310/1964	200/1300
14	C-1	20	C-1		
15	C/O-2	18	C/O-2		
16	C-3	35	G-G		
17	C-4	2			
18	J-1	23			
19	G-1	101			
20	G-2	7			
21	G-3	4			
22	G-4	24			
23	G-5	13			
24	G-6	27			
25	G-7	13			
26	G-8	61			
27	G-9	22			
28	G-10	28			
29	G-11	10			
30	G-12	11			
31	O-1	24			
32	O-2	4			
33	O-3	3			
34	O-4	29			
35	O-5	39			
36	S-1	27	Various		
37	S-2	33	Various		
38	S-3	3	Various		
TOTAL		1048		6044	3310

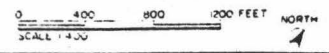


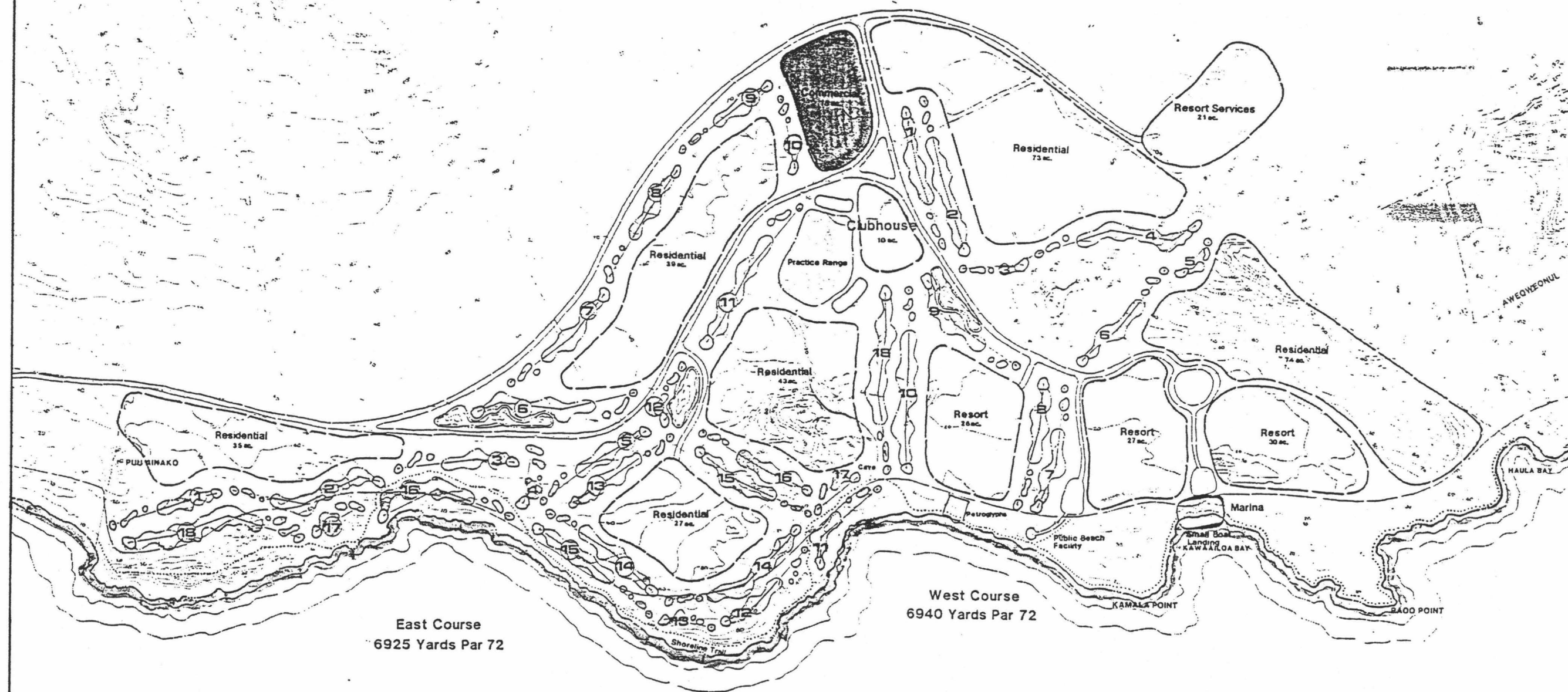
PRELIMINARY PLANS
 NOT TO SCALE
 Subject to Change

PRELIMINARY PARCEL PLAN KAWAIILOA BAY RESORT

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GROVE FARM PROPERTIES
 Prepared by: BELT COLLINS & ASSOCIATES
 October 6, 1986





