

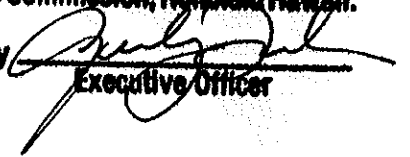
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
OCEANIC PROPERTIES, INC.) DOCKET NO. A83-551
To Amend the Agricultural Land Use) OCEANIC PROPERTIES, INC.
District Boundary into the Urban)
Land Use District for approximately)
256 acres at Waipio, Ewa, Oahu,)
Tax Map Key: 9-5-02: Portion of)
Parcel 11)

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

8/9/84
Date

by


Executive Officer

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION AND ORDER

OCEANIC PROPERTIES, INC., a Hawaii Corporation (hereinafter "Petitioner") filed this boundary amendment petition on June 7, 1983, and an amendment to petition on July 19, 1983, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary for approximately 256 acres of land, Tax Map Key 9-5-02: Portion of Parcel 11 (hereinafter "subject property") situate at Waipio, Ewa, Island of Oahu from the Agricultural District to the Urban District. The Land Use Commission (hereinafter "Commission"), having heard the evidence presented on this matter and by considering the full record as presented in Docket A83-551, hereby makes the following findings of fact, conclusions of law and decision and order.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The Commission held hearings on this petition on September 21 and 22, 1983, October 4 and 5, and on December 1, 1983 at Honolulu, Hawaii, pursuant to notices published in the Honolulu Star Bulletin on August 11, 1983, September 27, 1983 and on October 31, 1983.

2. On August 26, 1983, Neighborhood Board No. 25 (hereinafter referred to as "Intervenor") timely filed a petition for intervention. At its meeting on September 21, 1983, the Commission granted Intervenor's petition to intervene.

3. The Commission received timely requests from James Brock, Noel Fernandez, Scott McArthur, Iris Nakamura and Paul Peters to appear and testify as public witnesses. All of the requests were granted and the Commission received oral and written testimony from each witness.

4. The Commission received two untimely written communications from the Chamber of Commerce and from Mr. Bill Evanson which were entered into the record.

5. On December 1, 1983, the Commission, on its own motion reopened the hearing on the Petition for the limited purpose of receiving information relating to the subject property concerning events which took place after the close of the hearing on October 5, 1983.

DESCRIPTION OF THE SUBJECT PROPERTY

6. The subject property consists of approximately

256 acres situate at Waipio, Ewa, Island of Oahu, State of Hawaii, and is identified by Tax Map Key: 9-5-02: Portion of 11.

7. The physical boundaries of the subject property include the Army's Leilehua Golf Course to the north; the Schofield Barracks Military Reservation to the east; Waikakalaua Gulch to the south; and Wikao Street to the west. Mililani Town is approximately eight-tenths of a mile south of the subject property and the town of Wahiawa lies approximately one mile to the north.

8. Castle & Cooke, Inc. owns the subject property. Petitioner is a wholly-owned subsidiary of Castle & Cooke, Inc., and holds an option to purchase the subject property. Castle & Cooke, Inc. has authorized the Petitioner to petition the Commission for the boundary amendment.

9. The subject property is located east of the H-2 Freeway in the vicinity of the Leilehua Interchange. The Leilehua Interchange provides on and off ramps from the H-2 Freeway to and from the Honolulu side of the Golf Course Road. Vehicular access to the subject property is limited to the west side. Wikao Street, which runs parallel to the H-2 Freeway, provides local service from the Leilehua Interchange to the subject property. Wikao Street terminates at (Leilehua) Golf Course Road, which crosses over the H-2 Freeway and terminates at Kamehameha Highway.

10. The Hawaii Division of Dole Processed Foods Company, a Division of Castle & Cooke, Inc., has used the subject property for pineapple cultivation for approximately 67 years.

11. Ground elevations at the project site range between 800 to 995 feet above mean sea level. Slopes at the subject property range between 0 to 10 percent. The average annual rainfall at the site ranges from between 45 to 50 inches for the lower western portion, to approximately 65 to 70 inches at the higher elevated eastern portion of the property.

