

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

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

DOCKET NO. A95-716
ORDER REQUIRING
PETITIONER TO PREPARE AN
ENVIRONMENTAL IMPACT
STATEMENT

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LAND USE COMMISSION
STATE OF HAWAII

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ENVIRONMENTAL IMPACT STATEMENT

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)	ENVIRONMENTAL IMPACT
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ORDER REQUIRING PETITIONER TO PREPARE AN
ENVIRONMENTAL IMPACT STATEMENT

On October 3, 1995, Tokyo Green Hawaii, Inc., a Hawai'i corporation ("Petitioner"), filed a Petition for Land Use District Boundary Amendment to reclassify approximately 224 acres from the State Land Use Conservation District to the State Land Use Urban District at Koloko-Kohanaiki, North Kona, Hawai'i ("Petition"). The Petition included an environmental assessment ("EA") as required by section 343-5(a)(7), Hawai'i Revised Statutes ("HRS").

The Land Use Commission ("Commission"), having considered the pleadings and submissions filed in this matter, and having heard the representations of Petitioner, the Office of State Planning ("OSP"), and the Hawai'i County Planning Department ("Planning Department"), hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

1. On October 3, 1995, Petitioner filed the Petition to reclassify approximately 224 acres of land from the State Land Use Conservation District to the State Land Use Urban District at Koloko-Kohanaiki, North Kona, Hawai'i, identified as TMK 7-3-09: 17 ("Property"). The Petition included an EA as required by section 343-5(a)(7), HRS.

2. 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. The Property is now identified as TMK 7-3-09: por. 17. The amended EA stated that "[b]ased on the scale of the proposed conceptual Kaloko Town Center Master Plan, its potential environmental impacts, and the reclassification of land located within the State Conservation District, ...significant environmental effects may result and that an Environmental Impact Statement (EIS) will be required."

3. On November 2, 1995, the Commission held a hearing in Honolulu, Hawai'i, to determine whether the anticipated effects discussed in Petitioner's amended EA to reclassify approximately 224 acres of land from the State Land Use Conservation District to the State Land Use Urban District, and as proposed in its conceptual Koloko Town Center Master Plan to consist of residential, office, commercial, school, and park uses, constitute a "significant effect" on the environment

pursuant to chapter 343, HRS. Petitioner, OSP, and the Planning Department did not object to the preparation of an EIS by Petitioner.

4. On November 2, 1995, at its meeting in Honolulu, Hawai'i, the Commission determined that the proposed boundary amendment may have a significant effect on the environment and that Petitioner shall prepare an EIS pursuant to chapter 11-200, Hawai'i Administrative Rules ("HAR"), entitled "Environmental Impact Statement Rules."

CONCLUSIONS OF LAW


Pursuant to chapter 11-200, HAR, chapter 205, HRS, and chapter 15-15, HAR, the Commission, having considered Petitioner's amended EA, concludes that the proposed boundary amendment may have a significant effect on the environment and that Petitioner shall prepare an EIS.

ORDER

IT IS HEREBY ORDERED that Petitioner shall prepare and submit to the Commission an EIS for the Petition pursuant to chapter 11-200, HAR, and section 343-5, HRS.

Done this 21st day of November 1995, upon motion by the Commission on November 2, 1995.

LAND USE COMMISSION
STATE OF HAWAI'I


By ALLEN K. HOE
Chairperson and Commissioner

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

In the Matter of the Petition of)	DOCKET NO. A95-716
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TOKYO GREEN HAWAII, INC.,)	CERTIFICATE OF SERVICE
a Hawaii corporation)	
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To Amend the Conservation Land Use)	
District Boundary into the Urban)	
Land Use District for Approximately)	
224 Acres at Kaloko-Kohanaiki,)	
North Kona, Hawai'i, Tax Map Key)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Requiring Petitioner to Prepare an Environmental Impact Statement 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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DATED: Honolulu, Hawaii, this 21st day of November 1995.



ESTHER UEDA
Executive Officer