East Course
6925 Yards Par 72

West Course
6940 Yards Par 72

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GOLF COURSE CONCEPT B KAWAIILOA BAY RESORT

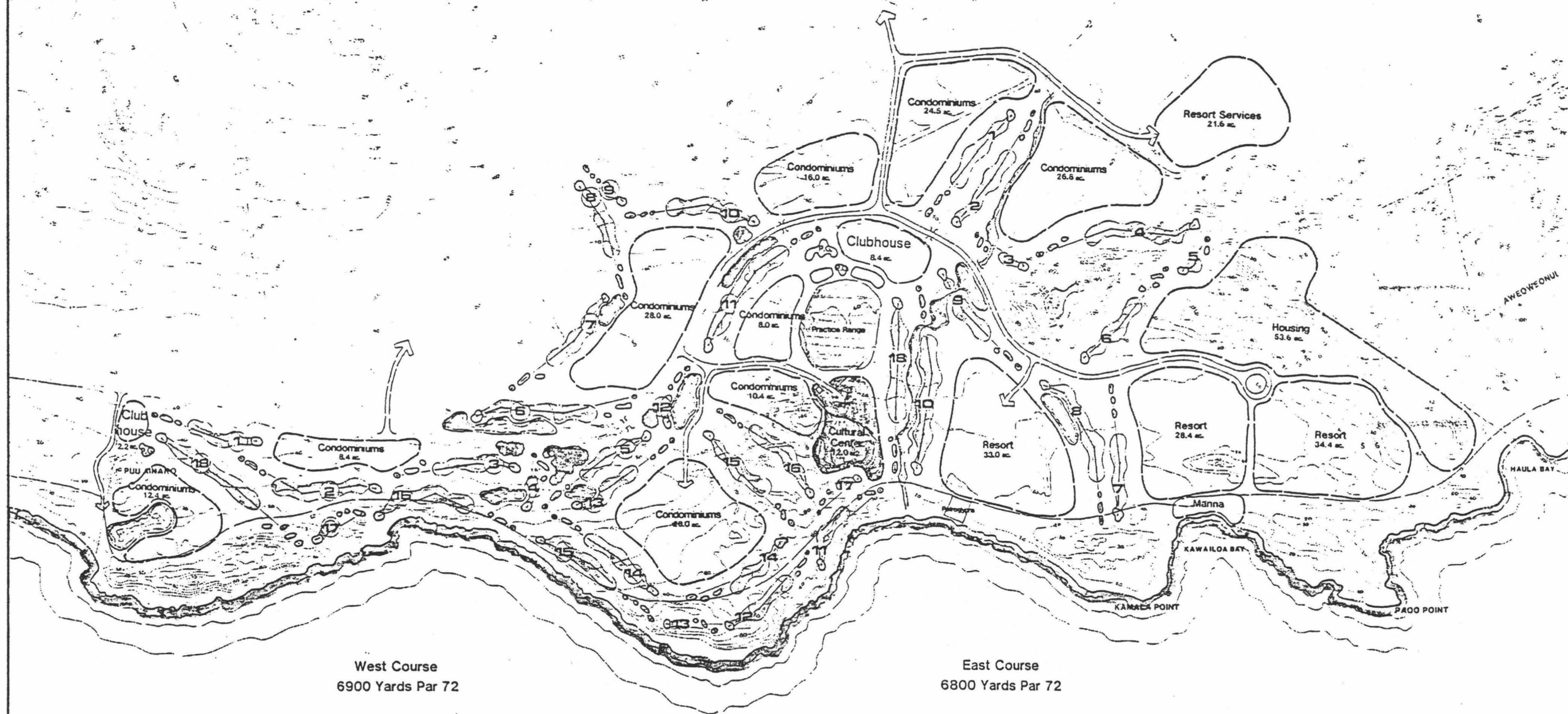
GROVE FARM PROPERTIES

ROBERT TRENT JONES II
GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 328-3833

Scale: 1"=400'
Date: September, 1987



Prevailing Wind



West Course
6900 Yards Par 72

East Course
6800 Yards Par 72

GOLF COURSE CONCEPT C KAWAIILOA BAY RESORT

GROVE FARM PROPERTIES

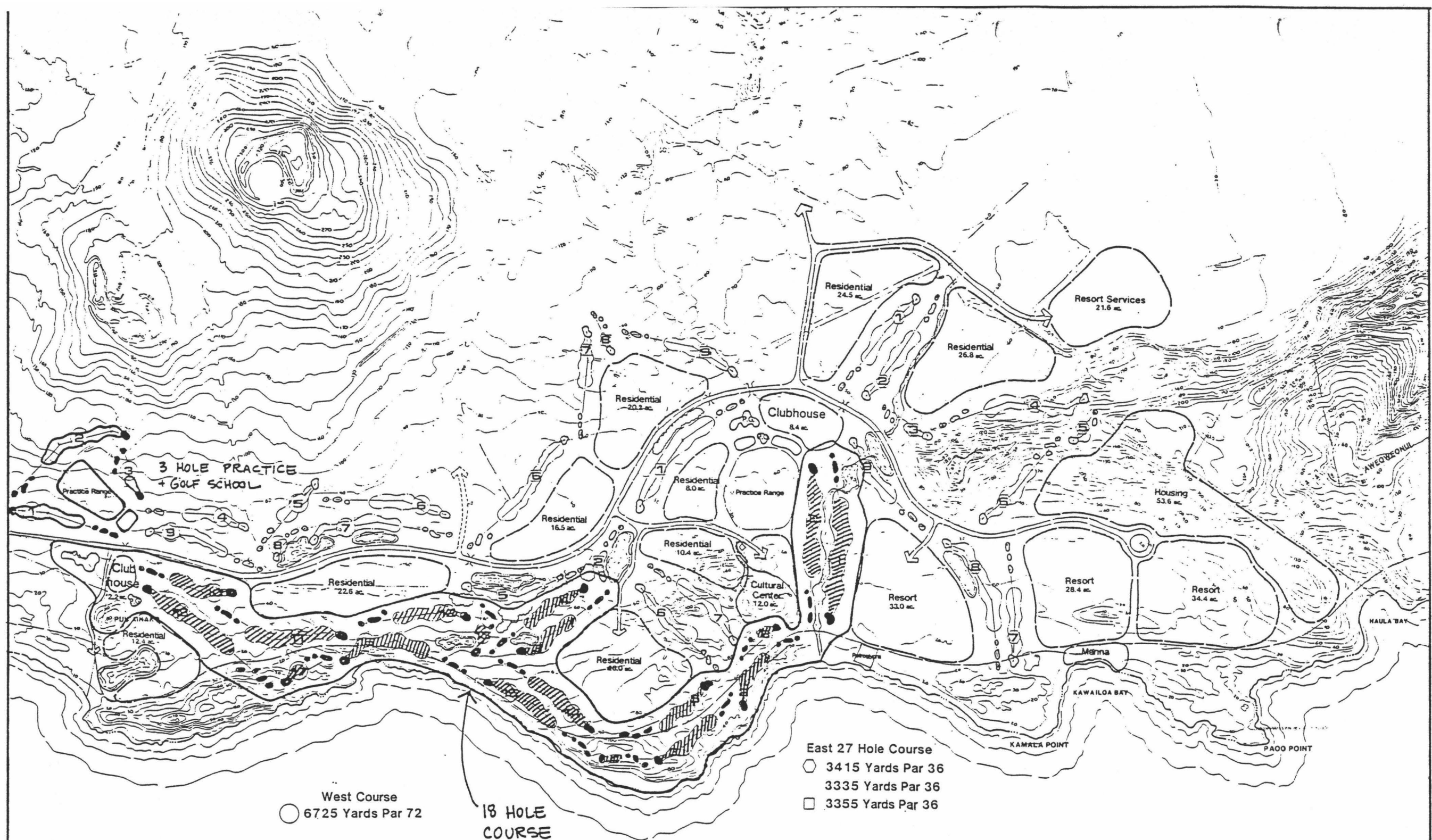
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GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 328-3833