12. The U.S.D.A. Soil Conservation Service Soil Survey classifies the soils of the subject property as Wahiawa silty clay 0 to 3 percent slopes (WaA) and Leilehua silty clay 2 to 6 percent slopes (LeB) and 6 to 12 percent slopes (LeC).

a. The Wahiawa soils, which are well-drained and found on the uplands of Oahu, occur at elevations ranging from 500 to 1,200 feet on the subject property bordering along the H-2 Freeway. In a representative profile, the surface layer is dusky red clay about 12 inches thick and the subsoil is about 48 inches thick consisting of dark reddish-brown silty clay. Permeability is moderately rapid, the runoff is slow and the erosion hazard is no more than slight.

b. The Leilehua silty clay soils, which are also well-drained and found on the uplands of Oahu, occur at the upper-Mauka portion of the subject property. The soils occur at elevations ranging from 900 to 1,200 feet. The Leilehua silty clay, 2 to 6 percent slopes (LeB), occur as broad and narrow areas bordered by gulches. The surface layer is dark reddish-brown silty clay about 12 inches thick. The subsoil is about 36 inches thick and consists of red silty clay. Permeability is moderately rapid, runoff is slow and the erosion

hazard is slight. The Leilehua silty clay, 6 to 12 percent slopes (LeC) exhibits medium runoff, and moderate erosion hazard. These soils are used for sugarcane, pineapple and pasture.

13. The Land Study Bureau classified approximately 95 percent of the subject property in its Detailed Land Classification System with an overall master productivity rating of B (B121 and B21). A small portion of the site is classified C22. These lands are suitable for pineapple and sugarcane cultivation.

14. The Department of Agriculture has classified the subject property (approximately 70 percent) as Prime and (approximately 25 percent) Unique Agricultural lands in its Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. Unique lands are situated at the lower, makai portion of the site, while Prime lands comprise the mauka portion of the site.

15. The Federal Insurance Administration has designated the subject property in Zone D of possible flood hazards in its Flood Insurance Study conducted for the City and County of Honolulu. Flood-proofing requirements are not applicable to Zone D areas under the National Flood Insurance Program.

PROPOSAL FOR DEVELOPMENT

16. Petitioner proposes to subdivide and develop the subject property and sell lots to corporations in the high technology industry (the "High Technology Park"). Petitioner intends to attract light assembly operations to the High

Technology Park with some research and development (R and D) components primarily involved in fabricating high value products from components that are manufactured in other locations. Petitioner intends to attract the smaller and mid-size companies employing between 30 and 150 workers, not very heavy R and D facilities that require several hundred Ph.D. engineers and computer scientists at one location.

17. Petitioner proposes to develop the High Technology Park in two phases over a five to ten year period. Petitioner will develop approximately 120 acres on the western half of the subject property in the first phase. Petitioner plans to create approximately 53 lots between one and seven acres in size with an average size of two acres in the first phase.

18. Petitioner proposes to create approximately 54 lots in approximately 136 acres in the second phase of development. Phase II lots will be similar in size to Phase I lots.

19. Petitioner intends to sell the lots for approximately \$11.00 per square foot or lease the lots at approximately \$0.88 per square foot per year in 1983 dollars. These prices are comparable to prices for high technology parks in other higher-priced areas such as Silicon Valley, and Route 128 outside Boston.

20. Petitioner proposes to establish land use standards which are consistent with common guidelines recognized for a high technology park to achieve the campus-like, high amenity setting recommended by Petitioner's marketing expert, Mr. Wiley Grieg.

21. These guidelines, which are more restrictive than those of the Comprehensive Zoning Code ("CZC") of the City and

County of Honolulu, include the following:

a. Building Setback

High Technology Park Guidelines:

| | |
|------------------------|-----------------------------------|
| Major highway setback: | 40' from right of way (R.O.W.) |
| Front yard setback | 30' from R.O.W. |
| Side yard setback | 10' minimum |
| Rear yard setback: | 10' minimum |

CZC Requirements for Light Industrial:

| | |
|-----------------------------|---------------|
| Front yard setback: | 5' |
| Side and rear yard setback: | None required |

b. Building Site Coverage (the building-ground contact area divided by total lot area)

High Technology Park Guidelines:

| | |
|----------------------------|--------|
| For single story building: | 25-30" |
| For two story building | 20% |

| | |
|--|------|
| CZC Requirements for Light Industrial | None |
|--|------|

22. Petitioner will develop all infrastructure improvements, on-site and off-site, necessary for the subdivision and development of the subject property. The lots, whether leased or sold will be further developed or maintained by the occupants in accordance with the covenants, conditions and restrictions that will run with the land.

