

PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8007 • FAX: (808) 768-6743
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KA'IULANI K. SODARO, Chair
CORD D. ANDERSON, Vice-Chair
GAYLE PINGREE
RODNEY KIM
JAMES C. PACOPAC
ARTHUR B. TOLENTINO
DANIEL S. M. YOUNG
STEVEN S. C. LIM
DEAN I. HAZAMA

March 25, 2014

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2014 MAR 31 PM 1:44

Dear Chair Martin and Councilmembers:

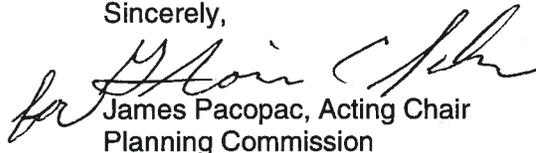
SUBJECT: Request for a Change in Zoning from the AG-2 General Agricultural District to the P-2 General Preservation District, Makaha Valley, Tax Map Key: 8-4-002: 055 (Portion)

The Planning Commission held a public hearing on March 5, 2014 on the above subject matter. Four people testified and four written testimonies were received. The public hearing was closed on March 5, 2014.

The Planning Commission voted on March 5, 2014 to recommend approval of the request with the conditions recommended by the Director of the Department of Planning and Permitting (DPP).

Attached is the report from the Director of the DPP and the original copy of the draft Bill.

Sincerely,


James Pacopac, Acting Chair
Planning Commission

JP:gct
Attachments

APPROVED:


Kirk Caldwell
Mayor

APPROVED:


George I. Atta, FAICP, Director
Department of Planning and Permitting


Ember Lee Shinn
Managing Director

Written testimonies



FAX

2014 MAR 6 AM 10 24

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

348-3264

To: George I. Atta and DPP **From:** Joycelyn Self 808-~~384-3284~~

Fax: 808-768-6743 **Pages:** 6

Phone: [Type the recipient phone number] **Date:** 3.4.2014

*Waianae - Zone Change Request -
2013/Z-8 (TH)
Makaha West Golf Course, March 5, 2014*

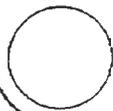
Re: **CC:** [Type text]

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

Please see that this makes it to
the hearing on March 5, 2014 at
1:30pm

3.4.2014



March 4, 2014

TO: George I. Atta and the Department of Planning and Permitting

RE: *Waianae – Zone Change Request – 2013/Z-8 (TH)*
Makaha West Golf Course, March 5, 2014

It has just come to my attention that Hawaiian Golf, Properties, LLC (dba Pacific Links Hawaii) has submitted and was granted a hearing concerning their application to rezone land. I am writing to you to inform you that as a property owner and community member in Makaha with specific property interest in this matter, I **oppose** the approval of this permit to rezone land.

The basis of my opposition comes from the rights afforded to myself, as well as other Makaha landowners, by **Land Court Order No. 10157, filed March 7, 1951 and 10510, filed July 31, 1951**. The land court order of March 7, 1951 established a covenant on the Deeds pertinent to this, "*an easement for the free flowage of water through the natural stream beds as noted and shown on said map be noted on said certificate of title in favor of all interested in said free flowage of water through said natural stream beds.*" The most important and fundamental issue is that this is a Land Court issue. Land Court has exclusive and original jurisdiction.

As noted in the submission by Hawaiian Golf, Properties, LLC (dba Pacific Links Hawaii), "a portion of Makaha Stream flows through the zone change area." The stream does run through my property and the boundary line of my property follows along the middle of the stream.

It is stated in the submission that "DPP has not received any written comment from the community regarding this matter. I am informing you that I am invoking my rights afforded to me by the above land court order and this is my written testimony and opposition to the approval of this permit to rezone land.

Additionally, the adjoining property owners of Makaha West Golf Course were **not** notified at all about the proposed changes to the surrounding property. Hawaiian Golf, Properties, LLC (dba Pacific Links Hawaii) have to give property owners **certified notices of intent** to alter the stream and they have not done so. If the adjoining property owners were in fact notified, I promise you, you would have had a response. In fact, there is great opposition to what they propose to do. It is because of this opposition that their SCAP application **has not** been approved.

Furthermore, the Applicant says that only "some" grading work will be done "within the project site near Makaha Stream." This is **false**. Per the Applicant SCAP application:

"The work within the top of the stream bank for all Project includes grubbing of existing shrubs, trees weeds, stream clean-up and clearing, installation of fill for new golf hills, finish grading, wall, stream bank protection, nine (9) new cart bridges with concrete footings and wood piers, etc..

Materials used within the stream channel include fill soil, base course rock, concrete, rocks/boulders from existing site for new soil gripper bag walls ...

The applicant anticipates that some cobbles, boulders and rocks will be removed from the stream bank boundaries and reused in other areas of the golf course. Some boulders will be crushed and used to fill other areas of the golf course."

Hawaiian Golf, Properties, LLC (dba Pacific Links Hawaii) feel they are above this land court order and are trying to find any way possible and by any means possible to get their project

approved. The parcels owned by the applicant do not only include agricultural land. It includes Conservation land, AE Flood way, and AEF Flood way. As a government agency, you are supposed to apply and enforce the existing laws and conditions, such as a standing in effect Land Court Order, as well as Conservation and FEMA Flood way laws. All of which would prevent you from approving this application. Not to mention, no construction of any kind should be taking place to alter the stream and the floodplain. "The Applicant is required to follow all existing government regulations when working near Makaha Stream." This is why the Land Court Order was issued.

As you know, the land in question is within the Makaha Ahapua'a. There are endemic, native, and endangered species living within this ahapua'a. An ahapua'a begins at the top of the mountain, continues to the ocean, and includes everything in-between. Altering any part of the ahapua'a can dramatically affect the ahapua'a ability to function and sustain itself properly.

I implore you to deny the approval of this application. The applicant will not stop at getting AG land rezoned. Their intentions are to get all of the land rezoned for their benefit. The applicants have not succeeded in getting their way with the Water Commission. Nor have they been granted any approvals by FEMA because of the opposition and the Land Court Order. Now they are seeking another means to bypass the Land Court Order. Please help us to protect our property and our community.

Sincerely,



Joycelyn E. H. Self
 84-481 NUKAII ST
 Waiānā, HI 96792
 (808) 348-3264

please mail any correspondance to
 105 Bates St
 Honolulu, HI 96817

LAND COURT ORDER No. 10157

8-35

LAND COURT

OFFICE OF

ASSISTANT REGISTRAR

MAR 7 - 1951

RECEIVED FOR REGISTRATION

8 O'CLOCK 3:5 M. 6 A.M.

NOTED ON CERTIFICATE No. 47745

IN REGISTRATION BOOK 47 PAGE 186

Oliver R. Allen
ASSISTANT REGISTRAR

SEE CERTIFICATE NO. 47745

I hereby certify that this is a true and correct copy from the records of the Bureau of Conveyances.

John W. Thompson
Register of Conveyances
Assistant Registrar, Land Court
State of Hawaii



In the Land Court of the Territory of Hawaii

In the matter of the application
of
Kalanao Company
to register and confirm title to land
situate at
Makaha, Kalanoo, Oahu,
Territory of Hawaii

Application No. 1068

FEB 21 1 55 PM 1931

(Map 17)

Petition of MAKAHA VALLEY FARMS, LIMITED
Owner... to subdivide Lot 624 into Lots 625 to 629.
Inclusive and Delineation of Reservoir Sl.

ORDER OF SUBDIVISION

Upon the record and the evidence herein, and the map or plan filed with the application for subdivision in this matter having been referred to the Surveyor of the Territory of Hawaii, and he having examined and checked the same and certified the same to be correct, the Return of the Surveyor dated February 20, 1931 being made a part hereof by reference.

IT IS ORDERED, ADJUDGED AND DECREED, that the said subdivision, as certified by the Surveyor of the Territory of Hawaii, is hereby authorized and approved, and the Assistant Registrar of this court is hereby directed to endorse on Owner's Certificate of Title No. 47765 a reference to said map or plan as approved, and, upon presentation to him of proper deeds of transfer, to issue a new certificate, or certificates, for the lots conveyed, and enter same on said Owner's Certificate of Title No. 47765, in accordance with Sections 12644 and 12647, Chapter 307, Revised Laws of Hawaii, 1945, as amended.

Dated: Honolulu, T. H., February 21, 1931.

William C. ...
Judge of the Land Court.

Paul ...

MADE, P.H. CO.

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

SC-LC Form 4

IN THE LAND COURT OF THE TERRITORY OF HAWAII

In the Matter of the Application)

of

SUBDIVISION

of

Waianae Company,
to register and confirm title to
land situate at Makaha, Waianae,
Oahu, T. H.

Application 1032

(Map 17)

Petition of MAKANA VALLEY FARMS, LIMITED, Owner, to
subdivide Lot 634 as shown on Map 15 into Lots 635
to 650 inclusive and delineation of Easement II.

RETURN OF THE SURVEYOR OF THE TERRITORY

To the Honorable Judge of the Land Court,
Territory of Hawaii

Pursuant to an order duly made and issued out of said
Honorable Court on the 5th day of February, 1951 referring the map
filed for approval of subdivision in the above entitled matter, to
the Surveyor of the Territory for verification, check on the
ground if necessary, and report.

The undersigned, the Surveyor of the Territory reports that
the same has been examined and checked as to form and mathematical
correctness and found to be in order, ~~after corrections have been~~
~~made in accordance with the conditions as stipulated between the~~
~~surveyor for the applicant and the undersigned.~~

And further, said map has been compared with Certificate of
Title No. 47745 and found to be in accord therewith.

NOTE:- Lot 650 only is subject to the encumbrances noted in paragraph 2
under subparagraphs a to f inclusive of Encumbrances mentioned in Certificate
of Title 47745. Easement II created herein affects Lots 642 to 646 inclusive
and Lot 648.

The petition states: "Petitioner further prays that the lots adjacent
thereto be shown to have an easement over and across Lots 633 and 649 and a
further easement over and across Lot 652, all lots of said land court applica-
tion, to and from the public highway for access from said lots to and from the
public highway."

"Petitioner further prays that an easement for the free flowage of water
through the natural stream beds as noted and shown on said map be noted on said
certificate of title in favor of all interested in said free flowage of water
through said natural stream beds."

APPROVED by City Planning Commission on JANUARY 25, 1951.

And pending approval of the Court, the map and said Certifi-
cate of Title will be held for further instructions.

Dated at Honolulu, this 20th day of February, 1951.

Examined by:

[Signature]
Assistant
SMA

[Signature]
Surveyor, Territory of Hawaii

RECEIVED from the Territorial Surveyor _____ blueprints of,
and the approved tracing map in the above entitled matter and
Certificate of Title No. _____
Honolulu, Hawaii.

_____, 19____

Registrar of the Land Court.

*See Paragraph E of Map 15
if the same is of Feb 1951.*

50000

634

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

2008 Flood



MAKING SIDE OF
LOT 1945

DENOLISHED STREAM SIDE FENCE
FLOOD WATER FROM STREAM

2014 MAR 5 PM 5 15

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

WEST MAVAHA STREAM
BLOCKED BY KILI DR

FLOOD OVER FLOW FROM
AEE FLOOD WAY INT



MAVAHA
STREAM



MAVAHA FARB. HWY MAVAHA STREAM 2008 FLOOD

Wise K. Nicola
84-544 Manuku St.
Waianae, HI 96792

2014 MAR 5 PM 5 26

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

March 5, 2014

Ka'iulani K. Sodaro, Chair
And Members of the Planning Commission

RE: Request for Change in Zoning from the AG-2 General Agriculture District to the P-2 General Preservation District, Makaha Valley, Oahu, Tax Map Key: 8-4-002: 055 (Portion)

Dear Chair And Members Of the Planning Commission:

Aloha O'e, I am submitting this objection, for the record, to this proposed zoning change which have been submitted by Hawaiian Golf Properties, LLC.

My name is Wise Keliiaa Nicola, I am a property owner which fronts Makaha Stream, down stream from the Golf course. I apologize for this last minute submission of my objection, but I have just became aware of this project this morning. This company from the very inception of their project up in Makaha Valley has ignored my objections to their "alterations of Makaha Stream". Under Land court order #10157, filed on March 7, 1951, (which appears in my deed), they have never consulted with me, a land owner down stream. I object to any stream alteration, they have planned. This is based on the free flow covenant outlined in my deed. I have a pending contested case hearing before the Water Commission. I filed this hearing in late 2013. No one from this company has ever approached me or my wife, for any consultation to their proposed alteration to the stream. Based on their testimony and report to the State Water commission, no water runs down this stream, yet I have experienced much damage to my property in prior years, the last being in 2008. I have many pictures of the damage and flooding which cost me dearly in time and replacement expense. Officials from the City appeared in the immediate area I live to view the damage to my property and my neighbors, as a result of illegal alterations to Makaha Stream in the early 1980's. When I notified these "City Officials", after the flood of December 2008,

no one was interested. Many people were affected by this flood, not just me.

The document File No. 2013/z-8, states: Finding Of Fact: #D: "property owners within 300 feet was notified. Well we live more than 300 feet down Makaha Stream. This is problem for me because years ago this Land court order #10157, filed 3/7/51, asserts certain rights to all property owners which is being ignored by this company, and certain government agencies.

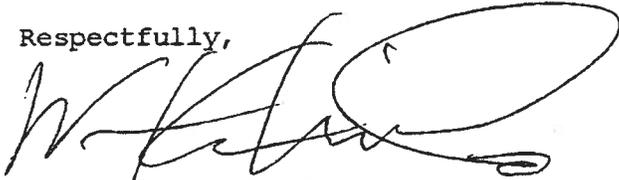
In short, they are altering this stream in direct violation of this covenant.

I have attended a few Water board meetings in the past, at one meeting, I heard Mr Micah Kane, state he wants to make things Pono (right), for the affected property owners. Well we have yet to see anything "Pono" from this company.

Thank You for your time and please accept this statement, for the record as my objection to this proposal until more a latter date.

If you have any questions, please call me, Home: 695-8868, Work: 586-7154.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Keliiaa Nicola', with a large, stylized flourish at the end.

Wise Keliiaa Nicola

Keith and Juliana Kohl
P.O. Box 61322
Honolulu, Hawaii 96839

'14 MAR -5 P 1 :05

Planning Commission
Dept. of Planning and Permitting
City and County of Honolulu,
650 South King St.
Honolulu, HI 96813

DEPT OF PLANNING
CITY AND COUNTY OF HONOLULU
March 5, 2014

Objection to approval of zoning change requested in application 2013/Z-8 (TH) from AG-2 to P-2 for Makaha West Golf Course.

Dear Sirs:

WE here enter our objection to approval of the zoning change from AG-2 to P-2 requested by applicant Hawaiian Golf Properties LLC. The proposed changes in the floodplain and pertinent parcel noted in the application would be a violation of easement rights pursuant to Hawaii State Land Court Order No. 10157, of 1951, establishing on applicants lands an easement stating:

*“that an easement for the free flowage of water through the **natural** streambeds as noted on said map be noted on said certificate of title **in favor of all interested** in said free flowage of water through said natural streambeds” (boldface added)*

Please be advised, there is a Hawaii Land Court Order establishing an easement for the “free flowage of water through the **natural streambeds**”....**in favor of all interested** in said free flowage of water through the natural streambeds” (boldface added). The Land Court Order is LCO No. 10157, filed March 7, 1951. The same LCO and easement is an encumbrance on applicant Hawaii Golf Properties LLC parcel, the subject of this zoning change application.

This letter is to put into DPP records, and LUC records, that applicant must abide by LCO No. 10157 easement rights to ensure the free flowage of Makaha and West Makaha stream and Makaha Stream North (sic), i.e. all the streams affected by LCO No. 10157, on their property..

We do not want LUC, CWRM, DPP, FEMA, the State Water Commission, the LOMC Clearinghouse, or any other government entity to process or approve any application or LOMR or CLOMR that alters the free flowage of water these streams in any manner, or approves any floodway or floodplain changes, or actions on any land parcel subject to LCO No. 10157, now or in the future, which would violate said Land Court Order easement or alter natural flow of water in the streams subject to said Land Court Order. Such State and City and County government entities LACK JURISDICTION to approve any application or project that proposes any alteration of the Makaha Streams and violates said LCO.

