

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
CHARLES P. BOOTH, SANDRA E. BOOTH,)
EDWARD D. BRUFFEY, AND SHARON L.)
BRUFFEY)
)
To Amend the Conservation Land)
Use District Boundary into the)
Agricultural Land Use District for)
Approximately 15,384.915 square)
feet of land at Waimea, Waialua,)
Oahu, Hawaii, TMK No.: 6-1-02:)
2 (por.))
_____)

DOCKET NO. A93-698
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION AND ORDER
DETERMINING A NEGATIVE
DECLARATION FOR A STATE
LAND USE DISTRICT
BOUNDARY AMENDMENT

LAND USE COMMISSION
STATE OF HAWAII
APR 6 1 59 PM '94

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AND ORDER DETERMINING A NEGATIVE DECLARATION FOR
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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION
AND ORDER DETERMINING A NEGATIVE DECLARATION FOR
A STATE LAND USE DISTRICT BOUNDARY AMENDMENT

The Land Use Commission ("LUC"), having examined the Final Environmental Assessment ("EA") filed by Charles P. Booth, Sandra E. Booth, Edward D. Bruffey, and Sharon L. Bruffey ("Petitioners") on March 16, 1994, and upon consideration of the matters discussed therein, at its meeting of March 23, 1994, in Honolulu, Hawaii, hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The subject area covered by the EA is located at Waimea, Waialua, Oahu, Hawaii and is approximately 15,384.915 square feet ("Property"). The Property is designated within the State Land Use Conservation District and is zoned Preservation (P-1) by the City and County of Honolulu. The Property

represents a portion of an approximately 1,795-acre parcel of land identified as TMK No.: 6-1-02: 2.

2. The Property is owned in fee by Attractions Hawaii, a Hawaii partnership. Attractions Hawaii has agreed to sell the Property to Petitioners.

3. Petitioners presently own a 1.647-acre lot adjoining the Property. The lot is located within the State Land Use Agricultural District and is designated to be in the Country District by the City and County of Honolulu.

4. Petitioners desire to have the Property reclassified to the same land use district classification as Petitioners' adjoining lot. Petitioners also intend to seek a zoning change for the Property to the Country District with the City and County of Honolulu.

5. On Petitioners' adjoining lot, there is presently one single-family dwelling in which Petitioners currently reside and an accessory structure currently used for outdoor recreation and plant propagation. Petitioners desire to convert the accessory structure into another single-family dwelling by increasing the acreage of Petitioners' lot from 1.647 acres to two acres to meet the minimum two-acre lot requirement for two single-family dwellings under current City and County zoning standards for the Country District. Petitioners represent that there will be no development within the Property.

6. On November 10, 1993, Petitioners submitted a petition to amend the State land use district boundary of the

Property from the State Land Use Conservation District to the State Land Use Agricultural District ("Petition").

7. The Petition included a Draft EA as required by Section 343-5(a)(7), Hawaii Revised Statutes ("HRS").

8. On November 29, 1993, Petitioners submitted a First Amended Petition.

9. On December 2, 1993, and by a written Order filed December 17, 1993, the LUC made a preliminary determination of a negative declaration for the proposed action to reclassify.

10. The Draft EA was subject to a 30-day public review and comment period pursuant to Section 343-5(c), HRS. The review and comment period ended on January 22, 1994.

11. There were a total of seven State and City and County agencies which provided statements or comments on Petitioners' Draft EA. The City and County agencies included the Department of Public Works ("DPW"), Department of Land Utilization, Office of the Mayor, and the Board of Water Supply. State agencies included the Land Use Commission, Department of Land and Natural Resources, and the Office of Environmental Quality Control ("OEQC").

12. The DPW and OEQC submitted statements of "no comments." The matters raised by the other State and City and County agencies related to the merits of the Petition or recommended that the Final EA include additional technical information.

13. The Final EA included Petitioners' responses to these comments. Petitioners filed the Final EA with the LUC on March 16, 1994.

14. The City and County of Honolulu Planning Department and the Office of State Planning had no objections to the acceptance of the Final EA.

15. Based on the Final EA, there are no significant impacts anticipated as a result of the proposed reclassification inasmuch as no development is proposed for the Property.

CONCLUSIONS OF LAW

Pursuant to Chapter 343, HRS, and Chapter 11-200, Hawaii Administrative Rules ("HAR"), entitled "Environmental Impact Statement Rules," the LUC, having considered the criteria for determining potential environmental effects provided in Chapter 11-200, HAR, and after considering the proposed action, the expected consequences of the proposed action, as well as the short-term and long-term effects of the action, concludes that the proposed action will not have a significant effect on the environment and, therefore, does not require an environmental impact statement.

ORDER

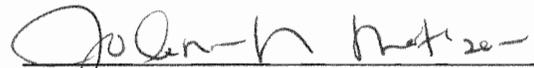
IT IS HEREBY ORDERED that the proposed action by Petitioners, and as described in the Petition filed in this docket, be and the same is hereby declared not to require an environmental impact statement pursuant to Chapter 343, HRS, and

Chapter 11-200, HAR, entitled "Environmental Impact Statement Rules."

IT IS FURTHER ORDERED that the Petition be accepted for filing as of March 23, 1994.

Done this 6th day of April 1994, upon approval of a motion made on March 23, 1994, at Honolulu, Hawaii.

LAND USE COMMISSION
STATE OF HAWAII



By JOANN N. MATTSON
Chairperson and Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order Determining A Negative Declaration For A State Land Use District Boundary Amendment 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
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CERT. Director
Office of Environmental Quality Control
Central Pacific Plaza
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Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 6th day of April 1994.



ESTHER UEDA
Executive Officer