Petitioner estimates development costs for the High Technology Park, including the on- and off-site engineering and construction costs for the project as:

| Costs | Off-Site | Phase I On-Site | Phase II On-Site | Total |
|-------------------------|--------------|--------------------|---------------------|--------------|
| 1. Traffic | \$ 2,025,000 | -0- | -0- | \$ 2,025,000 |
| 2. Drainage | -0- | \$ 764,000 | \$ 725,000 | 1,489,000 |
| 3. Water | 8,557,000 | 977,000 | 1,416,000 | 10,950,000 |
| 4. Sewer | 4,164,000 | 1,913,000 | 1,989,000 | 8,066,000 |
| 5. Road | -0- | 1,750,000 | 2,251,000 | 4,001,000 |
| 6. Electric | 147,125 | 1,147,795 | 613,510 | 1,908,430 |
| 7. Telephone | 135,000 | 46,132 | 44,742 | 225,874 |
| Total Off-Site | \$15,028,125 | | | |
| Total Phase I | | \$6,597,927 | | |
| Total Phase II | | | \$7,039,252 | |
| Total Dev. Costs | | | | \$28,665,304 |
| Total Cost Per Net Acre | | | | \$ 135,213 |

23. Petitioner, however, intends to sell a limited number of lots to non-high technology support services such as a branch bank, restaurant, and post office.

24. Petitioner proposes to preclude uses of lots for activities such as airports, auto repair shops, automobile dealers, heavy equipment dealers, veterinarians and dog kennels from the High Technology Park which are ordinarily allowed under CZC Light Industrial Zoning but incompatible with high technology.

25. Petitioner, with the assistance of Castle & Cooke, Inc., proposes to offer one or more of the following incentives to attract high technology firms to purchase or lease the first five lots on the subject property:

- a. Land subsidies - discounting either the fee purchase price or the rental for a leasehold lot.

- b. Contributions of land in return for equity - as a form of venture capital for qualified companies.
- c. Option to purchase leased fee interest at favorable terms.
- d. Installment sale financing of land.
- e. Subsidizing construction of buildings on a turnkey basis.
- f. Relocation expense subsidy
- g. Assistance in housing key employees.

26. In addition, Petitioner's parent company, Castle & Cooke, Inc., has agreed to acquire a 20 percent interest in Intellect, Inc., a local high technology firm and to relocate Intellect, Inc.'s corporate headquarters and manufacturing plant to the High Technology Park.

27. Petitioner proposes to develop Phase I of the High Technology Park within five years from the Commission's filing its decision and order approving Petitioner's petition. Petitioner proposes to develop Phase II of the park and to have Phase II lots absorbed by the market within the next six to seven years.

PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

28. The balance sheet of Oceanic Properties, Inc., as of March 26, 1983 lists total assets of \$105,528,000, stockholder's equity of \$44,703,000 and liabilities of \$60,825,000.

STATE AND COUNTY PLANS AND PROGRAMS

29. The subject property is situated within the State Land Use Agricultural District as reflected on Land Use District Boundary Map 0-9 (Waipahu, Hawaii). Portions of adjacent lands to the south are classified Urban while lands to the west, north and east are classified Agricultural. An eastern corner of the subject property abuts the Conservation District.

30. The City and County of Honolulu's Central Oahu Development Plan designates the subject property Agricultural. The County zoning designation for the site is currently Ag-1 (Agriculture).

31. The subject site is not situated within the County's Special Management Area (SMA).

NEED FOR GROWTH AND DEVELOPMENT

32. Hawaii Revised Statutes, Section 226-4 (1), of the Hawaii State Plan establishes as a goal of the State of Hawaii attainment of a strong viable economy characterized by stability, diversity and growth, not overly dependent on a few industries.

33. Sugar and pineapple are no longer the major economic industries of Hawaii.

34. In order to establish and maintain a growing and diversified economic base, and a center of technology, the State of Hawaii in 1983 has established a high technology development corporation to develop a high technology industrial plan.

35. In 1981, the State of Hawaii Department of Planning and Economic Development published a "Hawaii High Technology Development Plan." This plan describes the benefits of the high technology industry to Hawaii and Hawaii's advantages in attracting and developing a high technology industry. The plan identified a lack of suitable industrial space in the State of Hawaii as a major impediment to Hawaii's effort to develop an electronic/high technology industry.

36. The Plan identified the following factors as conducive to the development of a high technology park, as opposed to general industrial lands: 1) park size; 2) commuting time for production, managerial and professional employees; 3) proximity to airports; 4) access to other business support services; 5) freeway access; 6) the nature and quality of the surrounding environment; 7) the quality of the environment within the park; 8) accessibility to convenience and personal services; 9) public safety; and 10) traffic conditions within and around the park.

37. The Plan identifies two potential areas as suitable for high technology development: an area adjacent to the existing Campbell Industrial Park near West Beach and an area northeast (mauka) of the H-2 Freeway near Mililani Town, southeast of the subject property.

38. Petitioner's consultant, SRI International predicted that high technology tenants would occupy approximately 150 to 175 acres of the proposed high technology park over a 10 to 15 year period. Tenants in related services and facilities

would absorb about 75 to 100 acres over the same time period.