Scale: 1"=400'
Date: September, 1987



Prevailing Wind



GOLF COURSE CONCEPT D KAWAILOA BAY RESORT

GROVE FARM PROPERTIES

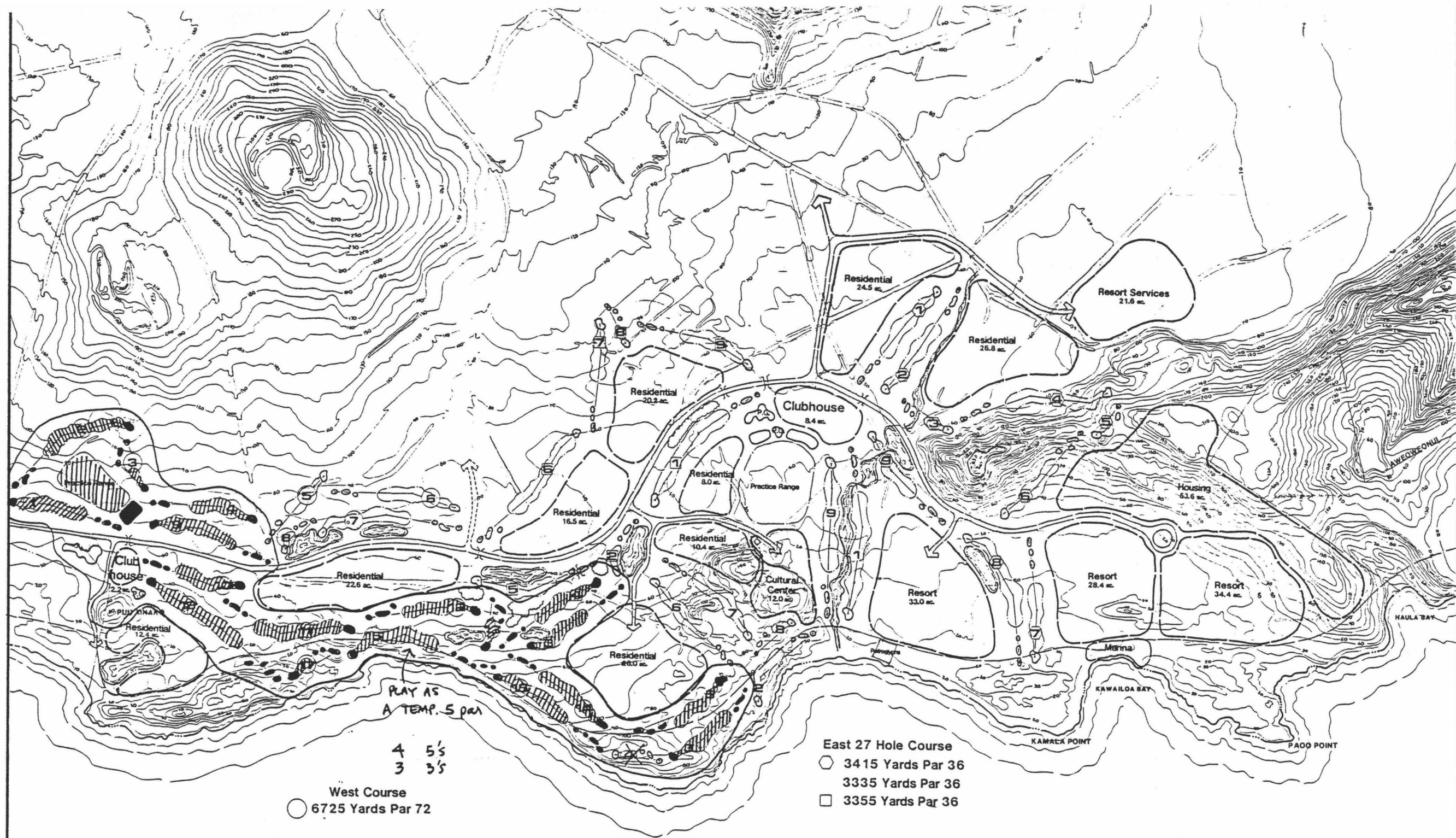
ROBERT TRENT JONES II
GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 396-3833