It has become overly apparent that the DPP, the CWRM and seemingly in cooperation or knowledge of FEMA and LOMC Clearinghouse, are intent on assisting this applicant by employing every avenue possible and every denial possible of the Land Court Order established easement rights, established on the subject parcel in 1951.

We highly suggest the Land Use Commission review ALL submissions/objections that have filed at the CWRM, DPP flood center, FEMA, etc in opposition to Hawaiian Golf Properties LLC's currently ongoing application for a SCAP (**STREAM CHANNEL ALTERATION PERMIT**) permit. (See attached CWRM submissions)

This application spells out the aims and intended actions of applicant now seeking Land Use Commission permit approval for adding of "fill" and "diverting" the stream water in "channels" and "holding ponds", and "drilling wells" along with the statement by applicant all such actions have the sole purpose of of "protecting the golf course from flooding". These are SELF EXPLANATORY violations of the Land Court Order easement restricting applicant from altering the "natural flow" of water in the "natural" streambeds.

The applicants know or have a duty to know their Deed restrictions and covenants and the LCO No. 10157 restrictions. This current owner and previous owners of said parcel, have apparently circumvented proper legal venue for decades, and purposely failed to provide affected parties proper legal notice (specific notice , not simply published) affecting such LCO easement legal rights, while failing to inform public agencies such as Land Use Commission, that they are seeking government permits to violate their own deed restrictions.

We hereby object to any processing/approval of the 2013/Z-8 application zoning change from AG-2 to P-2 by the Land Use Commission.

Keith Kohl

Jim Hunt

The Kolonas seek a contested case hearing as holders of an easement for the “free flowage of water through the natural stream beds, as set forth by Land Court Orders Nos. 10157, filed March 7, 1951, and 10510, filed July 31, 1951.” Land Court Order No. 10157 applies to both the Kolona and the Makaha West Golf Course properties, which were registered together in Land Court Application 1052. Land Court Order No. 10157 identifies “an easement for the free flowage of water through the natural stream beds” as an encumbrance on the registered property.

What the Kolonas claim as their easement right is, in fact, *an encumbrance on both properties*. An encumbrance does not represent a property interest belonging to the landowner, but a right that a third party has in their property. See S. Utsunomiya Enterprises, Inc. v. Moomuku Country Club, 75 Haw. 480, 502, 866 P.2d 951, 963 (1994) (“An ‘encumbrance’ is any right or interest existing in a third person that diminishes the value of the estate to the grantee, but which is consistent with the passage of the estate to the grantee.”). The Kolonas’ Warranty Deed, certificate of title 1040309, dated March 29, 2012, also states that their property is subject to the “free flowage of water through the natural stream beds, as set forth by Land Court Orders Nos. 10157.”³ The Kolonas have not asserted a property interest that would entitle them to a contested case hearing.

The Kolona property is located next to Makaha West Golf Course. Both properties are located adjacent to Makaha Stream. But the Kolonas have not alleged that activities associated with the stream channel alteration permit downstream of their land will affect their use of the Makaha Stream upstream.⁴ See Response to Petition Question 13. In fact, they did not claim to engage in any stream related activities. See Response to Petition Question 12.

Most importantly, the Kolona property is located *upstream* of the golf course. There is no allegation how SCAP activities above the ordinary high water mark and outside the flow of water could potentially impact them as an upstream landowner. While the Kolonas own property, the activities covered under the SCAP occur downstream of the Kolona property and could not possibly harm their land. For purposes of this SCAP, the Kolonas have shown no nexus between the site of the proposed activities and their land. They may as well live in an entirely different ahupua‘a.

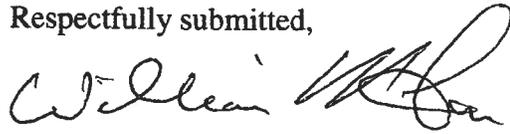
³ The Limited Warranty Deed for Makaha West Golf Course similarly states that the property is subject to the “free flowage of water through the natural stream beds, as set forth by Land Court Orders Nos. 10157, filed March 7, 1951, and 10510, filed July 31, 1951.”

⁴ Makaha West Stream does not flow through the Kolona property, nor is it located adjacent to the Kolona property.

RECOMMENDATION:

That the Commission deny the petition for a contested case hearing filed by Carolee and Blake Kolona.

Respectfully submitted,



WILLIAM M. TAM
Deputy Director

Exhibits:

1. Location Map.
2. Petition for a Contested Case Hearing before the Commission on Water Resource management, filed by Carolee and Blake Kolona.

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson

Waianae, HI 96792

2013 MAY 22 AM 8:20

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

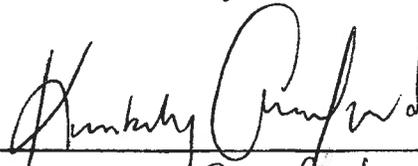
Dear Water Commission:

My name is *kimberly Crawford*
and I am owner of TMK (1) 8-4-027-037 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" o said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

~~The~~ alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,



Kimberly Crawford

2013 MAY 22 AM 8:20

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

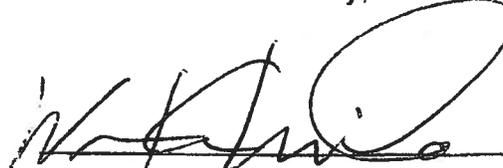
Dear Water Commission:

My name is *Wisey Nicola and Nancy Nicola* and I am owner of *TMK (1) 8-4-027-036* in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,


WISEY K. NICOLA

Nancy C. Nicola 5/20/13
NANCY C. NICOLA

John Perry, III
Tammy Perry
84-530 Manuku Street
Waianae, HI 96792

2013 MAY 22 AM 8:20

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)

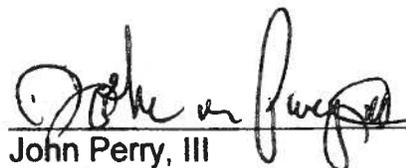
Dear Water Commission:

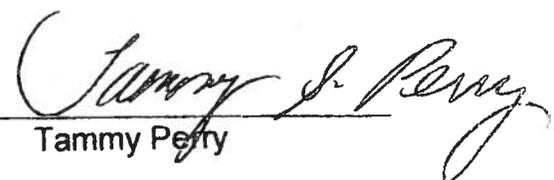
My name is *John Perry and Tammy Perry*
and I am owner of TMK (1) 8-4-027-031 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,


John Perry, III


Tammy Perry

2013 NOV 15 PM 1:08

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

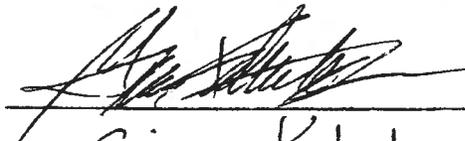
Dear Water Commission:

My name is
and I am owner of TMK (1) 8-4-027-029 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,



Ginger Kahatapoma

2013 NOV 15 PM 1:08

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

Dear Water Commission:

My name is
and I am owner of TMK (1) 8-4-027-*239* in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,

Franklin L. ...
Orville H. ...

2013 NOV 15 PM 1:08

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

Dear Water Commission:

My name is
and I am owner of TMK (1) 8-4-027- 040 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,

Kelvin K. Weeks
Margaret A. Weeks

2013 NOV 15 PM 1:08

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

Dear Water Commission:

My name is
and I am owner of TMK (1) 8-4-027-012 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,

Clyde S. Phillips Joycelyn^{EH} Self

2013 NOV 15 PM 1:08

Waianae, HI 96792

May 20, 2013

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067)**

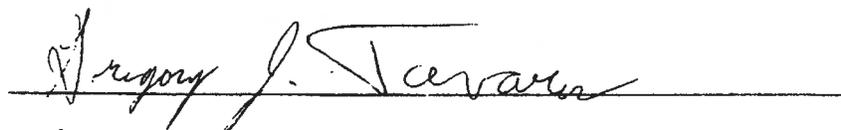
Dear Water Commission:

My name is
and I am owner of TMK (1) 8-4-027-033 in Makaha.

I am hereby informing the Water Commission and the applicants (Pacific Links Hawaii) that I am invoking my easement rights under the 1951 Land Court Order No. 10157 (hereafter LCO 10157) as is recorded on my deed, to oppose any alteration(s) in the natural flow(s) of the Makaha and West Makaha Streams, and hereby registering with the Water Commission and with applicants my interest to maintain the "free flowage" of said streams in their natural stream beds, as set forth in the LCO 10157 of 1951. The applicant knows or has a duty to know that the LCO 10157 also encumbers the applicant's Deed(s) of the three parcels the subject of this SCAP .3645.3 application.

The alteration of the flows of Makaha and West Makaha streams thus would be a violation of the above LCO 10157 and my hereby invoked easement rights to maintain free flowage(s) of same. Pursuant to the LCO 10157 and my herein registered and exercised easement right to put on record my opposition to any alteration of flows of these streams, the Water Commission has no jurisdiction in said "free flow" easement rights, and must abide by the LCO easement rights established in 1951 on the lands subject thereto.

Sincerely,


GREGORY J. TAVARES

RECEIVED

'14 MAR -5 P1 :21

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU. II

Moana Kea Klausmeyer-Among
657 Ululani St.
Kailua, HI 96734
(808) 221-5449

Planning Commission
C&C Honolulu DPP
650 So. King St.
Honolulu, HI 96813
(808) 789-6743

OPPOSING TESTIMONY:

Hearing March 5, 2012

Agenda #1: Waianae-Zoning Change Request-2013/Z-8(TH) Makaha West
Golf Course.

Applicant: Hawaiian Golf Properties, LLC

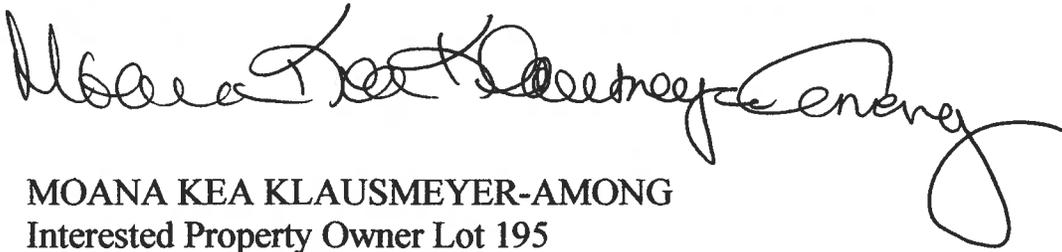
Location: Makaha Valley County Club, 84-527 Makaha Valley Road

1. This Commission is the "Authority" granted by Chapters 46, 91, 92, and 205 of HRS as amended, and Articles 5 and 13, revised Charter of the C&C of Honolulu 1993 as amended.
2. S2-21,(d) states any resident of the State of Hawaii may also provide Testimony during the public testimony portion of the proceeding.
3. S2-45,(b) That the Desired Use WOULD NOT adversely effect Surrounding property.
4. The same TMK 8-4-002: 055 (Portion) and applicants other TMK's rezoning for floodway revision in June of 2012 with Mr. Mario Siu-Li, National Flood Insurance Program Coordinator, DPP, C&C Honolulu.
5. 14 Property Owners were listed as "Affected by Floodway Update".
6. Letters sent and filed on Oct. 9, 2012 to Mr. Siu-Li and FEMA.

7. Mr. Siu-Li informed applicants that his department had no problem with the application but that concerned property owners has noted the encumbrance Land Court Order 10157 filed March 7, 1951 “ an easement in for the free flowage of water through the natural stream beds as listed and shown on said map be noted on said certificate of title **in favor of all interested in said free flowage of water through said natural streambed, (bold face added).**
8. Applicant still sought to attain a SCAP .3645.3 through the State of Hawaii DLNR Water Commission without obtaining the proper revision for rezoning their same property from the DPP or FEMA.
9. SCAP hearing held May 22, 2013 was opposed by concerned surrounding property owners by testimony and contested case hearing requests.
10. July 1, 2013 Environmental Violation Report was Submitted due to The HDOT's and DPP's lack of concern to protect and preserve The World Famous Makaha Beach which is the outlet for Makaha and West Makaha Stream .
11. Makaha Steam runs through portions of applicants TMK directly to Makaha Beach.
12. S2-45,(b) That the desired use would not adversely affect surrounding Property as it would directly affect my TMK 1-8-4-008-020-0000-001 which includes ½ ownership of Makaha Stream. As I cannot adversely affect surrounding properties the Commission should not allow the applicants to do according to this rule.
13. Hawaii State DLNR CWRM held a hearing for the above mentioned SCAP on Aug. 21, 2013 which resulted in no issuance of the SCAP.
14. SCAP hearing held on Nov. 20, 2013 also resulted in no issuance of Applicants permit as there were more Contested Case Hearing Filed.
15. No other hearings have been held for the Applicants SCAP.
16. Now Applicants are trying to have C&C DPP Planning Commission REZONE the SAME TMK but only a (Portion) against previous attempts to accomplish revisions to their property which will ADVERSLY AFFECT SURROUNDING PROPERTIES and which is in direct violation of of the 1951 Land Court Order.

17. If this commission allows Applicants to Rezone this TMK or any (Portion) of it, this will be in direct violation of not only the Land Court Order, but the National Flood Issuance Program.
18. The Commission will also violate their own S2-45 rule which is their Duty as the Authority to uphold for the Public Trust.

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Moana Kea Klausmeyer-Among". The signature is fluid and cursive, with a large loop at the end.

MOANA KEA KLAUSMEYER-AMONG
Interested Property Owner Lot 195
Makaha Beach, Waianae, Hawaii
Family owned since 1947
Family home built 1950
Presently Third and Fourth Generation Klausmeyer's Home

Authorization George I. Atta
Advertisement February 21, 2014
Public Hearing March 5, 2014

DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

350 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041

DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

February 4, 2014

MEMORANDUM

TO: Ka'iulani K. Sodaro, Chair
and Members of the Planning Commission

FROM: *George I. Atta*
George I. Atta, FAICP, Director

SUBJECT: Request for a Change in Zoning from the AG-2 General Agricultural District to the P-2 General Preservation District, Makaha Valley, Oahu, Tax Map Key: 8-4-002: 055 (Portion)

2013 FEB 13 8 (TH)
2013 FEB 13 AM 9 52
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Transmitted for appropriate action is our report and recommendation for a proposed zone change. The Applicant, Hawaiian Golf Properties, LLC, proposes to rezone approximately 28.3 acres of land on the northeastern edge of the existing Makaha West Golf Course from the AG-2 General Agricultural District to the P-2 General Preservation District. The proposed zone change is needed to permit the Applicant to utilize the zone change area for golf course use and will facilitate the redesign and renovation of the entire Makaha West Golf Course.

The proposed zone change is consistent with policies and guidelines in the General Plan and the Waianae Sustainable Communities Plan. Government agencies had no objections to the proposed zone change. Therefore, we recommend approval of this zone change subject to a condition relating to transportation and other standard conditions.

The Waianae Coast Neighborhood Board (NB) No. 24's Planning and Zoning Committee voted to support the proposed zone change at their April 12, 2012 meeting. The Planning and Zoning Committee's support for the Applicant's proposal was also discussed at the Board's regular meeting on May 1, 2012. No action was taken by the NB.

Please review the report and recommendation and forward it, together with your findings and recommendation, through the Mayor to the City Council.

GIA:js

Attachment

cc: Ember Lee Shinn, Managing Director
Hawaiian Golf Properties, LLC
Patrick Seguirant Architect

June 2012

LETTER FOR FLOODWAY REVISION NOTIFICATION

June 1, 2012
City and County of Honolulu
TMK: 8-4-002:014

Re: Notification of Floodway Revision for Makaha Stream

Dear City and County of Honolulu,

The Flood Insurance Rate Map (FIRM) for a community depicts the floodplain, the area which has been determined to be subject to a 1% (100-year) or greater chance of flooding in any given year. The floodway is the portion of the floodplain that includes the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water-surface elevation by more than a designated height.