39. SRI International estimates that the total employment to be generated by the High Technology Park upon full operation would be approximately 27,000 jobs in the following breakdown:

| | | <u>No. of Jobs</u> |
|------------------|-------|--------------------|
| Direct (on site) | | 12,138 |
| Indirect | | 4,879 |
| On-Site | 2,142 | |
| Elsewhere | 2,737 | |
| Induced | | <u>10,367</u> |
| | Total | 27,384 |

40. SRI International estimates that the total public costs and revenues generated for the proposed project would be \$63,100,000 and \$129,500,000, respectively.

IMPACTS ON RESOURCES OF THE AREA

Agricultural Resources

41. Castle & Cooke, Inc.'s Dole Processed Foods Company currently uses the subject property for cultivation of pineapple. Petitioner claims these fields are good for producing canned fruit, but are only marginally suitable for fresh fruit production. Petitioner claims that non-irrigated and higher elevation fields, generally mauka of the H-2 Freeway, do not produce as high a yield per acre as irrigated, lower elevation fields.

42. To offset the loss of the subject pineapple fields, Petitioner has represented that Dole Processed Foods Company will plant 142 gross acres of former Oahu Sugar Company canefields at Waiawa in Pineapple. Dole Processed Foods Company predicts that these irrigated fields will have higher per acre pineapple production yields than the subject property.

Flora and Fauna

43. Dole Processed Foods Company has planted the subject property in pineapple for many years, eliminating other flora. No significant fauna are known to inhabit the subject property.

Historical/Archaeological Resources

44. Science Management, Inc. conducted an archaeological reconnaissance survey of the subject property and found no traces of archaeological remains except an insignificant low stone terrace found in the gulch adjoining the subject property.

45. The Department of Land and Natural Resources does not identify the subject property as eligible for inclusion as historic property on the Hawaii Register or the National Register of Historic Places.

Related Environmental Impacts

46. Petitioner anticipates that construction of the project will adversely impact air quality in the area due to fugitive dust from construction operations and greater emissions from increased traffic volumes. Petitioner proposes to mitigate fugitive dust problems by wetting down topsoil during construction.

47. Petitioner's consultant Phillips, Brandt, Reddick & Associates predicts that noise impacts will be generally limited to vehicular noise inasmuch as the Petitioner will not encourage development of industry that generates high noise levels.

48. Petitioner will impose design controls and development standards on improvements to be constructed in the High Technology Park in order to minimize impact on views toward

the project site. Petitioner proposes to promote a high level of aesthetic quality by encouraging tenants to construct improvements in a campus-like setting. Petitioner proposes to restrict building coverage to only 25% - 30% of each lot leaving most of the subject property in open space.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water Services

49. The Department of Land and Natural Resources has placed the subject property within the Pearl Harbor Groundwater Control District. The Department of Land and Natural Resources, which regulates the withdrawal of water from this basin, requires specific proposals for importing water or reducing the export of water from this basin before considering approving additional water usage. The Department of Land and Natural Resources has determined that the total sustainable yield for the Pearl Harbor Groundwater Control District is 225 million gallons per day ("MGD"). The Department of Land and Natural Resources has allocated 115 MGD to Oahu Sugar Company, 77 MGD to urban uses and 33 MGD to military and other uses approximately three years ago. There is no unallocated daily sustainable yield remaining in the Pearl Harbor Groundwater Basin to be allocated to other users.

50. Because of the City and County of Honolulu's Board of Water Supply's system serving the area is currently operating at maximum capacity and cannot support additional users, Petitioner proposes to develop its own water source and transmission system to meet the projected average daily requirement

of 0.85 million gallons per day (MGD).

51. Petitioner proposes to request an allocation from the Department of Land and Natural Resources based on the following series of events and practices that has taken place since the Department of Land and Natural Resources last allocated the region's groundwater:

- a. Reduction of Sugarcane Acreage: Oahu Sugar Company has withdrawn 5,000 acres of irrigated sugarcane fields from production, releasing approximately 18 MGD which reverts for reallocation.
- b. Development of Sources Outside the Pearl Harbor Area: Petitioner proposes that new sources be developed outside the Pearl Harbor area in order to relieve existing water withdrawal for other uses. Seven tested sources in Windward Oahu have a combined potential of 7-10 MGD. Five tested sources in Leeward Oahu may provide another 3 MGD.
- d. Drip Irrigation: Use of a drip irrigation system for sugar cultivation, a more efficient use of water, may release additional allocation.
- e. Waiahole Ditch Water: Petitioner may take surface water from the Waiahole ditch water to Oahu Sugar in return for less Oahu Sugar withdraws from wells to relieve water for other purposes.

