

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of)	DOCKET NO. A06-769
)	
1250 OCEANSIDE PARTNERS)	ORDER REGARDING
)	PETITIONER'S
To Amend The Agricultural Land Use District)	VOLUNTARY
Boundary Into The Rural Land Use District)	PREPARATION OF A
For Approximately 1,418.739 Acres Of Land)	SUPPLEMENTAL
And The Agricultural Land Use District)	ENVIRONMENTAL IMPACT
Boundary Into The Conservation Land Use)	STATEMENT
District For Approximately 16.016 Acres Of)	
Land at Honua`ino 3 And 4, Hōkūkano 1 And)	
2, Kanāueue 1 And 2, Haleki`i, Ke`eke`e,)	
`Ilikahi, Kanakau, Kalukalu, And Onouli 1,)	
North And South Kona, Hawai`i,)	
Tax Map Keys: 7-9-12: Por. 4, Por. 6, 11, 29,)	
And Por. 34; 8-1-04: Por. 3, 56, 59 Through 62,)	
64, Por. 65, 68, Por. 70, And 71; 8-1-26: 1)	
Through 57; 8-1-27: 1 Through 44; 8-1-28:)	
1 Through 47; 8-1-29: 1 Through 63; 8-1-30:)	
1 Through 53; 8-1-32: 1 Through 54; 8-1-33:)	
1 Through 20; And 8-1-34: 1 Through 25)	
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ORDER REGARDING PETITIONER'S VOLUNTARY PREPARATION OF A
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

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ORDER REGARDING PETITIONER'S VOLUNTARY PREPARATION OF A
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WHEREAS, the Land Use Commission ("Commission") considered
this matter at its meeting on February 1, 2007, in Honolulu, Hawai`i,¹ with R. Ben

¹ The Commission previously held meetings on this matter on December 8, 2006; January 4 and 5, 2007; and January 18, 2007. At the December 8, 2006, and January 4, 2007, meetings, Koalani Kaulukukui of the Office of Hawaiian Affairs provided oral and written testimony. At the January 18, 2007, meeting, Henry Eng, Director of the City and County of Honolulu Department of Planning and Permitting, provided written testimony.

Tsukazaki, Esq., appearing on behalf of 1250 Oceanside Partners (“Petitioner”);²
Bobby Jean Leithead-Todd, Esq., appearing on behalf of the Planning Department;
and Bryan C. Yee, Esq.; Abe Mitsuda; and Mary Alice Evans appearing on behalf of
the State Office of Planning (“OP”);

WHEREAS, at the meeting, the Commission acknowledged receipt of a
letter from Petitioner to this Commission dated January 30, 2007, which stated,
among other things, that Petitioner agreed with the Commission members’ belief
that an SEIS would provide the community with a better understanding of what is
currently being developed on the Petition Area and would ensure that the

² On October 13, 2006, Petitioner filed a Petition For Land Use District Boundary Amendment (“Petition”) to reclassify approximately 1,418.739 acres of land from the State Land Use Agricultural District to the State Land Use Rural District and approximately 16.016 acres of land from the State Land Use Agricultural District to the State Land Use Conservation District at Honua`ino 3 and 4, Hōkūkano 1 and 2, Kanāueue 1 and 2, Haleki`i, Ke`eke`e, `Ilikahi, Kanakau, Kalukalu, and Onouli 1, North and South Kona, Hawai`i (“Petition Area”), for the Hōkūli`a development. Hōkūli`a is an existing development that currently includes 338 subdivided lots, an 18-hole golf course with related improvements (golf shop, restaurant pavilion, and temporary maintenance facility), internal roadways, the initial segment of the regional Bypass Highway, the first phase of a shoreline park (the park is not located within the Petition Area as it is on adjoining lands within the State Land Use Conservation District; a 16.016-acre portion of the Petition Area that is adjacent to the park will be included as part of the park lands), buffers around cultural sites, and various utility infrastructure to serve the golf course, the lots, and the shoreline park. Individual lot owners have also completed three residences; an additional residence is presently under construction.

Included with the Petition was a Final Environmental Impact Statement (“FEIS”) that was accepted by the County of Hawai`i Planning Director in September 1993 for Petitioner’s then proposed Hōkūli`a development. Given the time that has passed since the acceptance of the FEIS, an issue was raised as to whether a Supplemental Environmental Impact Statement (“SEIS”) is warranted for the current reclassification of the Petition Area for the development of Hōkūli`a, pursuant to chapter 343, Hawai`i Revised Statutes (“HRS”). The State Office of Environmental Quality Control has stated that this Commission, in coordination with the County of Hawai`i Planning Department (“Planning Department”), shall be responsible for determining whether an SEIS is required in this matter.

Commission's decision on the Petition is based on full consideration of the impacts from the proposed rural district reclassification;

WHEREAS, upon questioning, Petitioner confirmed its intention to voluntarily prepare an SEIS in this matter for review and acceptance by this Commission;

WHEREAS, the Planning Department and OP stated that given Petitioner's willingness to voluntarily prepare an SEIS, they have no objections to the preparation of an SEIS in this matter; now, therefore,

IT IS HEREBY ORDERED that a determination as to whether an SEIS is warranted pursuant to chapter 343, HRS, is rendered MOOT;

IT IS FURTHER ORDERED that Petitioner shall make an SEIS Preparation Notice available for a 30-day public review and comment period pursuant to section 11-200-15(b), HAR, and section 343-5(c), HRS; and

IT IS FURTHER ORDERED that a hearing on the Petition shall not commence until a final SEIS is accepted by this Commission and all the petition content requirements have been satisfied pursuant to section 15-15-50, HAR.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 16th day of March, 2007. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu Hawaii, this 16th day of March, 2007, per motion on February 1, 2007.

APPROVED AS TO FORM

Dean Quake

Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII


By _____ (absent)


LISA JUDGE
Chairperson and Commissioner

By Michael Formby
MICHAEL FORMBY
Vice-Chairperson and Commissioner

By Steven L Montgomery
STEVEN LEE MONTGOMERY
Vice-Chairperson and Commissioner

By 
THOMAS CONTRADES
Commissioner


By 
KYONG-SU IM
Commissioner

By 
DUANE KANUHA
Commissioner


By 
RANSOM PILTZ
Commissioner

By 
NICHOLAS TEVES
Commissioner

Filed and effective on
MAR 16 2007

By 
REUBEN WONG
Commissioner

Certified by:


ANTHONY J. H. CHING

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_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Regarding Petitioner’s
Voluntary Preparation Of A Supplemental Environmental Impact Statement was
served upon the following by either hand delivery or depositing the same in the U.
S. Postal Service by regular or certified mail as noted:

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CERT. R. BEN TSUKAZAKI, Esq.
85 W. Lanikaula Street
Hilo, Hawaii 96720

Dated: Honolulu, Hawaii, MAR 16 2007.



ANTHONY J. H. CHING
Executive Officer