The City and County of Honolulu, Department of Planning and Permitting in accordance with National Flood Insurance Program regulation 65.7(b)(1), hereby gives notice of the City and County of Honolulu intent to delineate the 1% annual chance (100-year) floodway, generally located on the Makaha Stream within the Makaha West Golf Course property in Makaha Valley. Specifically, detailed studies conducted by Wilson Okamoto Corporation show a floodway with a maximum widening of 78 feet and a maximum narrowing of 55 feet directly above TMK: 8-4-002:055.

Maps and detailed analysis of the floodway revision can be reviewed at the City and County of Honolulu, Department of Planning and Permitting at 650 South King Street, Honolulu, HI 96813 8th Floor. If you have any questions or concerns about the proposed project or its affect on your property, you may contact Mario Siu-Li of the City and County of Honolulu at (808) 768-8098.

Sincerely,

Mr. Mario Siu-Li
City and County of Honolulu, Department of Planning and Permitting
National Flood Insurance Program Coordinator
650 South King Street, 8th Floor
Honolulu, HI 96813

Table 1: List of Property Owners Affected by Floodway Update

TMK	Property Owner
8-4-002:014	City and County of Honolulu
8-4-002:043	BBP Makaha LLC
8-4-002:044	BBP Makaha LLC
8-4-002:053	Hawaiian Golf Properties LLC
8-4-002:055	Hawaiian Golf Properties LLC
8-4-002:058	HRT Kill Drive LLC
8-4-002:060	HRT Kill Drive LLC
8-4-002:063	BBP Makaha LLC
8-4-027:031	Tammy S. Perry
8-4-027:033	Gregory J. Tavares
8-4-027:036	Nancy C. Nicola
8-4-027:037	Chad K. Botelho
8-4-027:039	Coyaso Family
8-4-027:040	Kelmar K. Weeks & Margaret A. Weeks

RECEIVED

Moana Kea Klausmeyer-Among
84-445 Farrington Hwy.
Waianae, HI 96792

'12 OCT -9 P2:13

Oct. 8th, 2012

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mario Siu-Li
National Flood Insurance Program Coordinator
City & County of Honolulu
Department of Planning and Permitting (DPP)
650 S. King St 8th Floor
Honolulu, Hawaii 96813

RE: OBJECTION to approval of FEMA Map Revisions for pending 2012/LOMR-2 and 2012/LOMR-6 applications, and any other pending or future such applications submitted to DPP, requesting changes to the West Makaha Stream and the Makaha Stream flow on flood map panels 15003CO177H and 15003CO185G.

Dear Honolulu City & County DPP and Mario Sui-Li;

Please be advised that I object to the above two LOMR applications being approved by City and County of Honolulu DPP, and I object to any approval of changes or flood panel map revisions affecting the West Makaha Stream or the Makaha Stream on the submitted proposed flood maps. This objection is based upon my asserting my easement rights pursuant to the Land Court Order No. 10157, filed March 7, 1951 (LCO 10157), and the Land Court Order No. 10510, filed July 31, 1951 (LCO 10510). These Land Court Orders are covenant easements listed the Deeds on many of the parcels on these map panels, and also are noted on the applicants' properties. The applicants know or have a duty to know their Deed(s) restrictions, but fail or refuse to abide by them. The LCO encumbrance is listed specifically on the Deeds for parcels (1) 8-4-002: 074 (2012/LOMR-2), and parcels (1) 8-4-002: 014, 043, 044, 053, 055, 058, and 063 (2012/LOMR-6), and by reference on the Deeds of many other affected parcels. The DPP can verify the above information by public records, or with the applicants.

The LCO covenant cited on said Deeds is as follows:

“ an easement in for the free flowage of water through the natural stream beds as noted and shown on said map be noted on said certificate of title **in favor of all interested** in said free flowage of water through said natural stream beds” (boldface added)

I am hereby informing DPP, the National Flood Insurance Program, and FEMA that I am invoking my easement rights to preserve the free natural flowage of the West Makaha and Makaha Streams pursuant to the above Land Court Order(s). I do not want any alterations or flood map changes made to the West Makaha Stream or the Makaha Stream, or any development (for example adding “fill” or housing) approved that will affect their natural flowage by anyone, including applicants submitting the above LOMR applications. Please inform FEMA that approval of these LOMR(s) would be in violation of the above Hawaii Land Court Orders, and that any other pending or future LOMR applications submitted to DPP/NFIP affecting these streams flows in Makaha Valley would also violate my easement rights and are hereby also noted as opposed by me based

upon the above Land Court Orders. The above easement right may also be invoked by others.

The owners of the above parcels failed to adequately inform any Makaha Valley residents of their easement rights or of their intent to affect such easement rights. Any approval by DPP or FEMA of the above LOMR(s) also fails to address the cumulative flood plain effects as required by FEMA guidelines, and fails to inform Makaha Valley residents of possible future cumulative effects of the proposed flood map changes, on the flood plain, especially downstream, or to address cumulative environmental impacts of these changes.

In fact there are other flood map revisions applications affecting the West Makaha Stream and the Makaha Streams either pending or coming soon to DPP, ALL of which fail to adequately address cumulative impacts on the Makaha Valley flood plain, and fail to address cumulative environmental impacts as mandated under Federal statutes, and fail to fully inform local residents.

Please inform me in writing what DPP intends to do to uphold my easement right pursuant to the Land Court Order(s), given my assertion to herein invoke my rights thereunder. It is my assertion that DPP and all other agencies have a duty to abide by these Land Court Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "Nawa K. O'Neal". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

cc: FEMA

RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT

2013 MAY 22 AM 8:43

Moana Kea Klausmeyer-Among
84-445 Farrington Hwy.
Waianae, Hawai'i 96792
Ph: 221-5449

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams Makaha, Oahu (TMKs: (1) 8-4-002:053,055, and 067).**

Dear Water Commission:

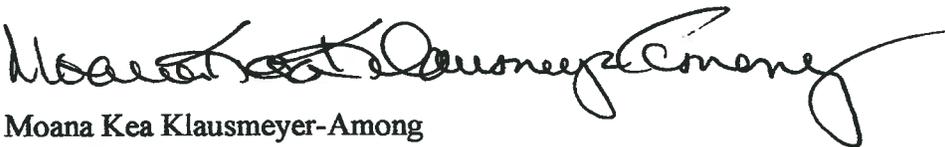
My name is Moana Kea Klausmeyer-Among and I am the home owner of TMK: 1-8-4-008-020-0000-001, which includes one half of Makaha Stream on the Kaena side of my property. (see attachment A) My family has owned this property since 1947 and lived on the property since 1950 when my mother and father built our family home.

I am invoking my rights as the property owner with standing under the 1951 Land Court Order No. 10157 for the "Free Flowage" of the natural stream beds as was set forth in the above Land Court Order pertaining to the SCAP Applicants Deeds.

My property has sustained significant loss and damage due to other property owners seeking and obtaining SCAPs from this commission while previously ignoring the above Land Court Order. The scope of the Land Court Order was to protect property owners along ALL of Makaha Valley's "Natural Stream Beds."

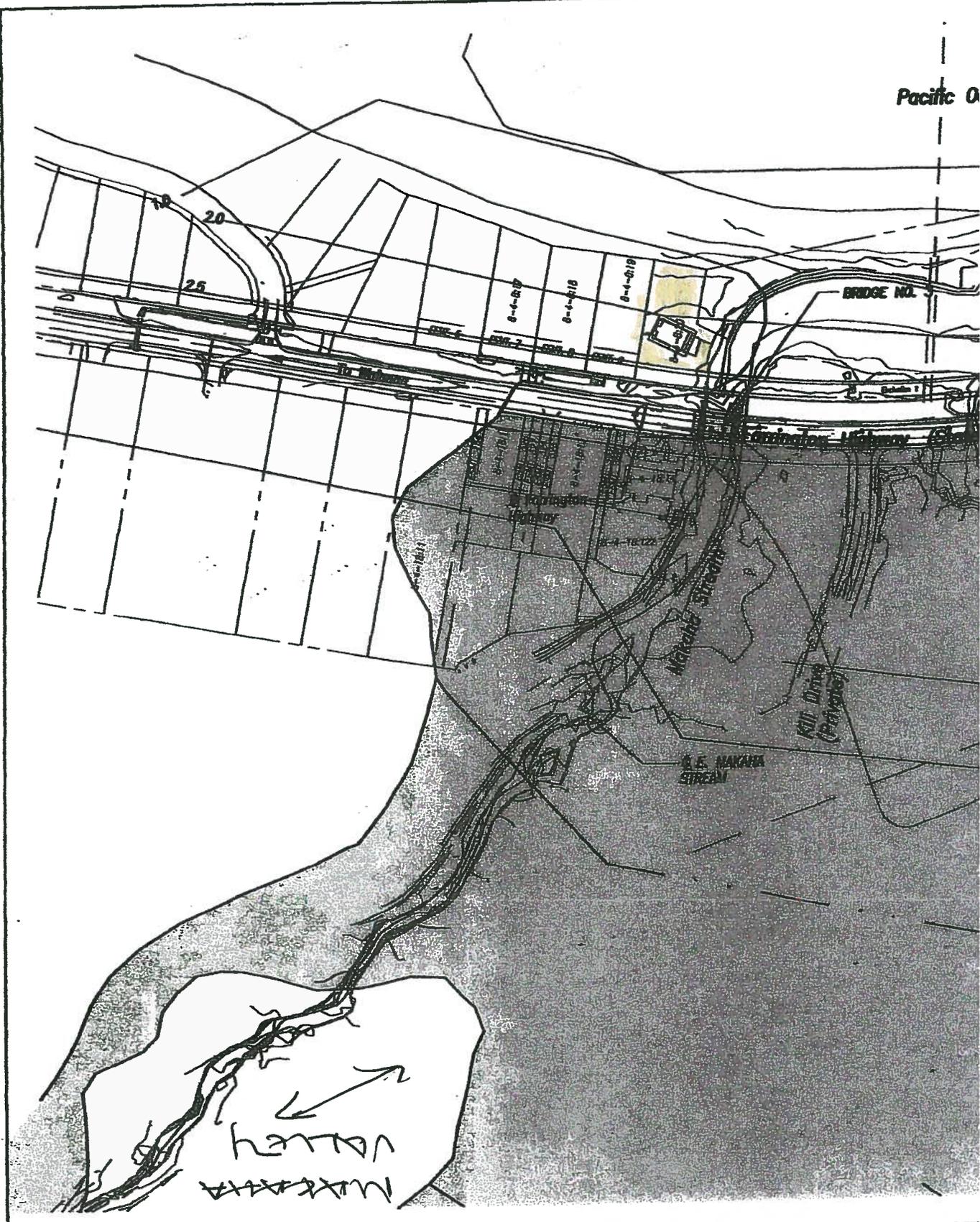
I oppose the issuance of SCAP.3645.3 and any current or future Makaha Valley Streams Alterations until a proper flood study has been completed to keep any further and all future development from improperly impacting the "Free Flowage" of the natural stream beds in Makaha Valley, which will allow the further loss and damage to my property.

Respectfully Submitted May 22, 2013,



Moana Kea Klausmeyer-Among

Pacific O



Planning - Engineering - Environmental Services - Photography - Surveying - Construction Management
R. M. TOWILL CORPORATION
 808 842 1133 2024 North King Street, Suite 200, Honolulu Hawaii 96819-3494



North



Moana Kea Klausmeyer-Among
84-445 Farrington Hwy.
Waianae, Hawai'i 96792
Ph: 221-5449

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

RE: **OBJECTION to approval/hearing of SCAP.3645.3 Application Makaha West Golf Course Improvements, Makaha and West Makaha Streams Makaha, Oahu (TMKs: (1) 8-4-002:053 ,055, and 067).**

Dear Water Commission:

My name is Moana Kea Klausmeyer-Among and I am the home owner of TMK: 1-8-4-008-020-0000-001, which includes one half of Makaha Stream on the Kaena side of my property. (see attachment A) My family has owned this property since 1947 and lived on the property since 1950 when my mother and father built our family home.

I am invoking my rights as the property owner with standing under the 1951 Land Court Order No. 10157 for the "Free Flowage" of the natural stream beds as was set forth in the above Land Court Order pertaining to the SCAP Applicants Deeds.

My property has sustained significant loss and damage due to other property owners seeking and obtaining SCAPs from this commission while previously ignoring the above Land Court Order. The scope of the Land Court Order was to protect property owners along ALL of Makaha Valley's "Natural Stream Beds."

I oppose the issuance of SCAP.3645.3 and any current or future Makaha Valley Streams Alterations until a proper flood study has been completed to keep any further and all future development from improperly impacting the "Free Flowage" of the natural stream beds in Makaha Valley, which will allow the further loss and damage to my property.

Respectfully Submitted May 22, 2013,


Moana Kea Klausmeyer-Among

ONA TESTIMONY

Environmental Violation Report Submitted to the EPA on July 1, 2013

Suspected Violation Date:	05/23/2011
Suspected Violator Name:	State of Hawai'i Department of Transportation
Suspected Violator Address:	601 Kamokila Boulevard
Suspected Violator City:	Kapolei
Suspected Violator State:	Hawaii
Suspected Violator Zip:	96707

Still Occurring:	yes
Notified State DEP/DEQ/DEM:	yes
Department Contact:	State of Hawai'i Department of Transportation
Characterized incident as:	
Intent:	Unknown
Type:	Falsified
Media:	Documents
Entity:	Government

RE: Farrington Highway Replacement of Mākaha Bridges No. 3 and No. 3A
District of Wai'anae, O'ahu, Hawai'i Federal Aid Project No. BR-093-1(20)

EXECUTIVE SUMMARY:

The State of Hawaii Department of Transportation (HDOT) is about to start construction on a bridge replacement project for two bridges, which are part of Farrington Highway in Makaha Valley on the island of Oahu (Makaha Bridges Replacement Project). This bridge replacement project has been in the planning stages for over 10 years. The FEA and FONSI was approved and published on May 23, 2011. However, information was available to HDOT and its planning agency (RM Towill), and these parties knew or should have known that the FEA was incomplete and inaccurate and that the FONSI incorrectly characterizes the project. The parties knew or should have known that multiple environmental dangers exist that require completion of an EIS. The parties knew or should have known that their major design changes that occurred after publishing of their DEA should have required a new DEA be published at a minimum. They knew or should have known that "updated information" obtained requiring these last minute major design changes identified multiple environmental dangers requiring completion of an EIS. The HDOT and its planning agency knew or should have know that the environmental issues related to the "updated information" it received after its DEA was published were environmentally significant and changed the scope of the project to such a degree that a Finding of No Significant Impact is a false representation of the facts and situation. Moreover, the "updated information" acquired by HDOT and its planning agency was not incorporated into all phases of the project's design and construction. For example, the by-pass road being built in phase 1 (Pre-demolition) of the project now has a catastrophic design error in one of the temporary bridges and to-date HDOT has refused to admit the error exists and take actions to mitigate the design problem or delay construction. The Makaha Bridges replacement project must be stopped and the HDOT must be directed to perform and EIS before proceeding any further to avoid serious and long-term environmental damage.

2013 AUG 21 AM 9:01

Moana Kea Klausmeyer-Among
84-445 Farrington Hwy.
Waianae, HI 96792
221-5449

August 21, 2013

State of Hawaii DLNR
CWRM
1151 Punchbowl Street
Honolulu, HI 96813

Re: SCAP.3645.3 Application, Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu.

As the owner of TMK 1-8-4-008-020-0000-001, which is located on Makaha Beach abutting the outlet of the Makaha Stream also known as Lot 195, I oppose the issuance of this SCAP.

1. Where is West Makaha Stream?

Answer: It no longer exists.