52. Petitioner proposes to store water in a 1.5 million gallon reservoir located on Castle & Cooke, Inc.'s land at a spillway elevation of 1,095 feet above mean sea level. Petitioner would install a water line ranging between 18 to 24 inches in diameter from the reservoir to the subject property.

Transportation Services and Facilities

53. The engineering firm of Parsons Brinckerhoff Quade & Douglas prepared a traffic impact study for the proposed project in April 1983. Parsons Brinckerhoff Quade & Douglas based its analysis on the SRI International's estimates for daily trip generation of 45 employees per net acre developed.

54. In order to alleviate the significant increases in traffic volume generated by the proposed high technology park, Petitioner proposes to construct the following major improvements no later than eight years after starting development of the project.

Site Access Improvements:

Petitioner proposes to realign the Leilehua Golf Course Road to lead directly into the High Technology Park, and to realign Wikao Street and the access road to the golf course to intersect the new golf course road. Petitioner proposes to signalize this new intersection and install storage lanes for turning.

Leilehua Interchange Improvements:

Petitioner proposes to build a second bridge to carry traffic over the H-2 Freeway in addition to the existing bridge. The existing bridge would serve westbound vehicular traffic headed toward Kamehameha Highway while the new bridge would serve eastbound vehicular traffic headed toward the Park.

Petitioner proposes to build additional traffic lanes for southbound and northbound vehicles entering and departing the H-2 Freeway and to signalize intersections at the two bridges and at Golf Course Road.

Improvements at Kamehameha Highway:

Petitioner proposes to widen the section of Golf Course Road between Kamehameha Highway and the H-2 Freeway southbound on-ramp to three lanes, and to build double left turn lanes from southbound Kamehameha Highway and a separate right turn lane from northbound Kamehameha Highway.

55. Petitioner will build on-site roads to City and County standards with major roads having a 108' right of way and secondary roads having a 60' right of way.

Sewage Treatment and Disposal

56. Petitioner proposes to dispose of the projected average daily flow of 0.85 MGD of wastewater via the Mililani sewage treatment plant located approximately 2.84 miles to the south. The Mililani plant has the additional capacity to process sewage generated by this project.

47. Petitioner must install a sewer transmission system consisting of a sewage pumping station, a combination of force mains and gravity sewers to convey wastewater from the project site to the treatment facility. Petitioner will be responsible for this on-site service using gravity sewers and two lift stations and for the expansion of the Mililani facility to meet the 0.85 MGD sewage output needs of this proposed project.

Drainage

58. The topography of the subject property is characterized by an average slope of 0% - 5%. Surface and subsurface composition of the subject property will be designed to absorb the generated runoff via catchment basins and landscaped areas. On-site improvements will include cutoff ditches and pipe systems and two drainage structures for storm runoff at the head of the two small gulches on the subject property.

59. Petitioner proposes to undertake one or more of the following alternatives in order to divert storm drainage waters from Waikakalaua Gulch and Stream and to alleviate the impact of drainage on the stream and the Melemanu Woodland area:

- a. Petitioner and the County could complete the drainage improvements to Waikakalaua stream as shown on the Melemanu Woodland plans on file with the County.
- b. Petitioner could construct retention basins within the project site to control the runoff from the Waikakalaua drainage basin.
- c. Petitioner could divert a portion of the runoff from the subject property west down the Leilehua Golf Course Road and across and parallel to Kamehameha Highway into an existing gulch.

Solid and Hazardous Waste Disposal

60. Petitioner proposes to remove solid waste by private

hauling services to be disposed of at the Paulalalai or Waialua Landfill.

61. Petitioner does not anticipate that its tenants will cause excessive toxic waste disposal problems. Petitioner will require that tenants dispose of any potential hazardous wastes generated by the High Technology Park at sites approved by the U.S. Environmental Protection Agency on the Mainland U.S.

Police and Fire Protection

62. The Honolulu Police Department will provide police protection to the site from the Wahiawa Police Station. Honolulu Fire Department will provide fire protection from the Wahiawa and Mililani fire stations to the site.

Electrical Services

63. Hawaiian Electric Company, Inc. will provide the necessary electricity for the proposed project.

Schools

64. The State Department of Education believes the proposed project will not affect public school student enrollment in the Mililani area.

CONTIGUITY OF DEVELOPMENT

65. The subject property is adjacent to Waikakalau Gulch Urban District.

PREFERENCES FOR DEVELOPMENT

66. The proposed project may generate as many as 27,000 jobs upon completion and will help to diversify Hawaii's economic base.