Scale: 1"=400'
Date: November, 1987



Prevailing Wind

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CONCEPT 2
12-17-87

GOLF COURSE CONCEPT D KAWAIOA BAY RESORT

GROVE FARM PROPERTIES

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GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 396-3833

Scale: 1"=400'
Date: November, 1987



Prevailing Wind



GOLF COURSE CONCEPT E KAWAIHOA BAY RESORT

GROVE FARM PROPERTIES

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ROBERT TRENT JONES II
GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 326-3833

Scale: 1"=400'
Date: November, 1987



Prevailing Wind

GROVE FARM PROPERTIES

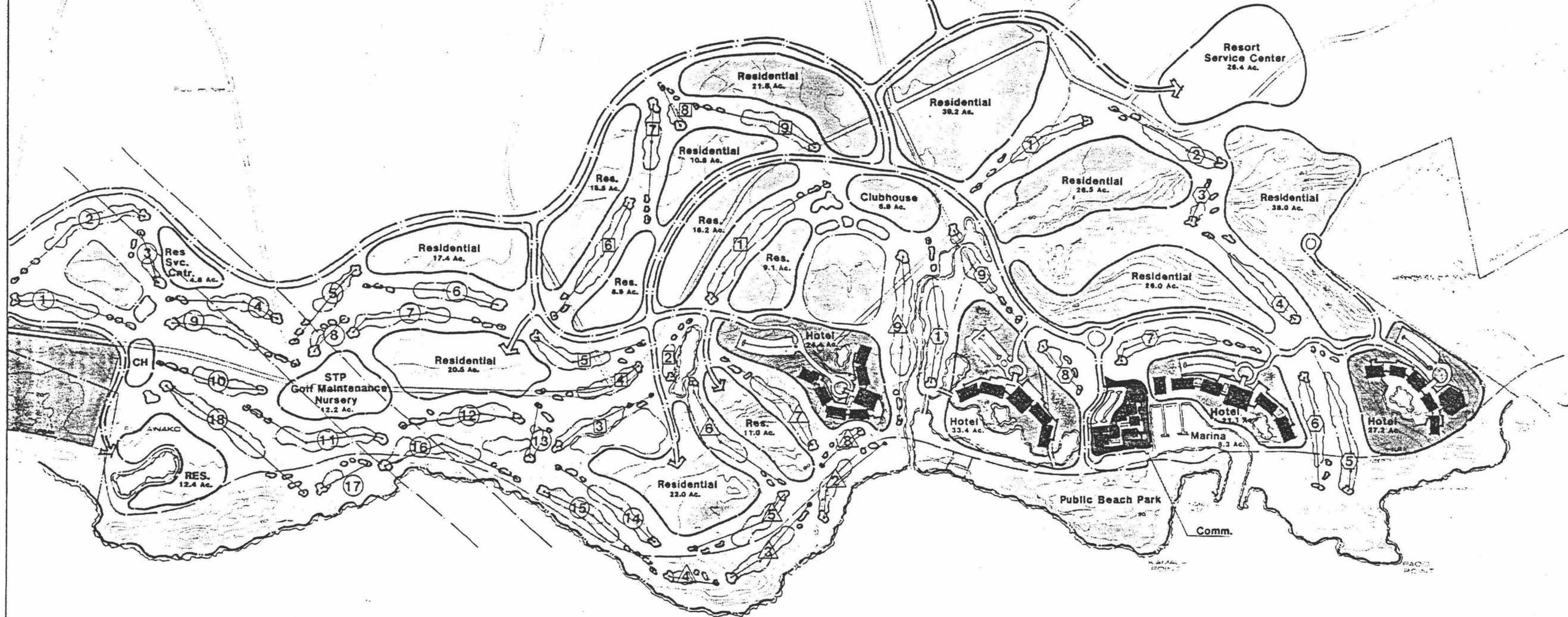
ROBERT TRENT JONES II
GOLF COURSE DESIGN • RECREATIONAL PLANNING
706 Forest Avenue • Palo Alto, California • (415) 328-3833

Scale: 1"=200'
Date: January, 1988



SCORECARD									
VIOLE			BLUE			WHITE			PAIR
1	390	350	315	4	10	405	375	230	4
2	500	470	170	3	12	360	350	390	3
3	770	150	125	3	12	420	390	555	4
4	370	345	295	4	33	358	310	245	4
5	465	425	380	4	14	360	135	105	3
6	355	325	275	4	15	440	405	350	4
7	525	305	450	5	19	450	430	320	4
8	395	370	315	4	17	175	150	135	3
9	200	175	125	3	18	370	545	485	5
3365/3115/2695/36					3340/3090/2800/36				
3365/3115/2695/36					3365/3115/2695/36				
TOTAL					6705/6205/5295/72				

