

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

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

DOCKET NO. A85-595  
KUILIMA DEVELOPMENT  
COMPANY

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

MAR 15 1989 by *[Signature]*  
Date Executive Officer

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

MAR 15 2 29 PM '89  
LAND USE COMMISSION  
STATE OF HAWAII



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

FINDINGS OF FACT

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

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

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

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

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

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

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

#### CONCLUSIONS OF LAW

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

#### ORDER

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

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

DOCKET NO. A85-595 - KUILIMA DEVELOPMENT COMPANY

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

LAND USE COMMISSION  
STATE OF HAWAII

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

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

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

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

Filed and effective on  
March 15, 1989

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

Certified by:

*Esther Under*  
Executive Officer

BY *Toru Suzuki*  
TORU SUZUKI  
Commissioner

BY *Allen Y. HAJIOKA*  
ALLEN Y. HAJIOKA  
Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

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

CERTIFICATE OF SERVICE

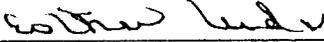
I hereby certify that a copy of the Order to Amend Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

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

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

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

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

  
ESTHER UEDA  
Executive Officer