COMPLIANCE WITH STANDARDS OF DETERMINING DISTRICT BOUNDARIES

67. The subject property is within the Mililani-Schofield-Wahiawa area, the land uses and character of which are residential and "city-like" with the long established residential and employment communities of Wahiawa and Whitmore Village, the developing residential community of Mililani Town, the military installations at Schofield Barracks and Wheeler Air Force Base, and the recreational activities at the Leilehua Golf Course.

68. The subject property does not have any adverse geographic or topographic constraints which would hinder or endanger the proposed project, nor is it susceptible to drainage problems, flooding, tsunami inundation, unstable soil conditions or other adverse environmental effects.

69. Petitioner and its parent company Castle & Cooke, Inc. have the financial stability and capacity to undertake and complete the proposed project on the subject property.

Incremental Districting

70. Petitioner proposes to complete development of Phase I consisting of approximately 120 gross acres adjacent and above the H-2 Freeway within five years after the approval of the Commission's approval of this petition and to complete development of Phase II, consisting of the remaining 136 gross acres, within another five years.

Petitioner will substantially complete all on-site

and off-site improvements of Phase I before beginning development of Phase II. Phase I and Phase II are more particularly described on the map attached hereto as Exhibit A and incorporated herein by reference.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

The proposed development of a high technology park on the subject property is reasonably necessary to accommodate growth and development and achievement of the Hawaii State Plan's objective of achieving and maintaining a growing and diversified economic base not overly dependent on a few industries.

Pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure and Section 6-1 of the District Regulations of the Land Use Commission, the Commission concludes that the reclassification of approximately 120 acres of land within Phase I situated at Waipio, Ewa, Oahu from the Agricultural District to the Urban District and the amendment of the State Land Use District Boundaries to permit the development of Phase I is reasonable, non-violative of Section 205-2, Hawaii Revised Statutes, and is consistent with the Hawaii State Plan as set forth in Chapter 226, Hawaii Revised Statutes, as amended, and the District Regulations of the Land Use Commission.

The Commission further concludes that although full development of the lands within Phase II cannot be reasonably completed within five (5) years from the date of the Commission's decision on this matter, reclassification of the lands within Phase II, consisting of approximately 136 acres, from the Agricultural District to the Urban District and the amendment of the Land Use District Boundaries to permit the development of Phase II is reasonable, non-violative of Section 205-2, Hawaii Revised Statutes, and is consistent with the Hawaii State Plan as set forth in Chapter 226, Hawaii Revised Statutes, as amended, and the District Regulations of the Land Use Commission. Therefore, incremental redistricting of the lands within Phase II is reasonable and warranted.

DECISION AND ORDER

IT IS HEREBY ORDERED that the lands within Phase I of the subject property consisting of approximately 120 acres, more particularly identified by Hawaii Tax Map Key 9-5-02: Portion of Parcel 11, situated at Waipio, Ewa, Island of Oahu, State of Hawaii, and more particularly described in Exhibit A attached hereto and incorporated herein by reference, shall be and the same is hereby reclassified from the Agricultural District to the Urban District and the District Boundaries are amended accordingly.

IT IS ALSO HEREBY ORDERED that the lands within Phase II of Petitioner's development plan comprising approximately 136 acres, more particularly identified as Hawaii Tax Map

Key 9-5-02: Portion of 11, and illustrated in Exhibit A attached hereto and incorporated herein by reference, situated at Mililani, Oahu, Hawaii, shall be and the same is hereby approved for incremental development pursuant to State Land Use District Regulation 6-2, and that redistricting from the Agricultural to the Urban classification will be granted upon receipt of an application by Petitioner for redistricting of this second phase upon prima facie showing that Petitioner has made substantial completion of the off-site and on-site improvements within Phase I and in accordance with Petitioner's development plan.

IT IS FURTHER HEREBY ORDERED that the reclassification and incremental districting of the subject property shall be subject to the following conditions.

1. Petitioner shall develop subject property as an industrial park for high technology users. High technology means emerging industries which are technology-intensive, including but not limited to electronics and biotechnology.
2. Petitioner shall develop a management plan for the high technology park. The management plan shall include provisions for the promotion of the Park as well as for overall management responsibility by Petitioner or an ongoing management corporation.
3. Petitioner shall cause 142 acres of former Oahu Sugar Company Limited's canefields to be replanted in pineapple at Waiawa, Oahu, by Dole Processed

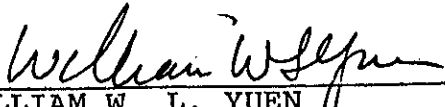
Foods Company to replace an equivalent amount of the acreage removed from pineapple production for development of the subject property.