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KAWAILOA BAY RESORT

GROVE FARM PROPERTIES

BELT, COLLINS
& ASSOCIATES
Engineering - Planning
Landscape Architecture

ROBERT TRENT JONES II
SELF CONCEPT DESIGN - ARCHITECTURAL PLANNING
1981 Present - 1988

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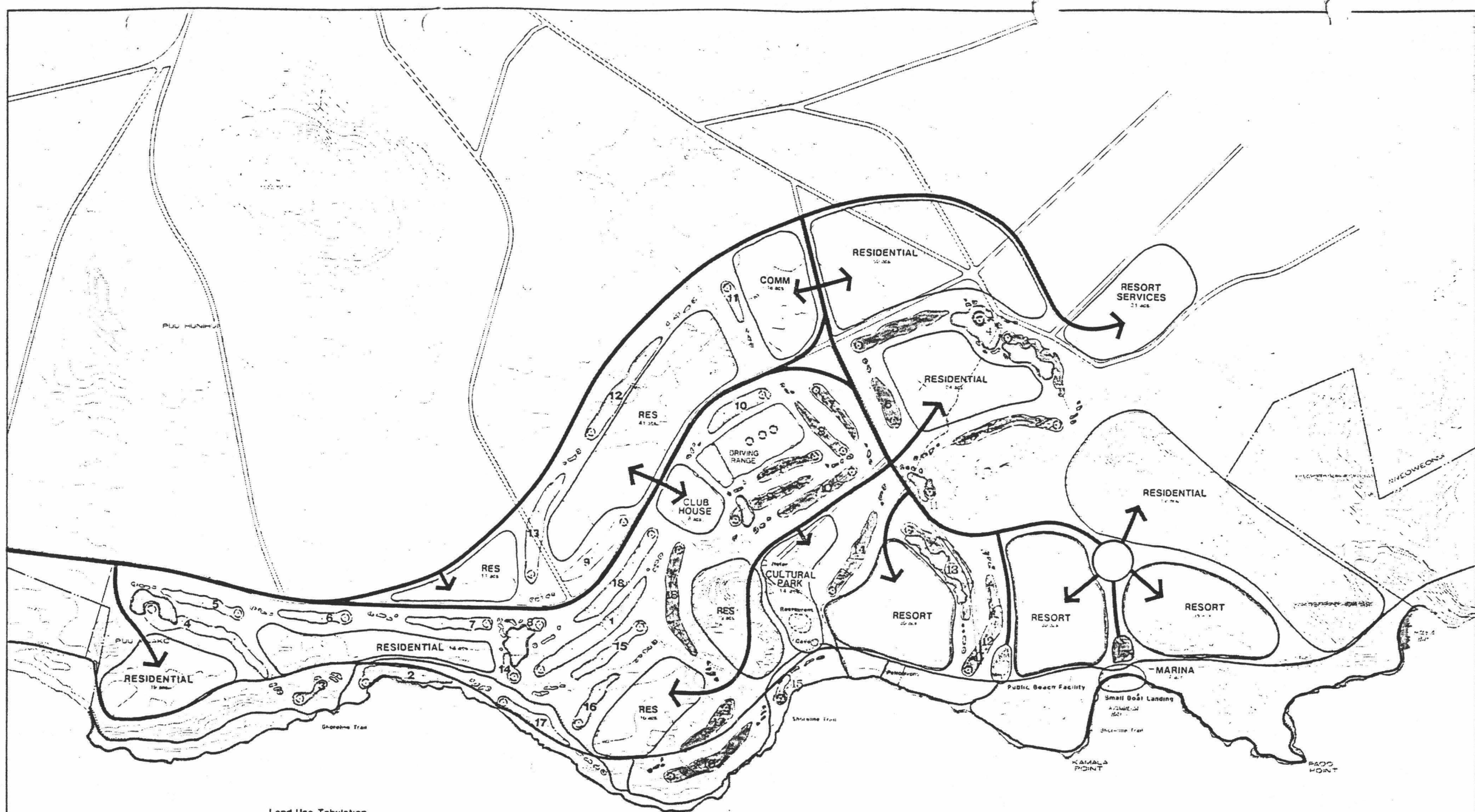


Prevailing Wind

March 23, 1988

Scale: 1"=400'

0 400 800 1200 FEET
SCALE 1"=400'



Land Use Tabulation

Resort	95 Acres
Residential	260 Acres
Golf Course, Lakes	280 Acres
Clubhouse	9 Acres
Resort Services and Golf Maintenance	21 Acres
Commercial/Golfers-Only	10 Acres
Public Beach Facility	7 Acres
Roads, Open Space	157 Acres
Conservation	120 Acres
TOTAL	980 Acres