Why? Because the City and County of Honolulu DPP and this Commission have given permits to owners and developers of properties in Makaha Valley which has systematically covered and diverted the West Makaha Stream into Makaha Stream causing property damage and loss to all property owners and residents along the Makaha Stream, and the decimation of The World Famous Makaha Beach. The alteration the applicants are seeking with the issuance of this SCAP goes directly against the encumbrance on their deeds for the "Free Flowage of water through the Natural Stream Beds" as set forth by the Land Court Order of 1951. On June 13, 2013 the ICA said that the Land Court Title of 1938 stating the same encumbrance was "Unimpeachable And Conclusive".

2. Does the State or anyone have the right to damage anyone's property on purpose?

Answer: No

Why? The Favorable Ruling from the Supreme Court Case No. 2956, January 26, 1956 for Lot 195, sited case law: "to such **unusual** and **extraordinary** uses of property in reference to the benefits to be derived from the use and the dangers or losses to which others are exposed, as should not be permitted, except at the sole risk of the owner. The standard of duty established by the courts in these cases is

that every owner shall refrain from these **unwarrantable and extremely dangerous** uses of property unless he provides safeguards whose perfection he guarantees.”

The issuance of this SCAP would go directly against the Special Management Area Chapter 25 Provisions as the Makaha Stream, when flowing, lets out into the ocean through Makaha Beach. Since the applicants cannot control or change the flow of the Makaha Stream, by law, this SCAP should not be approved. It is the DLNR and this Commission which is suppose to Protect and Preserve the “Public Trust”. If this Commission does not uphold the standards as set forth in Land Court Orders, Supreme Court Rulings, and Hawaii Revised Statutes, the “Public Trust” is broken and We The People, long standing land and home owners, are the losers in a bureaucratic quagmire.

Respectfully Submitted:



Moana Kea Klausmeyer-Among

Family Owned Land: 1947

Home Build: 1950

Third and Fourth Generation Klausmeyers current residence of Lot 195

2013 NOV 20 AM 9:45

Moana Kea Klausmeyer-Among
84-445 Farrington Hwy.
Waianae, HI 96792
Ph: 221-5449

November 20, 2013

State of Hawaii DLNR
Commission On Water Resource Management
1151 Punchbowl Street Rm. 227
Kalanimoku Bld.
Honolulu, HI 96813

Re: OPPOSITION TO ISSUE SCAP.3645.3 Application, Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu.

As the owner of TMK 1-8-4-008-020-0000-001, which is located on Makaha Beach abutting the outlet to the centerline of Makaha Stream also known as Lot 195, I **OPPOSE** the issuance of this SCAP.

1. Where is West Makaha Stream?

Answer: It no longer exists.

Why? Because the City and County of Honolulu DPP and this Commission have given permits for grading, grubbing, stream re-alignment and zoning changes to developers of properties in Makaha Valley which has systematically covered and diverted the West Makaha Stream into Makaha Stream, causing property damage and loss to all property owners and residents along the Makaha Stream, and the decimation of The World Famous Makaha Beach. The alteration the applicants are seeking with the issuance of this SCAP goes directly against the encumbrance on their deeds for the "Free Flowage of water through the Natural Stream Beds" as set forth by the Land Court Order of March 7, 1951.

On June 13, 2013 the ICA, involving the State of Hawaii and the Campbell Estate, said that the Land Court Title of 1938 stating the same encumbrance was "Unimpeachable And Conclusive".

The Land Court is the governing body to decide if the Land Court Order of 1951 which pertains to the encumbrance on the applicants deeds for "Free Flow of Water in the Natural Stream Beds" can be ignored or disregarded by the applicants in pursuit of their SCAP or the State of Hawaii and its Agents in the issuance of permits pertaining to the Land Court Order Encumbrance.

2. Does the State or anyone have the right to damage anyone else's property for their gain.

Answer: No

Why? The Favorable Ruling from the Supreme Court Case No. 2956, January 26, 1956 for Lot 195, which includes property to the centerline of Makaha Stream, sited case law: "to such **unusual and extraordinary** uses of property in reference to the benefits to be derived from the use and the dangers or losses to which others are exposed, as should not be permitted, except at the sole risk of the owner. The standard of duty established by the courts in these cases is that every owner shall refrain from these **unwarrantable and extremely dangerous** uses of property unless he provides safeguards whose perfection he guarantees."

The SCAP Applicants grubbing 19 acres of Makaha Valley Flood plain and the grubbing, clearing, installation of fill, grading, stream bank protection and cart bridges consisting of concrete and wood piers encompassing 70 acres of applicants property which includes the Makaha, and West Makaha Streams, and the Makaha Valley Floodplain will prove to be an **extremely dangerous** use of their property which they cannot guarantee safeguards to adjoining property owners.

The issuance of this SCAP would go directly against the Special Management Area Chapter 25 Provisions as the Makaha Stream, when flowing, lets out into the ocean through Makaha Beach. Since the applicants cannot control or change the flow of the Makaha Stream, by law, this SCAP should not be approved. It is the DLNR and this Commission which is suppose to Protect and Preserve the "Public Trust". If this Commission does not uphold the standards as set forth in Land Court Orders, Supreme Court Rulings, and Hawaii Revised Statutes, the "Public Trust" is broken and We The People, long standing land and home owners, are the losers in a bureaucratic quagmire. Once again the large, rich land owner is the only one to gain or profit from the issuance of the applicants SCAP.

I respectfully ask and submit to this commission for the Denial of the applicants SCAP as my right to protect my property and family as afforded by law.



Moana Kea Klausmeyer-Among

Family Owned Land: 1947

Home Build: 1950

Third and Fourth Generation Klausmeyers current residence of Lot 195

1 FILED FACE PAGE (COPY)

PETITION REQUESTING A CONTESTED CASE HEARING BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT

NOTE: THIS PETITION IS TO BE FILED IN PERSON OR MAILED AND POSTMARKED WITHIN 10 DAYS OF THE PUBLIC HEARING OR COMMISSION MEETING AT WHICH THE REQUEST FOR A CONTESTED CASE HEARING WAS MADE.

(Please submit an original and 3 copies, pursuant to HAR 13-167-25(c)).

**IF MAILED, SEND TO: Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809
Phone: (808) 587-0225 Fax: (808) 587-0219**

**IF DELIVERED: Commission on Water Resource Management
1151 Punchbowl St., Rm. 227, Kalanimoku Bldg.
Honolulu, HI 96813**

2013 NOV 20 AM 9:43

**Please provide the following information:
(If there is not sufficient space to fully answer any of the items noted below, please use additional sheets of paper)**

1. **NAME:** Moana Kea Klausmeyer-Among
(If you are representing an organization, please attach the resolution, meeting minutes, or other evidence that provides your authority.)
2. **ADDRESS:** 84-445 Farrington Hwy.
Waianae, HI 96792
PHONE: (808) 221-5449 **FAX:** _____
3. **ATTORNEY OR CONTACT PERSON:** _____
4. **ADDRESS:** _____
PHONE: _____ **FAX:** _____
5. **SUBJECT MATTER:** Opposing SCAP 3645.3 approval West Makaha Golf Course Improvements
6. **DATE OF PUBLIC HEARING/COMMISSION MEETING:** November 20, 2013
7. **WHAT IS THE LEGAL AUTHORITY UNDER WHICH THE PROCEEDING, HEARING OR ACTION IS TO BE HELD OR MADE (CITE APPLICABLE SECTION OF CONSTITUTION, STATUTES, OR ADMINISTRATIVE RULES):**
This request for a Contested Case Hearing is provided to petitioner under HRS 91-1(5). A contested case is "required by law" if a person has a property or liberty interest that must be afforded due process.
8. **ARE YOU HAWAIIAN?** _____



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

November 20, 2013
Honolulu, Hawaii

**Carolee and Blake Kolona's Request for a Contested Case Hearing
on Pacific Links Hawaii, LLC's Application for a Stream Channel Alteration Permit
(SCAP.3645.3), Makaha West Golf Course Improvements, Makaha and West Makaha Streams,
Makaha, Oahu, TMKs: (1) 8-4-002:053, 055, and 067**

PETITIONER:

Carolee and Blake Kolona, Trustees
Kolona Land Trust
84-1042 Maunaolu Street
Waianae, HI 96792

SUMMARY:

On May 22, 2013, Carolee and Blake Kolona ("Kolona") submitted a timely request for a contested case hearing on Pacific Links Hawaii, LLC's Application for a Stream Channel Alteration Permit ("SCAP") (SCAP.3645.3), Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067) ("Makaha West"), which was scheduled for decision making at the May 22, 2013 meeting. Both the Kolona request and the Makaha West SCAP were deferred.

This matter was presented but deferred again at the August 21, 2013 Commission meeting (Item E-1). The Commission August 21, 2013 submittal is incorporated here by reference.

The Kolona's land is *upstream and mauka* of the Makaha West land and all activities proposed in the stream channel alteration permit. The work under the SCAP Application and project will not impact lands *mauka or inland* of the golf course, including the mauka Kolona property. The Kolonas may present information to the Commission at the meeting scheduled to consider the matter, but they do not have a right to a contested case hearing.

LOCATION: See Exhibit 1.

**PETITION REQUESTING A CONTESTED CASE HEARING BEFORE THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

NOTE: THIS PETITION IS TO BE FILED IN PERSON OR MAILED AND
POSTMARKED WITHIN 10 DAYS OF THE PUBLIC HEARING OR
COMMISSION MEETING AT WHICH THE REQUEST FOR A CONTESTED
CASE HEARING WAS MADE.

(Please submit an original and 3 copies, pursuant to HAR 13-167-25(c)).

IF MAILED, SEND TO: Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809
Phone: (808) 587-0225 Fax: (808) 587-0219

IF DELIVERED: Commission on Water Resource Management
1151 Punchbowl St., Rm. 227, Kalanimoku Bldg.
Honolulu, HI 96813

2013 NOV 27 AM 8:24

Please provide the following information:

(If there is not sufficient space to fully answer any of the items noted below, please use additional sheets of paper)

1. NAME: Blake Kolona Trustee Carolee Kolona Trustee Kolona Land Trust
(If you are representing an organization, please attach the resolution, meeting minutes, or other evidence that provides your authority.)
2. ADDRESS: 84-1042 Maunaolu St.
Waianac, HI 96792
PHONE: 478 6655 FAX: _____
3. ATTORNEY OR CONTACT PERSON: _____
4. ADDRESS: _____
PHONE: _____ FAX: _____
5. SUBJECT MATTER: Denial of CCH (Item E3) November 20, 2013 Denying our "Legal Standing"
6. DATE OF PUBLIC HEARING/COMMISSION MEETING: November 20, 2013
7. WHAT IS THE LEGAL AUTHORITY UNDER WHICH THE PROCEEDING, HEARING OR ACTION IS TO BE HELD OR MADE (CITE APPLICABLE SECTION OF CONSTITUTION, STATUTES, OR ADMINISTRATIVE RULES):
HRS 91 and it's provisions allow for a Timely Contested Case Hearing before the CWRM.
This is a Request for a Contested Case Hearing for The Denial of Item E3 at the November 20, 2013 meeting by the CWRM. Petitioners "Due Process" under HRS 91 and it's provisions and the Land Court Order Filed March 7, 1951 which is an encumbrance on deeds associated with the Petitioners and the SCAP Applicants for "ALL INTERESTED IN THE FREE FLOW OF THE NATURALSTREAM
8. ARE YOU HAWAIIAN? YES



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 821
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

November 20, 2013
Honolulu, Hawaii

Joycelyn Self and Clyde Phillips' Request for a Contested Case Hearing on Pacific Links Hawaii, LLC's Application for a Stream Channel Alteration Permit (SCAP.3645.3), Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu, TMKs: (1) 8-4-002:053, 055, and 067

PETITIONER:

Joycelyn Self and Clyde Phillips
84-481 Nukea Street
Waianae, HI 96792

SUMMARY:

On August 19, 2013, Joycelyn Self and Clyde Phillips ("Petitioners") submitted a request for a contested case hearing on Pacific Links Hawaii, LLC's Application for a Stream Channel Alteration Permit (SCAP.3645.3), Makaha West Golf Course Improvements, Makaha and West Makaha Streams, Makaha, Oahu (TMKs: (1) 8-4-002:053, 055, and 067) ("Makaha West"). The Makaha West application was first scheduled for decision making on May 22, 2013.

LOCATION: Petitioners Self-Phillips own a residential parcel of land located downstream and makai of the Makaha West Golf Course land and of activities proposed in the SCAP. The Self-Phillips parcel is not adjacent to the West Makaha Golf Course. See Exhibits 1-4.

BACKGROUND:

On October 23, 2012, the Commission received a complete SCAP application from Pacific Links Hawaii, LLC, through its agent Wilson Okamoto Corporation.

On May 22, 2013, prior to the start of the Commission meeting at which the SCAP was to be decided, Carolee and Blake Kolona timely submitted a written petition requesting a contested case hearing. Hawaii Admin. Rules ("HAR") §13-167-52. The Commission heard the staff



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

November 20, 2013
Honolulu, Hawaii

Application for Stream Channel Alteration Permit (SCAP.3645.3)
Mākaha West Golf Course Improvements
Mākaha and West Mākaha Streams, Mākaha, O'ahu
(TMKs: (1) 8-4-002:053, 055, and 067)

APPLICANT:

Micah Kane
Pacific Links Hawaii, LLC
700 Bishop Street, Suite 1701
Honolulu, HI 96813

LANDOWNER:

Hawaiian Golf Properties, LLC
700 Bishop Street, Suite 1701
Honolulu, HI 96813
TMKs: (1) 8-4-002:053, 055, and 067

SUMMARY OF REQUEST:

Pacific Links Hawaii, LLC applied for a Stream Channel Alteration Permit ("SCAP") (SCAP.3645.3) to construct five tee boxes (holes #3, #7, #8, #16 and #17) adjacent to Mākaha and West Mākaha Streams, including the grubbing of existing vegetation, installation of fill for new golf holes, finish grading, stream bank protection with soil gripper bag walls, and stream bank revegetation with native plants and trees ("Makaha West").

LOCATION: See Exhibits 1 and 2.

BACKGROUND:

Applicant Pacific Links Hawaii, LLC ("Pacific Links") proposes to construct a new 18-hole championship golf course on the existing Mākaha West Golf Course property in Mākaha Valley, O'ahu. The applicant expected that benefits from the new golf course include economic opportunities, employment and stimulus to the Mākaha Valley area and Wai'anae coast residents, influx of visitors to the west side of O'ahu, restoration of the Mākaha Stream by removing invasive plants, restoration of the forest areas in the Mākaha Valley, and planting of native plants.

Authorization George I. Atta
Advertisement February 21, 2014
Public Hearing March 5, 2014

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

February 4, 2014

MEMORANDUM

TO: Ka'iulani K. Sodaro, Chair
and Members of the Planning Commission

FROM: *George I. Atta*
George I. Atta, FAICP, Director

SUBJECT: Request for a Change in Zoning from the AG-2 General Agricultural District to the P-2 General Preservation District, Makaha Valley, Oahu,
Tax Map Key: 8-4-002: 055 (Portion)

Transmitted for appropriate action is our report and recommendation for a proposed zone change. The Applicant, Hawaiian Golf Properties, LLC, proposes to rezone approximately 28.3 acres of land on the northeastern edge of the existing Makaha West Golf Course from the AG-2 General Agricultural District to the P-2 General Preservation District. The proposed zone change is needed to permit the Applicant to utilize the zone change area for golf course use and will facilitate the redesign and renovation of the entire Makaha West Golf Course.

The proposed zone change is consistent with policies and guidelines in the General Plan and the Waianae Sustainable Communities Plan. Government agencies had no objections to the proposed zone change. Therefore, we recommend approval of this zone change subject to a condition relating to transportation and other standard conditions.

The Waianae Coast Neighborhood Board (NB) No. 24's Planning and Zoning Committee voted to support the proposed zone change at their April 12, 2012 meeting. The Planning and Zoning Committee's support for the Applicant's proposal was also discussed at the Board's regular meeting on May 1, 2012. No action was taken by the NB.

Please review the report and recommendation and forward it, together with your findings and recommendation, through the Mayor to the City Council.

