

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
THE LIHUE PLANTATION COMPANY,)
LTD., a Hawaii corporation)
To Amend the Agricultural Land Use)
District Boundary for Approximately)
541.769 Acres of Land and the)
Conservation Land Use District)
Boundary for Approximately 12.873)
Acres of Land into the Urban Land)
Use District at Hanamaulu and)
Kalapaki, Lihue, Kauai, State of)
Hawaii, TMK Nos.: 3-6-02: por. 1,)
por. 4, 17, por. 20; 3-7-01: por.)
1; 3-7-02: por. 1, por. 12; 3-7-03:)
por. 20)

DOCKET NO. A94-703
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER
ACCEPTING THE FINAL
ENVIRONMENTAL IMPACT
STATEMENT, LIHUE-
HANAMAULU MASTER PLAN,
DATED JANUARY 1995

LAND USE COMMISSION
STATE OF HAWAII
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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER
ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT,
LIHUE-HANAMAULU MASTER PLAN, DATED JANUARY 1995

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ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT,
LIHUE-HANAMAULU MASTER PLAN, DATED JANUARY 1995

The Land Use Commission ("Commission"), having examined and considered the "Final Environmental Impact Statement, Lihue-Hanamaulu Master Plan, Dated January 1995" ("FEIS"), submitted by The Lihue Plantation Company, Ltd., a Hawaii corporation ("Petitioner"), on January 13, 1995, and upon consideration of the matters discussed therein, at its meeting on February 2, 1995, in Kailua-Kona, Hawaii, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

DESCRIPTION OF AFFECTED PROPERTY AND PROPOSED DEVELOPMENT

1. The FEIS was submitted in support of Petitioner's request for a land use district boundary amendment from the State Land Use Agricultural District for approximately 541.769 acres of

land and the State Land Use Conservation District for approximately 12.873 acres of land to the State Land Use Urban District, located at Hanamaulu and Kalapaki, Lihue, Kauai, State of Hawaii, and identified as TMK Nos.: 3-6-02: por. 1, por. 4, 17, por. 20; 3-7-01: por. 1; 3-7-02: por. 1, por. 12; 3-7-03: por. 20 ("Property").

2. The Property is divided into four geographic areas: Molokoa; Ahukini Mauka and Ahukini Makai, which are adjacent to Lihue Town, Lihue Airport and Hanamaulu Stream gulch; and, Hanamaulu, which is adjacent to the existing town of Hanamaulu. Molokoa, Ahukini Mauka and Ahukini Makai are separated by Kapule Highway and Ahukini Road. Hanamaulu is bounded by Kapule Highway and Kuhio Highway.

3. Petitioner seeks to develop uses proposed in its Lihue-Hanamaulu Master Plan ("Master Plan"). The Master Plan proposes the development of a range of residential and village mixed-uses on the Property to include 1,000-1,250 single-family units, 400-550 multi-family units, retail/office and industrial uses, public/quasi-public facilities, parks, open space, and roadways ("Project").

PROCEDURAL MATTERS

4. On May 24, 1994, Petitioner submitted a Petition for Land Use District Boundary Amendment to amend the State land use district boundary of the Property from the Agricultural and Conservation Districts to the Urban District. Petitioner subsequently submitted a First Amended Petition on October 11, 1994; a Second Amended Petition on December 7, 1994; and a Third

Amended Petition on December 23, 1994 (collectively referred herein as "Petition"). The amendments to the Petition amended the acreage comprising the Property.

5. The Petition included an environmental assessment, as required by section 343-5(a)(7), Hawaii Revised Statutes ("HRS").

6. On June 3, 1994, and by a written Order dated June 24, 1994, the Commission required Petitioner to prepare an environmental impact statement, pursuant to chapter 343, HRS.

7. On October 11, 1994, Petitioner submitted a Draft Environmental Impact Statement ("DEIS"). Comments on the DEIS were received through the comment period, which ended on December 7, 1994.

8. The Office of State Planning and the Kauai County Planning Department had no objections to the acceptance of the FEIS.

CONTENT REQUIREMENTS

9. The FEIS conforms to the requirements of section 11-200-18, Hawaii Administrative Rules ("HAR"), to the extent that it includes revisions to the DEIS; comments and recommendations received on the DEIS; a list of persons, organizations and public agencies commenting on the DEIS; the responses of Petitioner to significant environmental points raised in the review and consultation process; the responses of Petitioner describing the disposition of significant environmental issues raised; and, where Petitioner's position is at variance with recommendations and objections raised in the

comments, Petitioner has given reasons why specific comments and suggestions were not accepted and factors of overriding importance warranting an override of the suggestions.

10. Any findings of fact that are deemed a conclusion of law shall be deemed a conclusion of law.

CONCLUSIONS OF LAW

1. Petitioner provided satisfactory responses to comments submitted during the review process, which have been incorporated in the FEIS.

2. Pursuant to chapter 343, HRS, and chapter 11-200, HAR, entitled "Environmental Impact Statement Rules," this Commission concludes that Petitioner has satisfied the criteria and procedures for acceptance of a Final Environmental Impact Statement and the requirements of section 11-200-23, HAR.


ORDER

IT IS HEREBY ORDERED that the Final Environmental Impact Statement filed by The Lihue Plantation Company, Ltd., a Hawaii corporation under Docket No. A94-703 be and the same is hereby accepted pursuant to chapter 343, HRS, and chapter 11-200, HAR.

IT IS FURTHER ORDERED that Petitioner's Petition is accepted for filing as of February 2, 1995.

Done this 21st day of February 1995, by adoption of a motion made on February 2, 1995, at Kailua-Kona, Hawaii.

LAND USE COMMISSION
STATE OF HAWAII


By ALLEN K. HOE
Chairperson and Commissioner

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DOCKET NO. A94-703
CERTIFICATE OF SERVICE

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I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order Accepting the Final Environmental Impact Statement, Lihue-Hanamaulu Master Plan, Dated January 1995 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

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Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 21st day of February 1995.



ESTHER UEDA
Executive Officer