All Acres are Approximate

Other Owners

1-18 Par 72
6940 Yards

1-18 Par 72
7025 Yards

PRELIMINARY MASTER PLAN

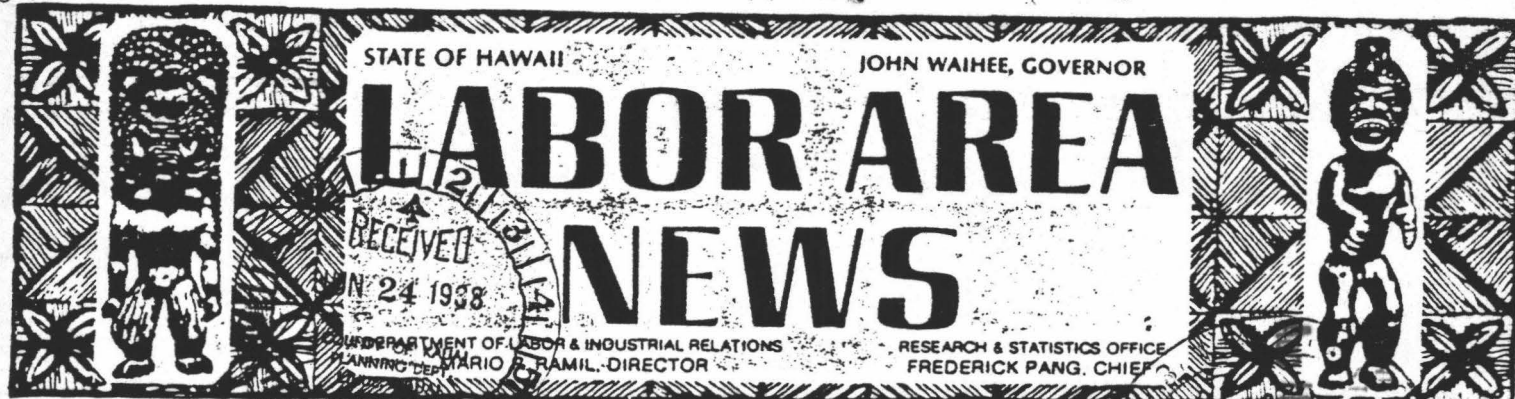
KAWAIILOA BAY RESORT

GROVE FARM PROPERTIES

Prepared by: BELT, COLLINS AND ASSOCIATES

August 12, 1966

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EXHIBIT

MAY 1988

Hawaii's unemployment rate descended further to a new low of 2.9 percent in April, displacing the previous record of 3.2 percent attained last month. This marks the third straight record-setting month. Continued reductions to the total number of jobless persons lowered April's count to 15,300, a substantial decrease of 24.9 percent from last year's total. In addition, the number of employed persons rose by 2,900 to 515,200, causing the civilian labor force to expand by 1,600 to 530,500.

The total nonagricultural wage and salary job-count declined slightly by 200 to 467,500. Services registered the largest cutback, offsetting gains made in March. Educational services, together with business services, provided the majority of the employment loss. Reductions in retail trade, mainly attributable to the termination of temporary workers hired for spring sales, outweighed gains made in wholesale trade. As a result, the trade industry sustained a net decrease in employment. After two months of impressive gains, government relinquished 100 positions. Although the federal government reported employment gains, an anticipated loss within the state government, pushed the job-count down. Transportation, communication, and utilities also posted a drop of 100 positions.

Manufacturing rebounded from last month's loss to boast the largest gain in April, as operations within the pineapple processing industry returned to normal. For the first time this year, construction advanced, by 200 to 20,300, due to the start-up of new projects on Oahu. Employment in the industry, however, remains 3.1 percent below last year's level. Finance, insurance, and real estate created another 100 positions, raising its total to 34,300.

OUTLOOK

Labor market indicators are expected to show mixed results in June. On the one hand, the employment situation should brighten, as summer hiring commences, mainly in the retail trade sector. The hotel industry should fare well also, as the Hyatt Waikoloa begins its recruiting efforts.

On the other hand, unemployment is anticipated to inflate a bit. State government will be releasing spring temporaries, and a number of students and graduates will be entering the labor force in search of work. As in previous years, the economy will not be able to accommodate all of the additional job-seekers, and the jobless rate will likely increase.

LABOR FORCE ITEMS	U.S.	STATE	HONOLULU MSA	HAWAII COUNTY	MAUI COUNTY	KAUAI COUNTY
APR 1988						
Civilian Labor Force	120,264.0	530.5	396.5	55.5	51.7	26.8
Unemployed	6,359.0	15.3	10.1	2.7	1.6	0.9
Percent Unemployed	5.3	2.9	2.5	4.9	3.0	3.5
Employed	113,905.0	515.2	386.4	52.8	50.1	25.9
MAR 1988						
Civilian Labor Force	119,957.0	528.9	395.2	55.2	51.8	26.7
Unemployed	7,090.0	16.7	11.2	2.6	1.8	1.0
Percent Unemployed	5.9	3.2	2.8	4.8	3.5	3.7
Employed	112,867.0	512.3	383.9	52.6	50.0	25.8
APR 1987						
Civilian Labor Force	118,347.0	510.9	381.3	53.7	51.4	24.4
Unemployed	7,306.0	20.4	13.6	3.3	2.3	1.2
Percent Unemployed	6.2	4.0	3.6	6.1	4.4	5.0
Employed	111,041.0	490.6	367.7	50.5	49.2	23.2

Honolulu MSA - Honolulu Metropolitan Statistical Area (or Oahu).

Maui County - Includes the Islands of Maui, Molokai, Lanai.

Data in thousands. All data unadjusted. Totals may not add due to rounding.

c 354, pt of §2 and ren L 1987,

PART II. SHORELINE SETBACKS
205-31 TO 37 REPEALED

[PART I. GENERALLY]

§205-1 AMENDED. "Department of planning and economic development" changed to "department of business and economic development". L 1987, c 336, §7.

§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 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 small farms are intermixed with 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

projects. The director of funds of the State. The proceeds of the elderly housing fund created by this subpart. Pending the sale of bonds, the amount required from the general fund of the State, §23]

VISIONS

otherwise provided by law, the corporation may convey, transfers, sells, or leases property owned or controlled by it under this chapter. [L

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SION

LAND AREAS GREATER THAN FIFTEEN

SUBZONES

STEVE LEVINE "OPENING STATEMENT"

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 indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; 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. [L 1963, c 205, pt of §2; Supp. §98H-2; HRS §205-2; am L 1969, c 182, §5; am L 1975, c 193, §3; am L 1977, c 140, §1 and c 163, §1; am L 1980, c 24, §2; am L 1985, c 298, §2; am L 1987, c 82, §3]

§205-3.1 AMENDED. "Department of planning and economic development" changed to "department of business and economic development". L 1987, c 336, §7.

§205-4 Amendments to district boundaries involving land areas greater than fifteen acres. (a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district. This section is applicable to all petitions for changes in district boundaries of lands within conservation districts and all petitions for changes in district boundaries involving lands greater than fifteen acres in the agricultural, rural, and urban districts, except as provided in section 359G-4.1. The land use commission shall adopt rules pursuant to chapter 91 to implement section 359G-4.1.

(e) Any other provisions of law to the contrary notwithstanding, agencies and persons may intervene in the proceedings in accordance with this subsection.

(1) The petitioner, the department of business and economic development and the county planning department shall in every case appear as parties and make recommendations relative to the proposed boundary change.