GIA:js

Attachment

cc: Ember Lee Shinn, Managing Director
Hawaiian Golf Properties, LLC
Patrick Seguirant Architect

2014 FEB 13 AM 9 52
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU
2014-02-13 (TH)

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)
)
 OF)
)
 HAWAIIAN GOLF PROPERTIES, LLC)
 FOR A ZONE CHANGE FROM THE AG-2)
 GENERAL AGRICULTURAL DISTRICT TO)
 THE P-2 GENERAL PRESERVATION DISTRICT)
 _____)

FILE NO. 2013/Z-8

FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information.

PROJECT NAME : Makaha West Golf Course
APPLICANT : Hawaiian Golf Properties, LLC
AGENT : Patrick Seguirant Architect
LANDOWNER : Hawaiian Golf Properties, LLC
LOCATION : Makaha Valley Country Club, 84-627
Makaha Valley Road (**Attachment 1**)
TAX MAP KEY : 8-4-002: 055 (portion)
LAND AREA : 28.3 acres of a total parcel area of 87.44
acres
RECORDATION : Land Court
STATE LAND USE DISTRICT : Urban District (**Attachment 1**)
DEVELOPMENT PLAN AREA : Waianae
EXISTING ZONING : AG-2 General Agricultural District
(**Attachment 1**)

- PUBLIC INFRASTRUCTURE MAP : No public infrastructure symbols on the site. However, a portion of the Waianae Coast Emergency Alternate Route (PIM # 018) is planned south of the project site along Huipu Drive (**Attachment 1**).
- SHORELINE SETBACK AREA/ SPECIAL MANAGEMENT AREA : The site is neither within the Shoreline Setback nor within the Special Management Area
- FLOOD INSURANCE RATE MAP: Flood Zones D, AE, AEF, and XS (**Attachment 1**)
- EXISTING USE : Golf course
- SURROUNDING LAND USES : Vacant land to the north, Resort and Country zoned land and Makaha East Golf Course to the east and south, Makaha Resort (which is closed) to the south, and Makaha Valley Towers condominiums, Makaha Valley Plantation townhomes, and Makaha Ocean View Estates to the west.

- B. Proposal. The Applicant, Hawaiian Golf Properties, LLC (dba Pacific Links Hawaii) proposes to rezone approximately 28.3 acres of land on the northeastern edge of the existing Makaha West Golf Course from the AG-2 General Agricultural District to the P-2 General Preservation District. The proposed zone change is needed to permit the Applicant to utilize the zone change area for golf course use and to facilitate the redesign and renovation of the entire Makaha West Golf Course. The Makaha West Golf Course is currently closed pending its renovation.

Proposed redesign and renovations to the Makaha West Golf Course include but are not limited to grading, grassing, reconstruction of cart paths, and repositioning of tee boxes. Also, existing features such as tee boxes, fairways, greens, sand traps, and water hazards may be relocated. Additionally, the Applicant may drill up to two new non-potable wells, and construct detention basins and a taro lo'i.

- C. Background. According to the Applicant, in 1946, developer Chinn Ho bought over 4,000 acres of land in Makaha and Makaha Valley from the Waianae Plantation. Though he sold off portions of his property for beach lots, shopping centers, and residential lots, his company, Capital Investment Corporation, developed two golf courses and a hotel. Since opening in the late 1960s, ownership and operation of the hotel and golf courses have changed hands many times.

According to the Applicant, they purchased both golf courses in 2011, currently known as the Makaha East Golf Course and Makaha West Golf Course from Northwynd Resort Properties, Ltd., which still owns the hotel that is located in the middle of the two golf courses. However, in October 2011, Northwynd Resort

Properties, Ltd., closed the hotel due to financial reasons. Currently, the Makaha East Golf Course is open while the Makaha West Golf Course was closed in March 2011 and will remain closed until planned renovations are complete.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

- A. Description of Site/Surrounding Land Uses. On December 10, 2013 the Department of Planning and Permitting (DPP) staff conducted a site visit of the Makaha West Golf Course. The proposed site is located on the northeastern edge of the existing Makaha West Golf Course. Due to heavy vegetation, the DPP staff could only gain access to portions of the 28-acre zone change area and Makaha Stream. The northern portion of the zone change area essentially runs along the lower slope of the valley wall. As such, the northern edge of the zone change area abuts public and private land which is currently in open space. The eastern and southern sides of the zone change area abut private land which consists of the Mauna Olu gated residential subdivision and a portion of the Makaha West Golf Course, respectively. Other surrounding uses include Makaha Valley Towers condominiums, Makaha Valley Plantation townhomes, and Makaha Ocean View Estates to the west. According to City records, a portion of Makaha Stream flows within portions of the project site.
1. Location and Current Use. The Makaha West Golf Course is part of the Makaha Valley Country Club located at 84-627 Makaha Valley Road in Makaha Valley. The Makaha West Golf Course is comprised of three parcels of land (Tax Map Keys: 8-4-002:053, 055, and 067) totaling approximately 255 acres of land. The project site is in golf course use and open space.
 2. Topography. According to City records, the project site generally slopes downward from the northeast to the southwest. Elevations vary from approximately 400 above mean sea level near the top of the project site to approximately 240 feet above mean sea level near the bottom of the project site.
 3. Soils. According to City records and the soil maps from the United States Department of Agriculture's Natural Resources Conservation Service (NRCS), the proposed zone change area consists of several soil types. Soil types include: Lualualei stony clay LvB (2 to 6 percent slopes), Lualualei extremely stony clay LPE (3 to 35 percent slopes), Pulehu very stony clay loam PvC (0 to 12 percent slopes), and Pulehu stony clay loam PuB (0 to 12 percent slopes). According to the NRCS, Lualualei stony clay (LvB) soils are characterized by slow runoff and the erosion hazard is slight. Lualualei extremely stony clay (LPE) is similar to Lualualei stony clay except for more stones in the soil. Runoff is medium to rapid, and the erosion hazard is moderate to severe because this type of soil is usually present on sloping land. The Pulehu soils (PvC and PuB) are similar since they contain small stones but have been used for sugarcane

and truck crops. The PvC and PuB soil types have slow runoff and the erosion hazard is slight to moderate.

4. Surrounding Uses. Adjacent uses include open space to the north, residential uses to the east, the existing Makaha West Golf Course to the south, and multi-family dwellings (Makaha Valley Towers and the Makaha Valley Plantation Townhouses) to the west.
- B. Other Permits/Approvals Required. The Applicant will need to obtain all necessary Federal, State, and City permits and approvals including, but not limited to:
1. Federal Approvals.
 - Conditional Letter of Map Revision/Letter of Map Revision (for flood study requirements).
 2. State Approvals.
 - Individual Wastewater System;
 - Well Construction Permit;
 - National Pollutant Discharge Elimination System Permit; and
 - Stream Channel Alteration Permit.
 3. City Approvals.
 - Grading, Trenching, Stockpiling Permits; and
 - Building Permits (for demolition and new buildings).
 4. Approvals by Private Landowners.
 - Right of Entry Permit (for work that crosses private land owned by others).
- C. Public Agency Notification/Comments. On November 15, 2013, the following public agencies were requested to evaluate the impact of the proposed zone change on their facilities and services. Agencies that submitted written comments are identified with a plus sign (+). Agencies stating that they have "no comments", "no objections", or "no impacts on services provided" are identified with an asterisk (*). Significant comments received are addressed in Section III of this report. All written responses are included in their entirety in **Attachment 2.**
1. City Agencies:
 - Board of Water Supply (BWS)+*
 - Department of Budget and Fiscal Services (BFS)+*
 - Department of Emergency Management (DEM)
 - Department of Design and Construction (DDC)+*
 - Department of Enterprise Services (DES)+*
 - Department of Environmental Services (ENV)+*
 - Department of Facility Maintenance (DFM)+*
 - Honolulu Fire Department (HFD)+*
 - Honolulu Police Department (HPD)+*
 - Department of Parks and Recreation (DPR)+*

Department of Transportation Services+*

2. State Agencies:
Department of Agriculture (DOA)
Department of Health (DOH)+*
Department of Land and Natural Resources (DLNR)+*
State Historic Preservation Division (SHPD)+
Office of Hawaiian Affairs (OHA)
Department of Business, Economic Development & Tourism (DBED&T)
Department of Transportation (DOT)+*
3. Federal Agencies:
Department of the Army, Army Corps of Engineers
Department of the Interior, Fish & Wildlife Service
Department of Agriculture, Natural Resources Conservation Service (NRCS)

- D. Community and Adjoining Property Owners' Notification/Comments.
The Applicant presented the proposed zone change to the Waianae Coast Neighborhood Board (NB) No. 24 on April 3, 2012. In the minutes of the May 1, 2012 Waianae NB meeting, it was reported that their Planning and Zoning Committee had approved the proposed zone change at their April 12, 2012 meeting. No action was taken by the NB. After the Department of Planning and Permitting (DPP) accepted the Applicant's request for processing on November 6, 2013, the Applicant mailed notices of the proposed zone change to all property owners within 300 feet of the proposed zone change on November 20, 2013.

On November 15, 2013, the DPP mailed copies of the zone change application or notices about this proposed zone change to the Waianae NB, Waianae Satellite City Hall, the Makaha Ahupua'a, The Nature Conservancy, area elected officials, the Hawaiian Electric Company, and other interest groups. All written responses received at the time this report was published are included in their entirety in **Attachment 2**. To date, the DPP has not received any written comments from the community.

III. ANALYSIS

A. Compliance with State Land Use Legislation.

1. Chapter 205, Hawaii Revised Statutes (HRS), Land Use Commission.
The project site is in the State Urban District. The State Urban District includes lands characterized by "City-like" concentrations of people, structures, and services. Section 205-2(b) states that:

"Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated."

Golf courses are permitted in the City's P-2 zoning district. The Makaha West Golf Course, including the zone change area is currently in the

State Urban District. Therefore, the proposed zone change is consistent with the purpose of the State Urban District.

B. Compliance with City Land Use Legislation.

1. General Plan of the City and County of Honolulu (Amended October 3, 2002 by Resolution 02-205, CD1). The proposed zone change supports the following General Plan objective and policy.

X. Culture and Recreation Objective D.

“To provide a wide range of recreational facilities and services that are readily available to all Oahu residents.”

Policy 10: “Encourage the private provision of recreation and leisure-time facilities and services.”

The proposed zone change conforms to this General Plan objective and policy that support economic activity and recreational activities by the private sector. Rezoning this small portion of land for the existing Makaha West Golf Course will incorporate the remainder of Parcel 055 into the P-2 zoning district and will facilitate renovations of the entire golf course recreational purposes.

2. Chapter 24, ROH, Article 9, Waianae Sustainable Communities Plan (SCP). Section 24-9.5(c), ROH, provides that all proposed developments in Waianae shall be reviewed for their consistency with the vision, policies, and guidelines of the Waianae SCP that was adopted by the City Council via Ordinance 12-3 in March of 2012. The proposed zone change is consistent with the following policies of the Waianae SCP. The consistency of the proposed zone change with the vision statements, policies, and guidelines of the Waianae SCP is discussed below:

- a. Land Use Policies and Guidelines. Table 3-2 of the Waianae SCP states that there is 8,578 acres of agricultural land in Waianae. Further, Waianae’s warm climate is very conducive to many types of agriculture (Section 3.1.6). However, the Applicant only seeks to rezone 28.3 acres of agricultural land for golf course use. The land to be rezoned has not been in active agricultural use for many decades.

Additionally, Section 3.1.6 states that Waianae’s fresh water aquifers have a very small sustainable yield of about 6 million gallons per day (mgd) provided by the Waianae and Makaha aquifer systems.

Waianae’s limited ground water resources suggest that major water users like golf courses should not be developed in Waianae.

The Applicant is mindful that water conservation is critical to the health of the community and the golf courses. As such, the

Applicant intends to use only non-potable water from the BWS' Glover Tunnel facility located further up Makaha Valley. Also, the Makaha West Golf Course will draw additional non-potable water from an existing well near the bottom of Parcel 055 close to Huipu Drive. The Applicant stated that they have permission from the State DLNR's Commission on Water Resource Management (CWRM) to drill two more non-potable wells for irrigation.

Irrigating the additional 28-acre area to be rezoned will come from non-potable sources. Further, the Applicant intends to demolish some existing structures and build new ones which are not anticipated to result in a significant increase in the amount of potable water the two golf courses drew when they were both open. Therefore, the proposed zone change is not anticipated to negatively impact the potable water supply for Waianae since non-potable water will be used for irrigation.

- b. Streams and Floodplains. Section 3.5.1 discusses the cultural importance of Waianae's stream systems. Waianae's many valleys, including Makaha, have well articulated stream systems that have historically provided fresh water for drinking and agricultural uses for generations. Maintaining the health of Waianae's streams is important to the region and to Waianae's residents.

Makaha Stream flows from the Waianae Range down through the valley and to the ocean. A portion of Makaha Stream flows through the zone change area as it flows south.

Section 3.5.2.1 calls for establishing several stream conservation corridors in the Waianae region. Makaha Stream is one of the locations for a stream conservation corridor and is identified along with the other stream conservation corridors on the Open Space Map in Appendix A of the Waianae SCP. The Waianae SCP calls for government and community organizations to work together to form a proactive program of rules, regulations, penalties, fines, and monitoring for these stream conservation corridors.

Section 3.5.2.2 advocates limiting uses within the stream conservation corridor to include "...natural resources conservation uses and programs, compatible recreational uses such as walking and gathering of native plants and stream animals, and controlled diversion of stream waters for agricultural purposes. Other compatible uses should be permitted as may be defined by the agency with jurisdiction."

Section 3.5.2.2 also states that there "...should be no dumping, littering, disposal of toxic or hazardous materials, disposal of animal or human wastes, or other activities that may be deleterious to stream quality and stream ecosystems. There should also be no filling, grading, or other significant changes to

the natural contours within a Stream Conservation Corridor unless there is an overriding need for such action that relates to public health, safety, or welfare.”

The Applicant stated the importance of sound environmental stewardship to manage the golf course and the surrounding environment. As such, the Applicant will employ an Integrated Pest Management (IPM) system that uses “...systematic, disciplined, and documented cultural practices as a first line of defense for pest control.” The Applicant stated that they will make every effort to minimize fertilization application to maintain the health of vegetation, including turf grass, while preventing nutrient runoff and/or leaching. Additionally, fertilizers, herbicides, and pesticides will not be used during anticipated high rain events.

According to the Applicant, renovation of the golf course, including the project area, will involve new fill and walls along the floodway banks and within the floodplain to protect the golf course from 100-year flood events.

Renovation will also include construction of a series of new cart bridges over Makaha Stream. Additionally, the Applicant will include streambed and floodplain maintenance as part of future golf course maintenance to ensure that an ideal stream corridor environment is maintained. The Applicant stated in their application that no new construction or construction activities will occur below the ordinary high water mark.

Due to proposed work near Makaha Stream, the Applicant consulted the U.S. Army Corps of Engineers whether they would need a permit from the U.S. Army. In a letter dated May 25, 2012 to the Applicant, the U.S. Army determined that a permit would not be required. Additionally, the Applicant will be required to prepare and submit a flood hazard study for the entire length of Makaha Stream within the Makaha West Golf Course boundaries to the Federal Emergency Management Agency (FEMA).

At this time, no action has been undertaken by the community and relevant government agencies to create a stream conservation corridor for Makaha Stream. Though the Applicant will be doing some grading work within the project site near Makaha Stream, the contractor must comply with all pertinent City, State, and Federal government rules and regulations necessary to prevent or at least mitigate negative environmental impacts to public health, safety, or welfare. Additionally, the proposed zone change is not anticipated to conflict with future efforts to establish a stream conservation corridor for Makaha Stream.

- c. Historic and Cultural Resources. Section 3.6 states that Waianae has numerous documented historic and cultural resources. The closest documented cultural resource to the project site is the

Kaneaki Heiau located further up in the valley to northeast of the project site. The Waianae SCP's Open Space Map does not show that the project site is within the "Concentration of Archaeological Sites" area.

