BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of )

TOKYO GREEN HAWAII, INC., )
a Hawai'i corporation )

To Amend the Conservation Land Use )
District Boundary into the Urban )
Land Use District for Approximately )
223.924 Acres at Kaloko-Kohanaiki, )
North Kona, Hawai'i, Tax Map Key )
No. 7-3-09: por. 17 )

DOCKET NO. A95-716

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER
ACCEPTING THE KALOKO
TOWN CENTER FINAL
ENVIRONMENTAL IMPACT
STATEMENT, DATED
SEPTEMBER 1996

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER
ACCEPTING THE KALOKO TOWN CENTER FINAL ENVIRONMENTAL
IMPACT STATEMENT, DATED SEPTEMBER 1996
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

In the Matter of the Petition of TOKYO GREEN HAWAII, INC., a Hawai‘i corporation To Amend the Conservation Land Use District Boundary into the Urban Land Use District for Approximately 223.924 Acres at Kaloko-Kohanaiki, North Kona, Hawai‘i, Tax Map Key No. 7-3-09: por. 17

DOCKET NO. A95-716
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING THE KALOKO TOWN CENTER FINAL ENVIRONMENTAL IMPACT STATEMENT, DATED SEPTEMBER 1996

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING THE KALOKO TOWN CENTER FINAL ENVIRONMENTAL IMPACT STATEMENT, DATED SEPTEMBER 1996

The Land Use Commission ("Commission"), having examined and considered the Kaloko Town Center Final Environmental Impact Statement, dated September 1996 ("FEIS"), submitted by Tokyo Green Hawaii, Inc., a Hawai‘i corporation ("Petitioner"), on September 19, 1996, in Honolulu, Hawai‘i, 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 State land use district boundary amendment from the State Land Use Conservation District for approximately 223.924 acres of land to the State Land Use Urban District, located at Kaloko-Kohanaiki, North Kona, Hawai‘i, and identified as TMK No. 7-3-09: por. 17 ("Property").
2. The Property is situated approximately at the midpoint between the Keahole Airport and Kailua Town along Queen Ka'ahumanu Highway. The Property is bordered on the south by Hina Lani Drive.

3. Petitioner seeks to develop the Property into a mixture of land uses, including commercial/retail, office/commercial/retail, and multi-family and single-family residential uses, as well as a site for a school and park.

PROCEDURAL MATTERS

4. On October 3, 1995, Petitioner submitted a Petition for Land Use District Boundary Amendment to amend the State land use district boundary of the Property from the Conservation District to the Urban District. Petitioner subsequently submitted an Amended Petition on December 18, 1995, and a Second Amended Petition on March 7, 1996 (collectively referred to herein as "Petition"). The amendments to the Petition amended the certificate of service and the tax map key designation and acreage comprising the Property.

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

6. On October 30, 1995, Petitioner filed an amended EA to 1) include a determination of the proposed action; 2) include a list of agencies to be consulted in the preparation of the Environmental Impact Statement ("EIS"); and 3) clarify the acreage and the tax map key designation of the Property.
7. On November 2, 1995, and by a written Order dated November 21, 1995, the Commission required Petitioner to prepare an EIS, pursuant to chapter 343, HRS.

8. On June 12, 1996, Petitioner submitted a Draft Environmental Impact Statement ("DEIS"). Notice of the DEIS's availability for agency and public review was published in the Office of Environmental Quality Control’s June 23, 1996, issue of "The Environmental Notice." Comments on the DEIS were received through the public comment period, which ended on August 7, 1996. The public comment period was subsequently extended to August 14, 1996, during which additional comments on the DEIS were received.

9. The Office of Planning and the Hawai'i County Planning Department had no objections to the acceptance of the FEIS.

CONTENT REQUIREMENTS

10. The FEIS conforms to the requirements of section 11-200-18, HAR, to the extent that it includes (a) substantive comments received during the consultation and review processes; (b) reproductions of all letters received containing substantive questions, comments, or recommendations; (c) a list of persons, organizations and public agencies commenting on the DEIS; (d) the responses of Petitioner to each substantive question, comment, or recommendation received in the review and consultation processes; and (e) text which is written in a format that allows the reader to easily distinguish changes made to the text of the DEIS.

11. 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 Tokyo Green Hawaii, Inc., a Hawai‘i corporation, under Docket No. A95-716, be and the same is hereby accepted pursuant to chapter 343, HRS, and chapter 11-200, HAR.
DOCKET NO. A95-716 - TOKYO GREEN HAWAII, INC.

Done at Honolulu, Hawai‘i, this 18th day of October 1996, per motion on October 10, 1996.

LAND USE COMMISSION
STATE OF HAWAI‘I

By ____________________________
TRUDY K. SENDA
Chairperson and Commissioner

By ____________________________
RUPERT K. CHUN
Vice Chairperson and Commissioner

By ____________________________
LAWRENCE N.C. INC
Commissioner

By ____________________________
M. CASEY JARMAN
Commissioner

By ____________________________
HERBERT S.K. KAOPUA, SR.
Commissioner

By ____________________________
LLOYD F. KAWAKAMI
Commissioner

By ____________________________
MERLE A. K. KELAI
Commissioner

Filed and effective on ____________________________
October 18, 1996

Certified by: ____________________________
Executive Officer

By ____________________________
EUSEBIO LAPENIA, JR.
Commissioner

By ____________________________
JOANN N. MATTSON
Commissioner

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No. 7-3-09: por. 17

DOCKET NO. A95-716
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact,
Conclusions of Law, and Decision and Order Accepting the Kaloko
Town Center Final Environmental Impact Statement, Dated
September 1996 was served upon the following by either hand
delivery or depositing the same in the U. S. Postal Service by
certified mail:

RICK EGGED, Director
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Menezes Tsukazaki Yeh & Moore
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Hilo, Hawaii 96720

HAWAII ELECTRIC LIGHT COMPANY, INC.
Attn: William Stormont
Manager of Administration
P. O. Box 1027
Hilo, Hawaii 96721
GARY GILL, Director
Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 18th day of October 1996.

[Signature]
ESTHER UEDA
Executive Officer