[am L 1986, c 93, §1; am L 1987, c 336, §7]

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_s, 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 IV_e, 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

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.

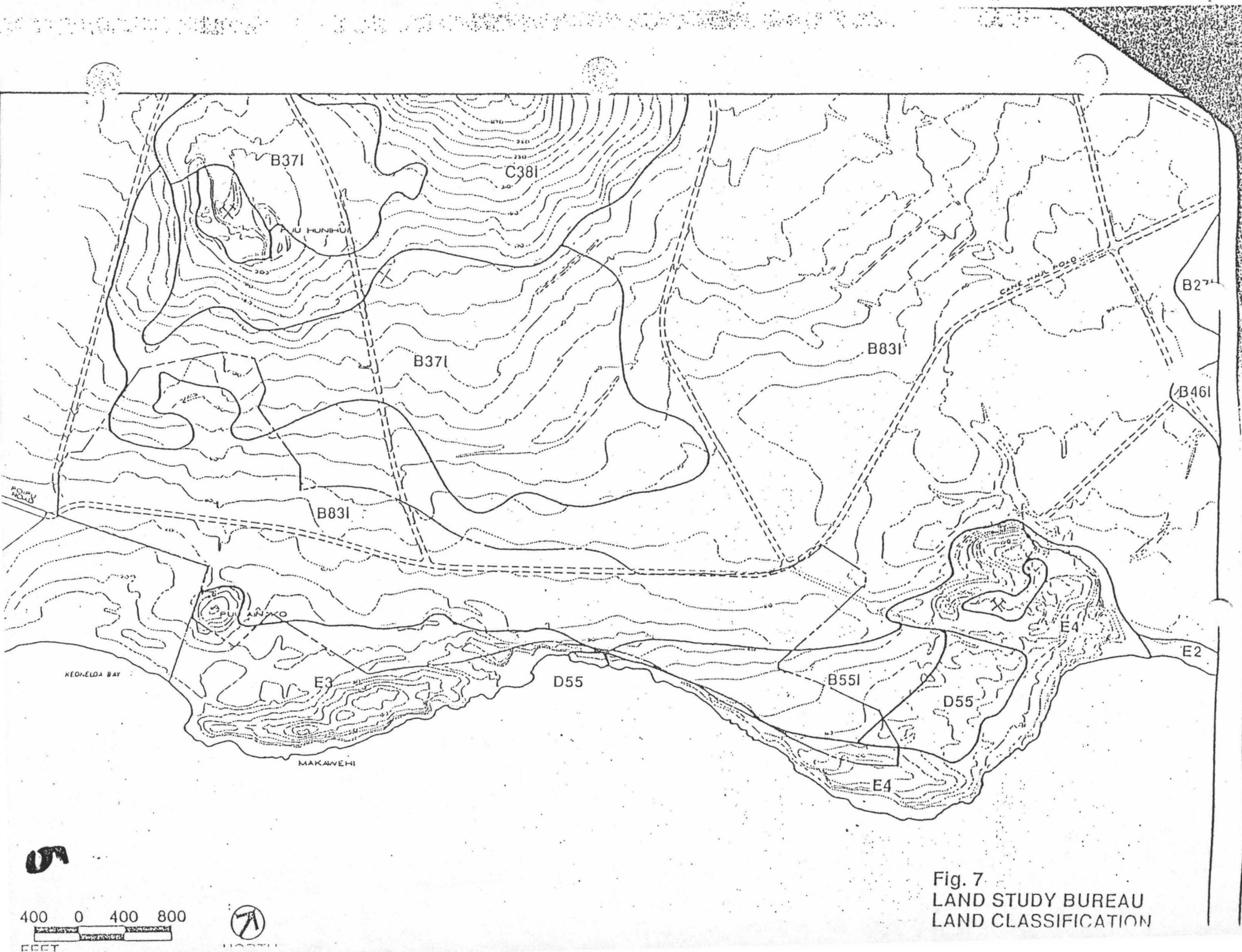


Fig. 7
LAND STUDY BUREAU
LAND CLASSIFICATION

[(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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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".

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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. 442¹ 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.

[§205-4.1] Fees. The commission may establish reasonable fees for the filing of boundary amendment petitions and petitions for intervention to cover the cost of processing thereof and for the reproduction of maps and documents. The commission also may assess a reasonable fee or require reimbursements to be made for inexcusable absence of a party from a boundary amendment proceeding. Any fees collected shall be deposited to the credit of the general fund. [L 1983, c 49, §2]

§205-4.5 Permissible uses within the agricultural districts: (a) Within the agricultural district all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B, shall be restricted to the following permitted uses:

- (1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage, and timber;
- (2) Game and fish propagation;
- (3) Raising of livestock, including but not limited to poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
- (4) Farm dwellings, employee housing, farm buildings, or activity or uses related to farming and animal husbandry;
Farm dwelling as used in this paragraph means a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling;
- (5) Public institutions and buildings which are necessary for agricultural practices;
- (6) Public and private open area types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;
- (7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment building, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, or treatment plants, or corporation yards, or other like structures;
- (8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
- (9) Roadside stands for the sale of agricultural products grown on the premises;
- (10) Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities that are normally considered direct accessory to the abovementioned uses;
- (11) Agricultural parks; or
- (12) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that such facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land.