- d. Makaha Special Area Plan (SAP). Section 3.8.1 states that the Makaha SAP was completed in early 2009 and provides guidelines for the future development of Makaha Valley, while preserving its rural character. Furthermore, the Makaha SAP presents a "Rural Development Plan" that includes a:

- a. Rural Development Concept;
- b. Rural Development Policy Framework; and
- c. Rural Development Guidelines.

"The 'Rural Development Policy Framework' provides the following guidance for future planning and development for Makaha:

"Guiding Principle:

"Land located in the rural development area shall be compatible with, or provide protection for, the natural environment and shall be designed to integrate with the existing rural settlement patterns. The framework for the Makaha Rural Development Concept supports the Waianae Sustainable Communities Plan theme of 'keeping the Country – Country' through the following policy:

- Future developments, i.e., resort and residential, should promote rural character in terms of scale and physical design, i.e., relatively low density, low building heights, informal landscaping, and lots of open space."

The proposed zone change is not anticipated to conflict with the intent or guidelines of the Makaha SAP. The 28.3-acre area proposed for rezoning to the P-2 district is within Makaha SAP boundary as a golf course, and will maintain an open space character. Therefore it will not conflict with or impact the "Preservation" area beyond the boundary which is intended to be protected from development.

- e. Prohibit More Golf Courses That Compete With Agriculture or Open Space Resources. Section 3.11.2.2 states that there is not enough land within the Rural Residential areas of Waianae for a golf course. Furthermore, golf courses may be incompatible with Agricultural or Preservation land within Waianae district. Therefore, public agencies should discourage new golf courses that would compete with agricultural or preservation land to the detriment of agricultural or open space resources.

The Applicant is not seeking to develop a new golf course in Waianae. The Makaha West Golf Courses opened in the late 1960s and is considered a well-established golf course. The proposed zone change would merely rezone a small portion of the Makaha West Golf Course from AG-2 zoned land to P-2 zoned land to make this remnant portion of the golf course consistent with the rest of the golf course which is in P-2 zoning. The project site has been in golf course use for many years and has not been in agricultural use for decades. Therefore, the proposed zone change is not in conflict with this section of the Waianae SCP.

3. Chapter 4, ROH, Article 8, Public Infrastructure Map (PIM). The Waianae PIM does not show any PIM symbols on the proposed zone change site. However, there is a roadway improvement symbol (#018) on Makaha Valley Road, Ala Holo Loop, and Huipu Drive (**Attachment 1**). Symbol 018 is the Waianae Coast Emergency Alternate Route consisting of public and private streets, roads, and when necessary private property to be used to reroute vehicular traffic when Farrington Highway is blocked due to a natural disaster or manmade emergency.

According to DTS, the portion of symbol 018 on Makaha Valley Road, Ala Holo Loop, and Huipu Drive have been completed. However, a small segment of the route is still unfinished. However, this unfinished section is not in Makaha Valley, therefore, there is no impact to the proposed zone change.

4. Chapter 21, ROH, Land Use Ordinance (LUO). The Applicant's request to rezone the proposed site from AG-2 General Agricultural District to P-2 General Preservation District is discussed below:

Preservation Districts – Purpose and Intent. Section 21-3.40 of the LUO states, in part:

- a. "The purpose of the preservation districts is to preserve and manage major open space and recreation lands and lands of scenic and other natural resource value."
- e. "It is also the intent that lands designated urban by the state, but well-suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical considerations related to public health, safety and welfare concerns shall also be placed in this district."

According to the Applicant, the project site was in active golf course use until March 2011 when the Applicant closed the Makaha West Golf Course pending this zone change and planned renovations to the golf course.

The LUO only permits golf courses on land zoned either P-2 General Preservation District or Resort District according to Table 21-3. Thus, rezoning the project site from AG-2 to P-2 is deemed appropriate because it will eliminate the project site's non-conforming use and bring the entire Makaha West Golf Course into conformance with its use as a golf course.

Rezoning the remaining 28.3 acres of the Makaha West Golf Course is deemed consistent with the provisions of Article 5, Section 21-5.280 such as: the proposed P-2 zoning is consistent with the General Plan and Waianae SCP; will use non-potable water for irrigation; and is compatible with surrounding properties.

Table 21-3.1 of the LUO establishes a maximum height for the P-2 General Preservation District as a range between 15-25 feet. Ancillary structures such as the proposed clubhouse, comfort stations, and snack shop to be developed on other portions of the Makaha West Golf Course are anticipated to be below 25 feet. However, the Applicant will be expected to comply with existing development standards at the time of building permit review.

5. Chapter 21, Article 9, Special District Regulations, Flood Hazard Districts, LUO. According to City records and the Flood Insurance Rate Map (FIRM), approximately 95 percent of the project site is within Flood Zone D, while the remaining 5 percent of the site in the very southern portion of the project site is within Flood Hazard Districts AE, AEF, and XS (**Attachment 1**).

Areas within Flood Zone D are areas in which flood hazards are undetermined but possible. Flood Zone AE is an area where base flood elevations have been determined. Flood Zone AEF is a floodway area in Zone AE. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the one percent annual chance of flooding can be carried without substantial increase in flood heights.

According to the Applicant, the proposed zone change area will be subject to some grading work within the flood zones mentioned above. As such, the Applicant will be required to prepare and submit a flood hazard study that includes the entire length of Makaha Stream within the existing Makaha West Golf Course boundaries. The flood hazard study will require a Conditional Letter of Map Revision (CLOMAR) to be submitted to FEMA for review and acceptance. Should the CLOMAR be accepted by FEMA, a Letter of Map Revision (LOMAR) must be provided to FEMA by the Applicant to show the establishment of new flood hazard district boundaries created by the grading. The Applicant is required to follow all existing government regulations when working near Makaha Stream, including provisions of Article 9 of the LUO. Therefore, a condition of approval is not recommended.

As of the date of this report, Bill 56 (2013), CD2, was being considered by the City Council. The purpose of Bill 56 (2013), CD2, is to transfer the flood hazard district provisions under Article 9 of the LUO to its own separate section under the ROH to conform to the National Flood Insurance Program (NFIP) regulations.

6. Chapter 23, ROH, Shoreline Setbacks, and Chapter 25, ROH, Special Management Area (SMA) Ordinances. The project site is approximately 1.4 miles inland from the shoreline. Thus, it is not located within either the Shoreline Setback Area or the SMA. Therefore, the proposed zone change is not subject to the requirements under Chapter 23 and 25, ROH, respectively.

C. Compliance with Environmental Legislation.

1. Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules, Environmental Impact Statements. On August 7, 2013, the Applicant's agent wrote to the DPP requesting a determination whether the proposed zone change warrants an Environmental Assessment (EA) and/or an amendment to the Waianae SCP. On October 2, 2013, the DPP responded to the Applicant that the proposed zone change is not a significant zone change and would not require the preparation of an EA. Although the Waianae SCP normally requires an EA for zone changes that are 10 acres or more to any zoning district or combination of zoning districts, zone changes to either the preservation or agricultural districts are excluded from this requirement. Additionally, the proposed zone change does not involve rezoning of more than five acres to an apartment, resort, commercial, industrial, or mixed used district. Finally, at this time, there are no known major social, environmental, or policy impacts, or major cumulative impacts from a series of past permit applications in the same area that would necessitate the preparation of an EA.
2. Chapter 6E-42, HRS, Historic Preservation. A draft Archaeological Assessment Report and a Cultural Impact Assessment of the project site were both completed in September 2013 by Aki Sinoto Consulting for the proposed zone change. The Draft Archaeological Assessment Report found no new archaeological sites because the site and surrounding area were previously disturbed by various degrees of human settlement activities. However, the assessment noted one segment of a previously recorded ranch wall (Site 50-80-07-6896) near the northeastern tip of the project area. According to the Applicant, the ranch wall is in the zone change area, but proposed renovations to the Makaha West Golf Course will avoid touching this site and the Applicant will take the necessary actions to preserve the site.

Although the draft archaeological assessment report resulted in "negative findings", there remains the potential for "remnant buried cultural deposits." As such, the draft Archaeological Assessment Report recommends archaeological monitoring during the proposed renovation work to be undertaken by the Applicant. The draft Archaeological

Assessment Report stated that an archaeological monitoring plan will be prepared and submitted to the DLNR's SHPD for review and approval prior to commencement of any construction activity that involves subsurface impact.

In December 2013, SHPD commented that their records indicated "...no archaeological inventory survey has been completed for this parcel." Thus, there is the potential that yet undocumented historic properties may exist within the zone change area. Therefore, the SHPD requests that the Applicant prepare and submit an Archaeological Inventory Survey (AIS) for the entire zone change to the SHPD for review and approval. The AIS is needed to record potential historic properties that may be present and determine appropriate mitigation measures.

Subsequent discussions between the DPP and the SHPD staff by phone in late January 2014 indicated that SHPD completed their review of the Draft Archaeological Assessment Report and asked the Applicant's archaeologist to make revisions and resubmit the report back to the SHPD as an AIS. Furthermore, the SHPD also requested that the Applicant prepare a preservation plan for the ranch wall and submit it to the SHPD for review and approval. The SHPD also informed the DPP that submission of the AIS and preservation plan for the ranch wall satisfies the SHPD's concerns. Based on the latest information provided by the SHPD, a condition of approval is not recommended.

3. Endangered/Threatened Species. Biological surveys of the Makaha West Golf Course were conducted in February and March of 2012 by AECOS, Inc., for the proposed zone change. The biological surveys examined flora and fauna in and around the Makaha West Golf Course, including the project site. AECOS prepared a Biological Survey Report for the proposed zone change in March 2012. The report found no vegetation or mammals currently protected or proposed for protection under either Federal or State endangered species statutes. The lone endangered species detected on the site was the Black-necked Stilt. The Biological Report noted that although some golf course operations have the potential to harm this species, harm was not anticipated in relation to the proposed renovations to the golf course, including work near Makaha Stream. In a June 2013 letter to the U.S. Fish and Wildlife Service (USFWS), AECOS stated that one or more of the four protected avian species in Hawaii may be attracted to the proposed golf course project, at least on a seasonal basis. These include the Hawaiian Stilt, Hawaiian Coot, Newell's Shearwater, and the Hoary Bat. AECOS, stated that the principal potential impact to the Hawaiian Stilt and Coot and the Newell's Shearwater is becoming disoriented by outdoor lighting associated with nighttime construction or exterior project lighting. Additionally, these Hawaiian water birds may be negatively impacted by non-native rodents such as rats and the mongoose that will attack nesting areas around water features on the golf course. The principal potential impact to the Hoary Bat is that roosting sites may be impacted if woody vegetation taller than 15 feet is removed during the clearing and grubbing stages of the project's construction.

To minimize the potential negative impacts mentioned above to protected or endangered avian species, AECOS recommended certain mitigation measures to the Applicant outlined in their June 15, 2013 letter to the USFWS. In July 2013, the USFWS replied to AECOS, agreeing with their proposed mitigation measures. The USFWS further stated that the proposed renovations to the Makaha West Golf Course “may affect, but is not likely to adversely affect Hawaiian water birds, Newell’s Shearwater, and the Hawaiian hoary bat.”

The DLNR and the USFWS were notified of the proposed zone change along with other government agencies and community organizations in November 2013. To date, the DPP has not received any comments from the DLNR or the USFWS regarding adverse impacts to endangered or threatened species.

Section 3.2.2.7 of the Waianae SCP states: “Outdoor lighting should be the minimum necessary for public safety, home security, and community aesthetics, while maintaining consistency with the goals of energy conservation and environmental protection. Specifically, artificial lighting should not negatively impact wildlife, nor should it disrupt the large, unlit open spaces in the back of the District’s valleys.”

Exterior lighting is commonly found in numerous locations throughout Oahu. To date, no government agency has come forward commenting that the proposed zone change poses a significant negative impact to endangered species and provided measures necessary to mitigate the impact.

Potential impacts to certain native Hawaiian birds posed by exterior lighting can be adequately mitigated by Section 21-4.100 (Outdoor lighting) of the LUO that requires that exterior lighting be shielded. Therefore, a condition to protect endangered or threatened species is not recommended.

4. Noise and Odor. During construction, it is anticipated that there will be some short-term noise and air quality impacts due to construction activity, equipment, and vehicles. During construction, the Applicant will be required to adhere to applicable State and City rules and regulations relating to noise and air quality control. Therefore, a condition of approval is recommended.
5. Visual Resources. Preservation and protection of visual resources such as the Waianae Mountain range is an important land use policy in the Waianae SCP. However, the Waianae SCP does not document any visual resources in or around the proposed zone change area.

Renovations to the Makaha West Golf Course include some new buildings such as a clubhouse and comfort stations. The DPP does not anticipate significant impacts to visual resources within or around the project site; therefore, a condition of approval is not recommended.

D. Public Facilities and Services. The review conducted by various agencies was based on the Applicant's zone change proposal. Agency comments received regarding the specific public facilities and services are summarized below.

1. Transportation. Vehicular access to Makaha West Golf Course is from either Makaha Valley Road or Kili Drive and Huipu Drive. Makaha Valley Road from Farrington Highway to Lahaina Street is owned by the City. However, Makaha Valley Road to Ala Holo Drive is privately owned. Kili Drive (which is substandard in width) and Huipu Drive are both privately owned. The DPP determined that the proposed zone change will have negligible impacts to roads serving the golf course. The preparation of a Traffic Impact Analysis Report for the zone change and subsequent improvements to the Makaha West Golf Course are not warranted.

The DOT commented that the proposed zone change is not expected to significantly impact State highway facilities. However, the DOT stated that the Applicant will be required to obtain a permit from the DOT for the transport of oversized and/or overweight material and equipment on State highway facilities. At the appropriate time, the Applicant will have to obtain this permit for vehicles traveling on Farrington Highway, which is a State facility.

Renovation of the Makaha West Golf Course, including the proposed zone change area, is expected to generate minor, short-term traffic impacts to the area from construction vehicles and equipment. The DPP anticipates that these short-term traffic impacts can be mitigated through a Construction Management Plan (CMP) that the Applicant should prepare and submit to the DPP for review and approval. Therefore, the DPP recommends a condition of approval relating to a CMP.

2. Water. According to the Applicant, the Makaha West Golf Course is currently served by two BWS water meters that provide both potable and non-potable water for both golf courses. According to the Applicant, data for potable water use for Makaha West Golf Course was unavailable. However, based on potable water usage of similar golf courses the Applicant owns, the anticipated potable water usage for Makaha West Golf Course would range from 1,500 gallons per day (gpd) to 3,200 gpd.

According to the Applicant, both golf courses are irrigated with non-potable water from two sources. The first source is the Glover Tunnel facility (No. 2911-02) owned by the BWS. According to the BWS, Glover Tunnel provides non-potable water from a perched source in the upper part of Makaha Valley and the water gravity flows down the valley to the Maunaolu 530 Open Non-Potable Water Reservoir which provides water to both golf courses. The second source comes from two private non-potable wells (No. 2811-03 and 04) located on the Makaha East Golf Course and help irrigate the Makaha East Golf Course. A third private non-potable well (No. 2811-05) is located on the Makaha West Golf Course and has been drilled, cased, and pump tested but has not been put into use at this time.

According to the 2009 Waianae Watershed Management Plan (WWMP) prepared by the BWS, the Makaha West Golf Course is within the Makaha Aquifer System which has a sustainable yield of 3 million gpd of potable water.

According to the WWMP, the Makaha West Golf Course used an average of 511,000 gpd non-potable water. As part of the proposed renovations to the Makaha West Golf Course, the Applicant may drill up to two more private non-potable wells on the Makaha West Golf Course to provide additional irrigation water. If necessary, the Applicant stated that they could have up to five non-potable water wells in operation to supplement the Glover Tunnel facility for irrigation of the two golf courses. The amount of non-potable water that the Applicant may draw from these new non-potable water wells will be up to the CWRM which has jurisdiction on how much water can be used per day.

After the Applicant completes the proposed renovations, non-potable water consumption is expected to remain generally unchanged for the Makaha West Golf Course. The average daily demand is anticipated to be around 417,000 gpd, and the maximum daily demand is estimated to be around 596,310 gpd.