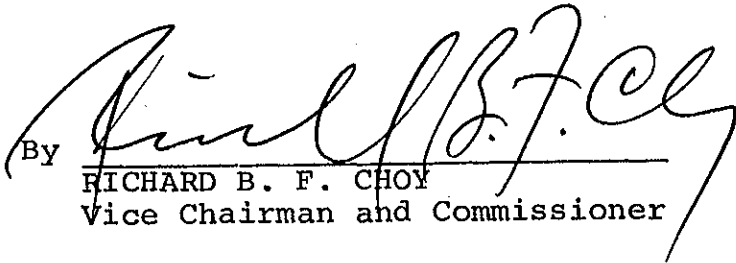
4. Petitioner shall, at its sole expense, make the off-site roadway and traffic improvements for the proposed project as may be required by the State Department of Transportation.
5. Petitioner shall obtain a water development permit from the State of Hawaii Board of Land and Natural Resources to withdraw adequate water for the project from the Pearl Harbor Groundwater Control Basin.
6. Petitioner shall submit annual progress reports to the Land Use Commission, the Department of Planning and Economic Development, the High Technology Development Corporation, and the City Department of General Planning as to its progress in satisfying the above conditions and as to general status of development of the project.
7. These conditions may be fully or partially released by the Land Use Commission as to all or any portion of the subject properties upon timely motion and the provision of adequate assurance of satisfaction of these conditions by Petitioner.

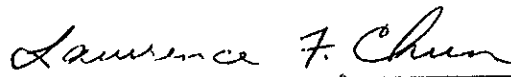
DOCKET NO. A83-551 - OCEANIC PROPERTIES, INC.

Done at Honolulu, Hawaii, this 6th day of August,
1984, per motions on March 7, 1984 and July 26, 1984.


LAND USE COMMISSION
STATE OF HAWAII

By 
WILLIAM W. L. YUEN
Chairman and Commissioner

By 
RICHARD B. F. CHOY
Vice Chairman and Commissioner

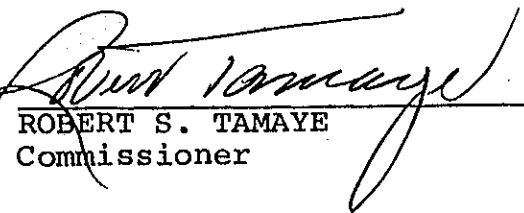
By 
LAWRENCE F. CHUN
Commissioner


By 
EVERETT L. CUSKADEN
Commissioner

By 
WINONA E. RUBIN
Commissioner

By 
TEOFILO PHIL TACBIAN
Commissioner

DOCKET NO. A83-551 - OCEANIC PROPERTIES, INC.