(b) Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in section 205-6 and section 205-8, and construction of single-family dwellings on lots existing before June 4, 1976. Any

205-4.5 PLANNING AND ECONOMIC DEVELOPMENT

other law to the contrary notwithstanding no subdivision of land within the agricultural district with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be approved by a county unless the said A and B lands within the subdivision shall be made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition as prescribed in this section which restriction and condition shall be encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or lessee from obtaining mortgage financing from any of the mortgage lending agencies set forth hereinbelow, and said requirement is the sole reason for failure to obtain mortgage financing, then such requirement of encumbrances shall, insofar as such mortgage financing is so jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that such conditional waiver shall thereafter become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies mentioned hereinabove are the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, Farmers Home Administration, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal, state or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns.

(c) Within the agricultural district all lands, with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U shall be restricted to the uses permitted for agricultural districts as set forth in section 205-5(b). [L 1976, c 199, §1; am L 1977, c 136, §1; am L 1980, c 24, §3; am L 1982, c 217, §1]

Revision Note

"June 4, 1976" substituted for "the effective date of this Act".

§205-5 Zoning. (a) Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to section 183-41.

(b) Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the land use commission shall be permitted. Other uses may be allowed by special permits issued pursuant to this chapter. The minimum lot size in agricultural districts shall be determined by each county through its zoning ordinance, subdivision ordinance or other lawful means; provided that the minimum lot size for any agricultural use shall not be less than one acre, except as provided herein. If the county finds that unreasonable economic hardship to the owner or lessee of land cannot otherwise be prevented or where land utilization is improved, the county may allow lot sizes of less than the minimum lot size as specified by law for lots created by a consolidation of existing lots within an agricultural district and the resubdivision thereof; provided that the consolidation and resubdivision do not result in an

205-5.2 PLANNING AND ECONOMIC DEVELOPMENT

- (1) Hearings shall be held at locations which are in close proximity to those areas proposed for designation. A public notice of hearing, including a description of the proposed areas, an invitation for public comment, and a statement of the date, time, and place where persons may be heard shall be published and mailed no less than twenty days before the hearing. The notice shall be published on three separate days in a newspaper of general circulation statewide and in the county in which the hearing is to be held. Copies of the notice shall be mailed to the department of planning and economic development, and the planning commission and planning department of the county in which the proposed areas are located.
- (2) The hearing shall be held before the board, and the authority to conduct hearings shall not be delegated to any agent or representative of the board. All persons and agencies shall be afforded the opportunity to submit data, views, and arguments either orally or in writing. The department of planning and economic development and the county planning department shall be permitted to appear at every hearing and make recommendations concerning each proposal by the board.
- (3) At the close of the hearing, the board may designate areas as geothermal resource subzones or announce the date on which it will render its decision. The board may designate areas as geothermal resource subzones only upon finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). Upon request, the board shall issue a concise statement of its findings and the principal reasons for its decision to designate a particular area.
- (e) The designation of any geothermal resource subzone may be withdrawn by the board of land and natural resources after proceedings conducted pursuant to the provisions of chapter 91. The board shall withdraw a designation only upon finding by a preponderance of the evidence that the area is no longer suited for designation; provided that the designation shall not be withdrawn for areas in which active exploration, development, production or distribution of electrical energy from geothermal sources is taking place.
- (f) This Act shall not apply to any active exploration, development or production of electrical energy from geothermal sources taking place on June 14, 1983, provided that any expansion of such activities shall be carried out in compliance with its provisions. [L 1983, c 296, pt of §3]

Note

In subsection (f) "This Act" refers to L 1983, c 296.

Revision Note

"June 14, 1983" substituted for "the effective date of the Act".

§205-6 Special permit. The county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person's land is located for

permission to use the person's land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition.

The planning commission, upon consultation with the central coordinating agency, except in counties where the planning commission is advisory only in which case the central coordinating agency, shall establish by rule or regulation, the time within which the hearing and action on petition for special permit shall occur. The county planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

The county planning commission may under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter. A decision in favor of, the applicant shall require a majority vote of the total membership of the county planning commission.

Special permits for land the area of which is greater than fifteen acres shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting such approval, including the adherence to representations made by the applicant.

A copy of the decision together with the complete record of the proceeding before the county planning commission on all special permit requests involving a land area greater than fifteen acres shall be transmitted to the land use commission within sixty days after the decision is rendered. Within forty-five days after receipt of the complete record from the county planning commission, the land use commission shall act to approve, approve with modification, or deny the petition. A denial either by the county planning commission or by the land use commission, or a modification by the land use commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii rules of civil procedure. [L 1963, c 205, pt of §2; Supp, §98H-6; HRS §205-6; am L 1970, c 136, §1; am L 1976, c 4, §2; am L 1978, c 166, §1; am L 1979, c 221, §1; am imp L 1984, c 90, §1]

Attorney General Opinions

Special permits cannot be granted to authorize uses which have effect of making boundary change or creating new district. Att. Gen. Op. 63-37.

Authority of land use commission to modify permit approved by county commission discussed. Att. Gen. Op. 68-30.

Land use commission is not authorized to review county planning commission's denial of request for modification of special permit. Att. Gen. Op. 77-4.

Case Notes

Former provision requiring that a public hearing on an application for a special permit be held within one hundred twenty days was directory not mandatory. 62 H. 666, 619 P.2d 95.

Validity of attaching conditions for approval of special permit. 62 H. 666, 619 P.2d 95.

Recreational theme park on agricultural land was not "unusual and reasonable use" which would qualify for special permit. 64 H. 265, 639 P.2d 1079.

§205-7 Adoption, amendment or repeal of rules. The land use commission shall adopt, amend or repeal rules relating to matters within its jurisdiction in the manner prescribed in chapter 91. [L 1963, c 205, pt of §2; Supp, §98H-7; HRS §205-7; am L 1975, c 193, §6]