According to the Applicant, the Makaha West Golf Course's irrigation system will be designed for energy and water efficiency. The golf course will be irrigated during nonpeak hours (6:00 p.m. to 6:00 a.m.), utilize drip irrigation to the extent possible, be phased in its usage, and contain rainwater sensors.

The BWS commented on the proposed zone change twice (in August 2013 and in December 2013). Essentially the BWS stated that they had no objections to the proposed zone change. Based on current data, the existing water system is adequate to accommodate the proposed golf course renovation. The BWS further stated that the irrigation requirements for the golf course can and should be met with the existing non-potable system serving the area. Additionally, the final decision on the availability of potable water will be confirmed when the building permit application is submitted for review and approval. When water is made available, the Applicant will be required to pay the BWS' Water System Facilities Charges for resource development, transmission, and storage. The Applicant will also have to comply with applicable HFD fire protection requirements prior to building permit approval. Therefore, a condition of approval is not recommended.

3. Wastewater. Most of the Makaha West Golf Course, including the proposed zone change area, is located above the BWS' "Pass/No Pass Line." The "Pass/No Pass Line" was created by the BWS to protect underground sources of drinking water by regulating the ground disposal of wastewater and other contaminants. Prior to its closure in 2011, the Makaha West Golf Course's comfort stations, snack bar, and maintenance facility were connected to septic systems and leach fields approved by the DOH.

In comments provided by the DOH (September 2013) prior to the submission of the Applicant's zone change application, the DOH stated that the project site is located in the Critical Wastewater Disposal Area and located above the No Pass Line as discussed above. The DOH confirmed that there is an existing Individual Wastewater System (IWS) serving a maintenance building on the Makaha West Golf Course property. For properties within the "No Pass Zone," the DOH requires that aerobic treatment units with zero discharge effluent systems be installed.

Any proposed facilities requiring wastewater treatment and disposal will need to be connected to an appropriate wastewater system that will be approved and regulated by the DOH. Therefore, a condition of approval is not recommended.

4. Drainage. The intent of the proposed grading of the golf course is to protect the golf course from flood damage from large rain events. According to the Applicant, runoff from land above and outside the project site generally flows onto the Makaha West Golf Course via the natural grade of the land, and manmade drainage channels that direct runoff into Makaha Stream and eventually to the ocean. According to the Applicant, the renovated golf course will be designed so that some runoff will be channeled into a series of detention ponds and detention basins that will be built within the golf course property.

The DPP will require the Applicant to submit a drainage study with their grading permit application. The Applicant's plans also need to comply with the DPP's Rules Relating to Storm Drainage Standards. The Applicant will also need to obtain a National Pollutant Discharge Elimination Permit from the DOH. Potential drainage impacts can be adequately mitigated through existing government rules and regulations, therefore, a condition of approval is not recommended.

5. Solid Waste. The Makaha West and East Golf Courses and the resort property are not served by the municipal refuse collection. Solid waste generated by the Makaha East Golf Course is currently picked up by a private company. When the Applicant opens the Makaha West Golf Course after renovations are completed, the Applicant will continue to use a private company to pick up their solid waste. Green waste generated by both golf courses will be recycled on-site as mulch for landscaped areas and around trees. Unused green waste requiring removal will be sent to Hawaiian Earth Products, which will create mulch to be sold to the general public and landscape companies. The proposed zone change is not anticipated to impact municipal solid waste services or facilities. Therefore, a condition of approval is not recommended.
6. Police Protection. The Makaha West Golf Course and resort is located in the HPD's District 8 (Kapolei/Waianae) and patrolled by officers from the Kapolei Regional Police Station located in the City of Kapolei. The HPD stated that they foresee no significant impacts on their operations due to

the proposed zone change. Therefore, a condition of approval is not recommended.

7. Fire Protection. The nearest fire station to the Makaha West Golf Course is the Waianae Fire Station No. 26 located at 85-645 Farrington Highway across from Waianae Intermediate School. The Waianae Fire Station is approximately 2.8 miles from the Makaha West Golf Course. An ambulance unit is also co-located with the Waianae Fire Station.

The HFD stated that the proposed zone change will have “no significant impact to fire department services.” The Applicant must comply with all HFD fire protection requirements prior to building permit approval. Therefore, a condition of approval is not recommended.

8. Parks and Recreation. The nearest public parks are existing beach parks along Farrington Highway. The proposed zone change will not impact public parks or recreational facilities. Therefore, a condition of approval is not recommended.

IV. CONCLUSIONS OF LAW

The Director hereby makes the following conclusions:

Based on the foregoing analysis, the proposed zone change is consistent with State and City land use plans and policies. The proposed zone change also meets the purpose, intent, and development standards of the P-2 General Preservation District in the LUO. With respect to existing infrastructure systems, agencies did not oppose the proposed zone change request. Existing infrastructure systems are anticipated to handle golf course development of the zone change area and will be confirmed at the time of the building permit application. The recommended zone change is not anticipated to have a significant negative social, economic, or environmental impact on the surrounding land uses.

V. RECOMMENDATION

Pursuant to the foregoing Findings of Fact, Analysis, and Conclusions of Law, the Director of the Department of Planning and Permitting (DPP) recommends that a change in zoning from AG-2 General Agricultural District to P-2 General Preservation District be APPROVED as shown on the map marked **Exhibit A** in the attached draft Ordinance (**Attachment 3**) and subject to the Applicant’s execution of a Unilateral Agreement under the provisions of Section 21-8.40 of the Land Use Ordinance (LUO). The recommended conditions of approval include the following:

1. Transportation. Prior to issuance of any grading, demolition, and/or building permit, whichever comes first for the project site or any portion of Tax Map Key: 8-4-002: 055, the Declarant shall prepare a Construction Management Plan (CMP) and submit it to the DPP for review and approval. The CMP shall identify the type, frequency, and routing of heavy trucks and construction-related vehicles. Every effort shall be made to minimize impacts from these vehicles and

related construction activities. The CMP shall include provisions to limit vehicular activity to timeframes outside of peak traffic periods, utilizing alternate routes for heavy trucks, staging locations for construction workers and vehicles, and other mitigation measures that may impact traffic. The Declarant shall document the condition of roadways in the immediate vicinity of the project site prior to the commencement of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of these roadways has deteriorated due to the project's construction activities.

2. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with other LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the project comply with all applicable LUO and other governmental provisions and requirements.
3. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of and/or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.
4. Noncompliance or Failure to Fulfill Any Condition. In the event of noncompliance with any of the conditions set forth herein, the Director of the DPP shall inform the Council and may seek civil enforcement or take appropriate action to terminate or stop the project until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the project. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

Dated at Honolulu, Hawaii, this 4th day of February, 2014.

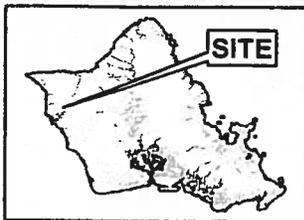
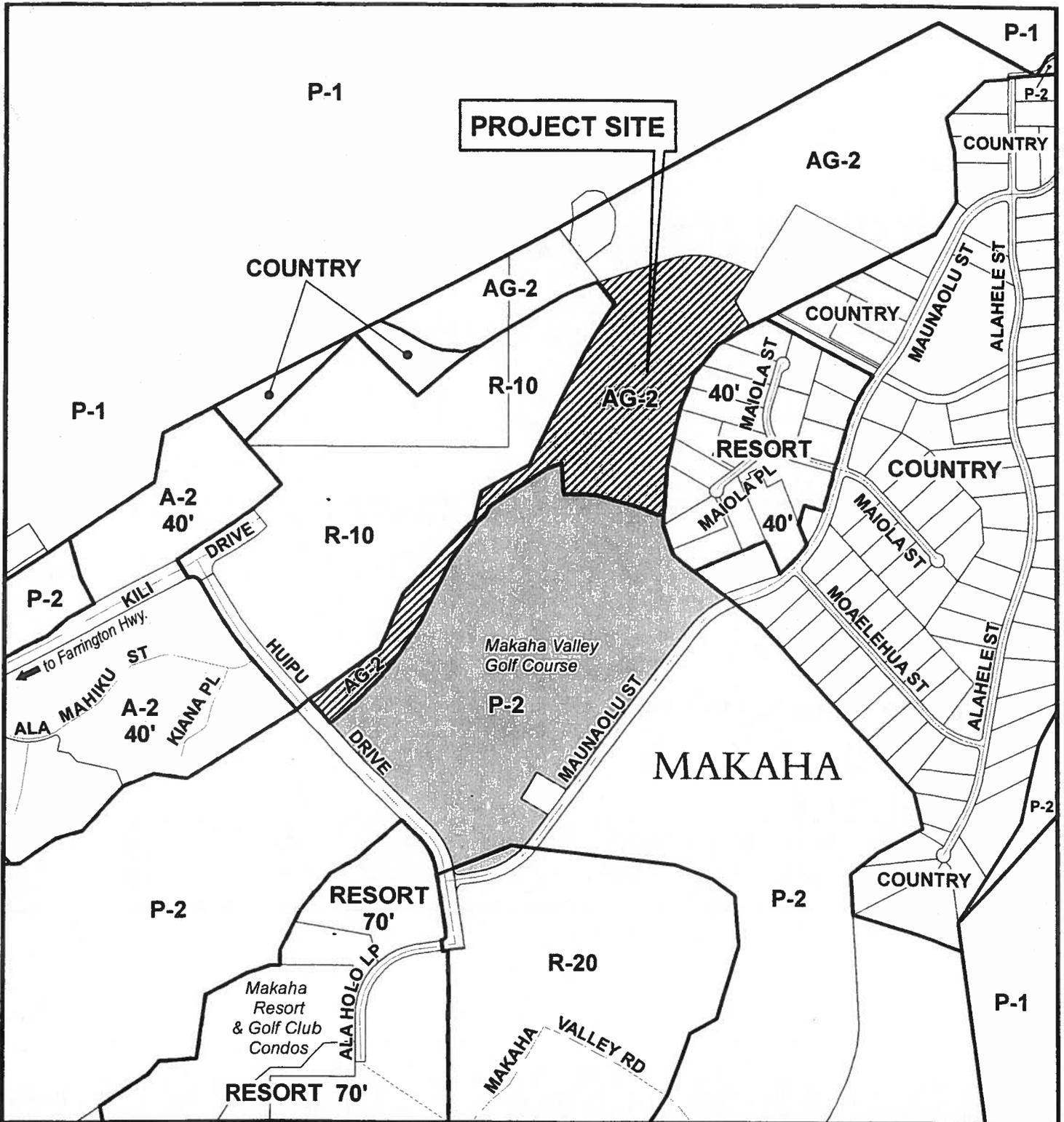
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By 
George I. Atta, FAICP
Director

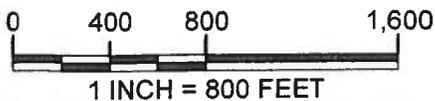
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Attachments

ATTACHMENT 1
(MAPS)



VICINITY MAP



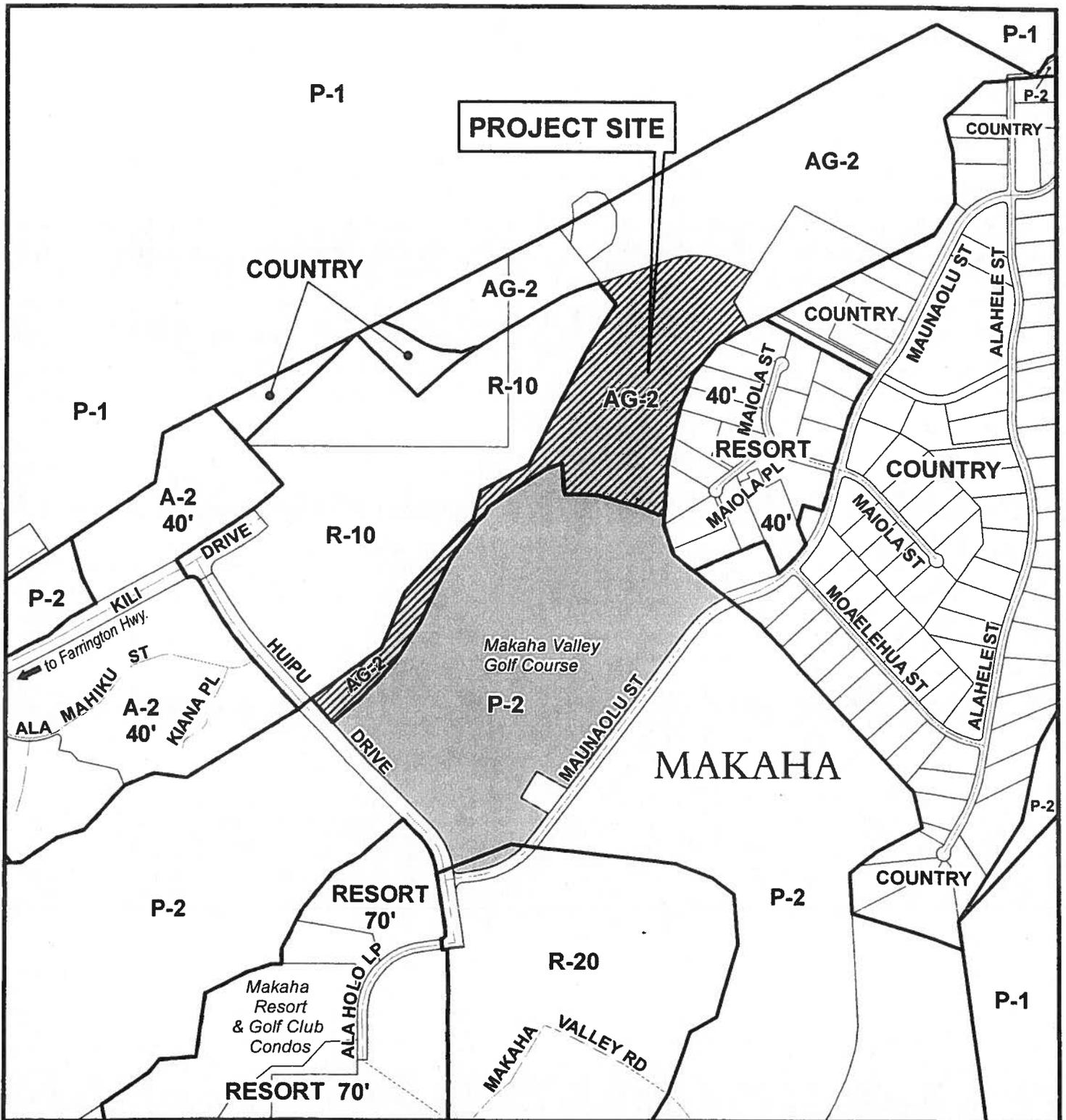
LOCATION MAP with Zoning - Makaha

■ TMK: 8-4-002: 055

▨ PROJECT SITE

TAX MAP KEY(S): 8-4-002: Portion of 055

FOLDER NO.: 2013/Z-8



PROJECT SITE

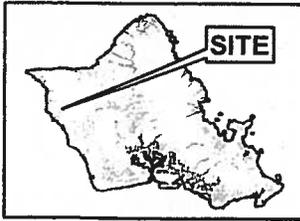
PORTION OF EXISTING ZONING MAP # 15 (LUALUALEI-MAKAHA)