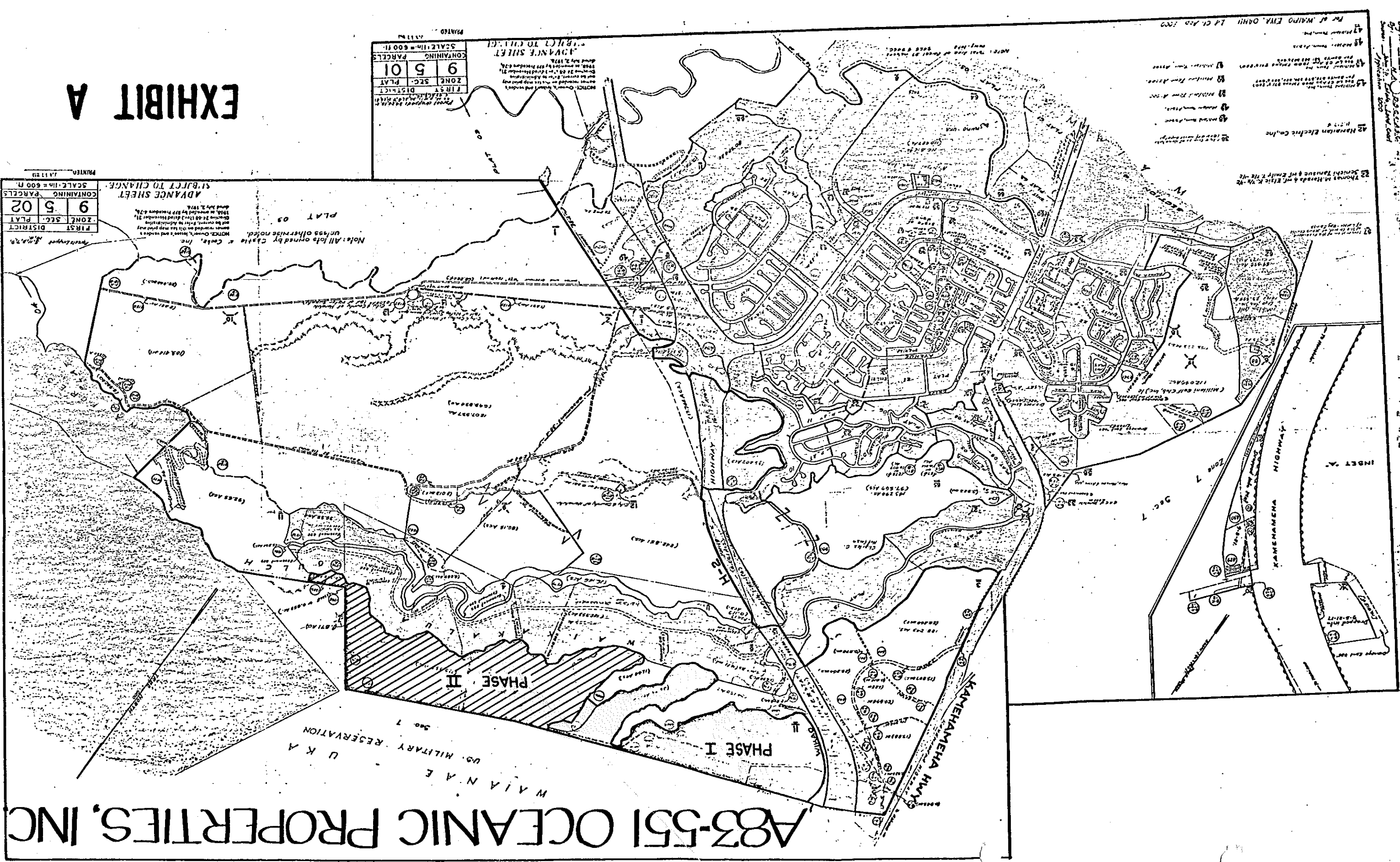
By 
ROBERT S. TAMAYE
Commissioner

By 
FREDERICK P. WHITTEMORE
Commissioner

A83-551 OCEANIC PROPERTIES, INC.

W A I A N A E

U S. MILITARY RESERVATION
Sec. 7



ADVANCE SHEET
SUBJECT TO CHANGE
SCALE: 1/8" = 600 FT.

PLAT 05

9 5 02

First District
Zone Sec. Plat 9 5 02

NOTE: Owners, lessors and vendees shown on this map were as of the date of recording of this map. Owners, lessors and vendees shown on this map were as of the date of recording of this map.

EXHIBIT A

For WAIPO EWA, OAHU I.L. CO. 1900

41 Motor Fuel Station
42 Hawaiian Electric Co. Inc.
43 Motor Fuel Station
44 Motor Fuel Station
45 Motor Fuel Station
46 Motor Fuel Station
47 Motor Fuel Station

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100 Motor Fuel Station

INSET A

50' 10' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200' 210' 220' 230' 240' 250' 260' 270' 280' 290' 300' 310' 320' 330' 340' 350' 360' 370' 380' 390' 400' 410' 420' 430' 440' 450' 460' 470' 480' 490' 500' 510' 520' 530' 540' 550' 560' 570' 580' 590' 600' 610' 620' 630' 640' 650' 660' 670' 680' 690' 700' 710' 720' 730' 740' 750' 760' 770' 780' 790' 800' 810' 820' 830' 840' 850' 860' 870' 880' 890' 900' 910' 920' 930' 940' 950' 960' 970' 980' 990' 1000'

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
OCEANIC PROPERTIES, INC.) DOCKET NO. A83-551
To Amend the Agricultural Land Use) OCEANIC PROPERTIES, INC.
District Boundary into the Urban)
Land Use District for approximately)
256 acres at Waipio, Ewa, Oahu,)
Tax Map Key: 9-5-02: Portion of)
Parcel 11)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission 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:


KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, HI 96813

WILLARD T. CHOW, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

JAMES T. FUNAKI, Attorney for Petitioner
Okumura Takushi Funaki & Wee
Grosvenor Center, Suite 1400
783 Bishop Street
Honolulu, Hawaii 96813

SAMUEL S. H. LEE, Chairman
Neighborhood Board No. 25
95-170 Newe Place
Mililani, Hawaii 96789

DATED: Honolulu, Hawaii, this 9th day of August, 1984.



GORDAN Y. FURUTANI
Executive Officer

DOCKET NO. A83-551 - OCEANIC PROPERTIES, INC.

A certified copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on August 9, 1984.

ANNETTE CHOCK, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, HI 96813

GARY SLOVIN, Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
3rd Floor, City Hall
Honolulu, Hawaii 96813

MICHAEL M. MCELROY, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813