TMK: 8-4-002: 055

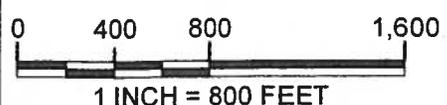
PROJECT SITE

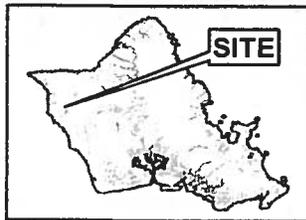
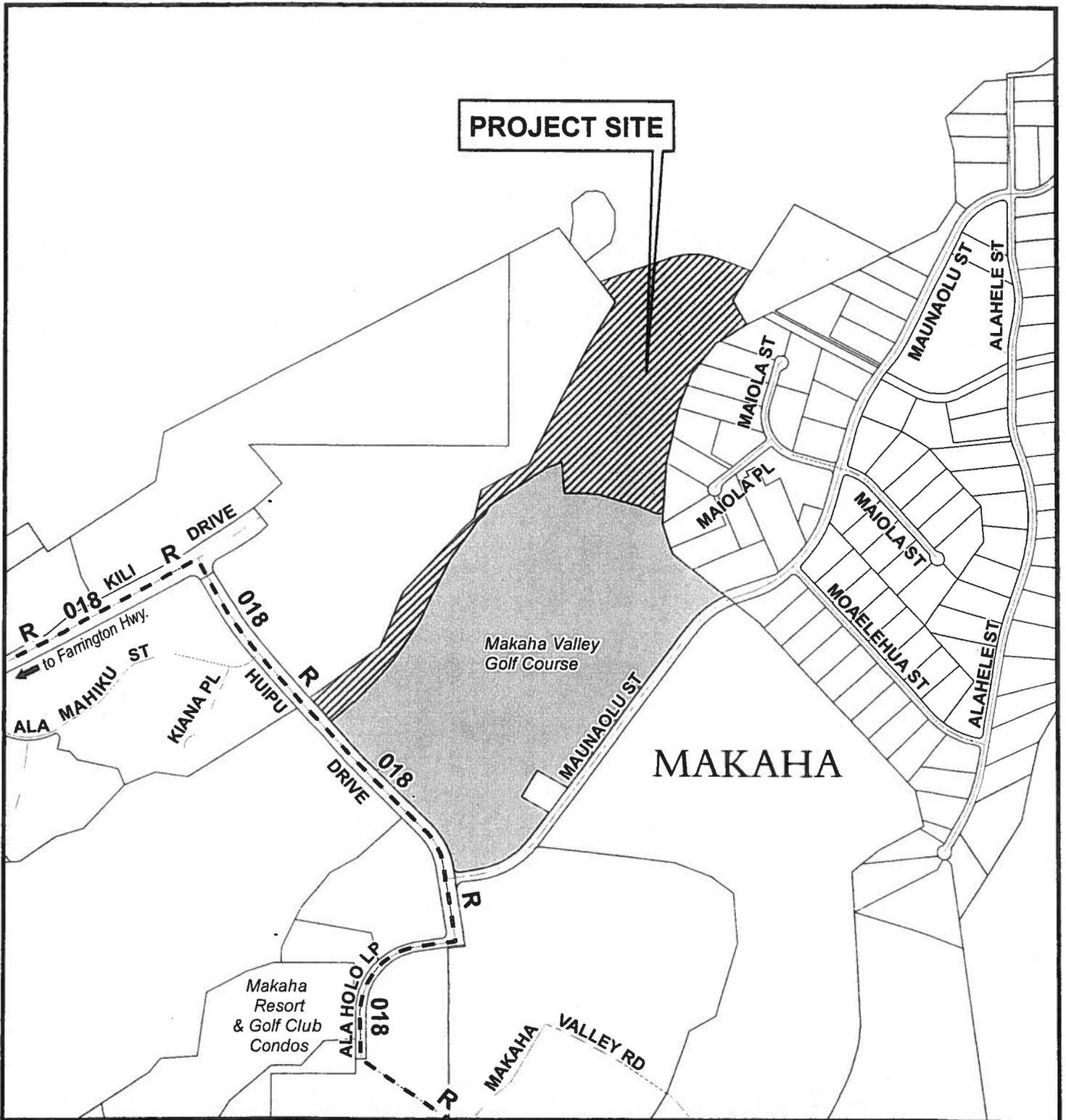
TAX MAP KEY(S): 8-4-002: Portion of 055

FOLDER NO.: 2013/Z-8

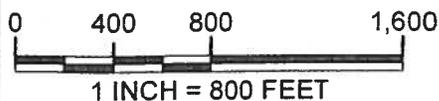


VICINITY MAP





VICINITY MAP



PORTION OF WAIANAE (PIM) PUBLIC INFRASTRUCTURE MAP

--- ARTERIAL ROADWAY

■ TMK: 8-4-002: 055

▨ PROJECT SITE

TAX MAP KEY(S): 8-4-002: Portion of 055

FOLDER NO.: 2013/Z-8

LEGEND

AEF: (Floodway Areas in Zone AE) - the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

AE: Base Flood Elevations determined.

XS: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

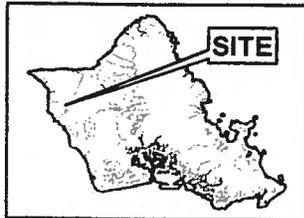
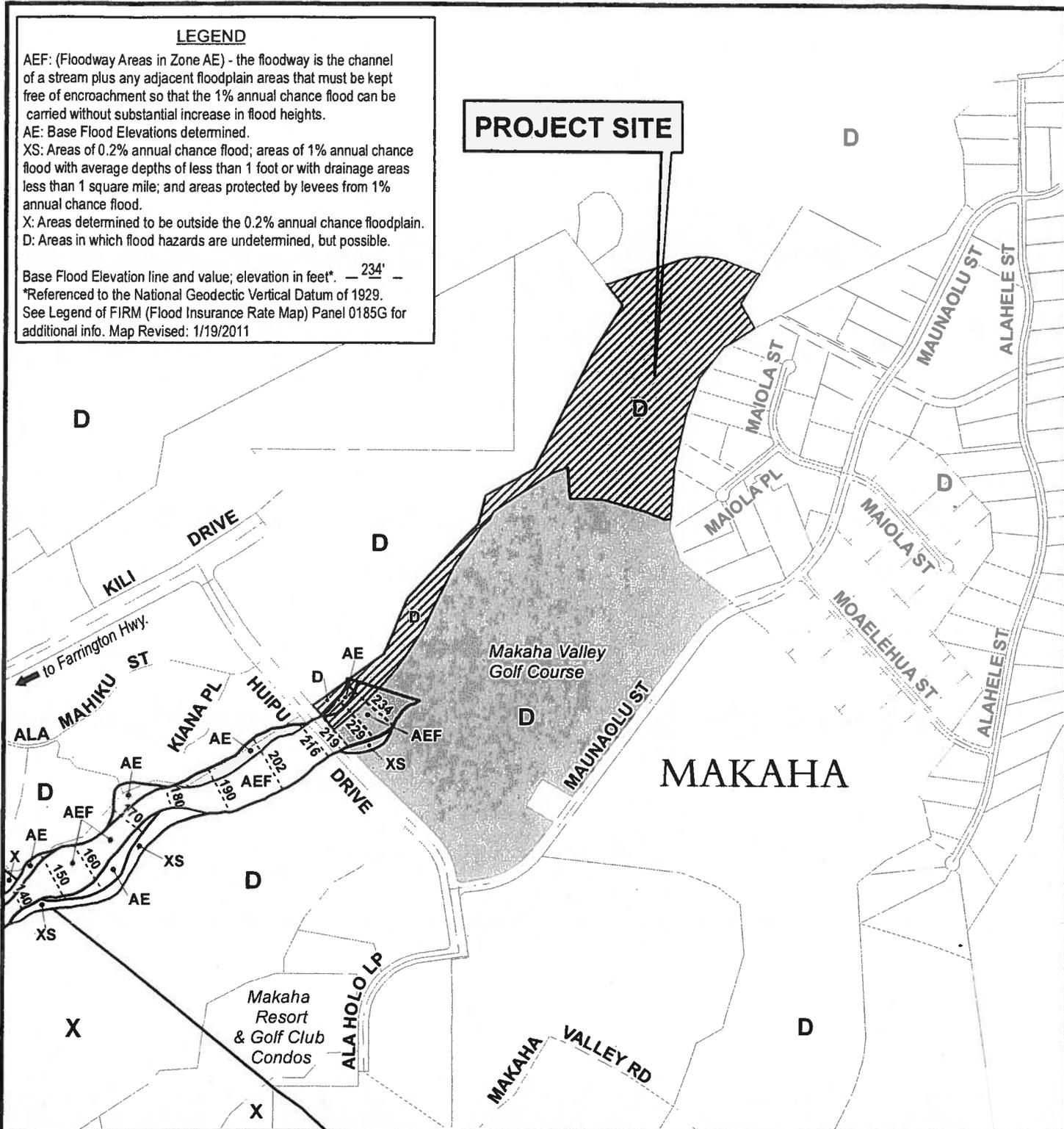
X: Areas determined to be outside the 0.2% annual chance floodplain.

D: Areas in which flood hazards are undetermined, but possible.

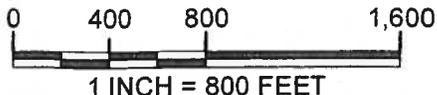
Base Flood Elevation line and value; elevation in feet' - 234' -

*Referenced to the National Geodetic Vertical Datum of 1929.

See Legend of FIRM (Flood Insurance Rate Map) Panel 0185G for additional info. Map Revised: 1/19/2011



VICINITY MAP



FLOOD HAZARD MAP

TMK: 8-4-002: 055

PROJECT SITE

TAX MAP KEY(S): 8-4-002: Portion of 055

FOLDER NO.: 2013/Z-8

**ATTACHMENT 2
(AGENCY & COMMUNITY COMMENTS)**

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



December 17, 2013 DEC 24 A 8:07

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

KIRK CALDWELL, MAYOR

DUANE R. MIYASHIRO, Chairman
MAHEALANI CYPHER, Vice Chair
THERESIA C. McMURDO
ADAM C. WONG
DAVID C. HULIHEE

ROSS S. SASAMURA, Ex-Officio
GLENN M. OKIMOTO, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer *we*

TO: GEORGE I. ATTA, FAICP, LEED AP, CEI, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ERNEST Y. W. LAU, P.E., MANAGER AND CHIEF ENGINEER *eyw*

SUBJECT: YOUR MEMORANDUM DATED NOVEMBER 15, 2013 REQUESTING
COMMENTS ON THE APPLICATION FOR A ZONE CHANGE FROM
AG-2 GENERAL AGRICULTURAL DISTRICT TO P-2 GENERAL
PRESERVATION DISTRICT, 2013/Z-8(MH) - TAX MAP KEY: 8-4-002: 055

We do not have objections to the proposed zone change.

However, please be advised that this information is based upon current data, and therefore, the Board of Water Supply reserves the right to change any position or information stated herein up until the final approval of the building permit application. The final decision on the availability of water will be confirmed when the building permit application is submitted for approval.

When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

The irrigation requirements of the golf course should be provided for by the nonpotable water system serving this area.

If you have any questions, please contact Robert Chun at 748-5443.

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • INTERNET: www.honolulu.gov



KIRK CALDWELL
MAYOR

NELSON H. KOYANAGI, JR.
DIRECTOR

GARY T. KUOKAWA
DEPUTY DIRECTOR

December 3, 2013

MEMORANDUM

TO: George I. Atta, Director
Department of Planning and Permitting

FROM: Wendy K. Imamura, Purchasing Administrator
Division of Purchasing
Department of Budget and Fiscal Services

SUBJECT: Application for a Zone Change
Project File No. 2013/Z-8
Makaha West Golf Course
TMK: 7-3-4:27

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

13 DEC -4 AMO:05

We do not anticipate any impact on the activities and services, which are planned or provided by our department, by the subject application.

Please contact Diane Murata at ext. 83950 for further assistance.

Section 207

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

'13 DEC 13 A9:09

KIRK CALDWELL
MAYOR

DEPT PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



CHRIS T. TAKASHIGE, P.E., CCM
DIRECTOR

MARK YONAMINE, P.E.
DEPUTY DIRECTOR

December 10, 2013

MEMORANDUM

TO: GEORGE I. ATTA, FAICP, LEED AP, CEI, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM:  CHRIS TAKASHIGE, P.E., CCM, DIRECTOR

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM AG-2 GENERAL
AGRICULTURAL DISTRICT TO P-2 GENERAL PRESERVATION
DISTRICT; MAKAHA WEST GOLF COURSE, MAKAHA, OAHU
TAX MAP KEY: 8-4-002: 055 (portion)

The Department of Design and Construction does not have any comments to offer on the subject project.

Thank you for the opportunity to review and comment. Should you have any questions, please contact me at x88480.

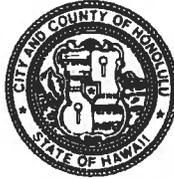
CTT:cf (539064)

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DEPARTMENT OF ENTERPRISE SERVICES
GOLF COURSE DIVISION * HONOLULU ZOO * NEAL S. BLAISDELL CENTER * WAIKIKI SHELL
CITY AND COUNTY OF HONOLULU

777 WARD AVENUE · HONOLULU, HAWAII 96814-2166
PHONE: (808) 768-5400 * FAX: (808) 768-5433 * INTERNET: www.honolulu.gov/des

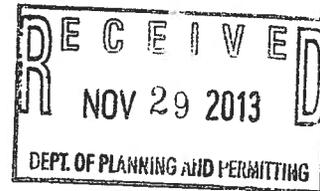
KIRK CALDWELL
MAYOR



GERALD H. SAITO
DIRECTOR

TRACY S. KUBOTA
DEPUTY DIRECTOR

November 21, 2013



TO: George I. Atta, FAICP, Director
Department of Planning and Permitting

FROM: Gerald H. Saito, Director
Department of Enterprise Services

A handwritten signature in black ink, appearing to read "Gerald H. Saito".

SUBJECT: Application for a Zone Change from AG-2 General Agricultural District to
P-2 General preservation District; Makaha West Golf Course,
Makaha, Oahu
Tax Map Key: 8-4-002: 055 (portion)

Department of Enterprise Services has no comments or objections to the zone
change request submitted by Hawaiian Golf Properties, LLC.

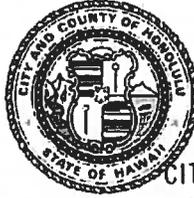
GHS:gi

SC 11/22/13 21:09

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



14 JAN 15 P3:14

LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO
PRO 14-004

DEPT. OF ENVIRONMENTAL SERVICES
CITY & COUNTY OF HONOLULU

January 15, 2013

MEMORANDUM

TO: GEORGE I. ATTA, FAICP, LEED AP, CEI, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *Ross Tanimoto*
LORI M.K. KAHIKINA, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM AG-2 GENERAL
AGRICULTURAL DISTRICT TO P-2 GENERAL PRESERVATION
DISTRICT; MAKAHA WEST GOLF COURSE, MAKAHA, OAHU, TAX MAP
KEY: 8-4-002:055 (PORTION)

We have reviewed the subject document as transmitted to us by your memo dated November 15, 2013, reference number 2013/Z-8 (mh), and we do not believe the proposed zone change will significantly impact our services or facilities.

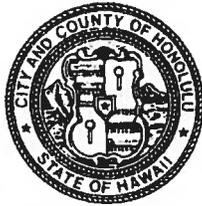
Should you have any questions, please call Lisa Kimura, Civil Engineer, at 768-3455.

Scanned 11/01/2013

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulu'ohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR



ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

IN REPLY REFER TO:
DRM 13-1063

December 9, 2013

MEMORANDUM

TO: GEORGE I. ATTA, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

ATTENTION: MATT HIGASHIDA

FROM: 
ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM AG-2
GENERAL AGRICULTURAL DISTRICT TO P-2 GENERAL
PRESERVATION DISTRICT; MAKAHA WEST GOLF COURSE,
MAKAHA, OAHU
TAX MAP KEY: 8-4-002:055 (PORTION)

Thank you for the opportunity to review and comment on the subject's "Application For A Zone Change From AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course, Makaha, Oahu, TMK: 8-4-002:055 (portion)" documents dated November 15, 2013.

We have no comments; as we have no facilities or easement(s) within or around the subject properties that will be impacted by the rezoning. Also, we do not foresee any impact on any of our maintenance operations because of the rezoning.

If you have any questions, please call Kyle Oyasato of the Division of Road Maintenance at 768-3697.

DEPT. OF PLANNING & PERMITTING
CITY & COUNTY OF HONOLULU, HI
13 DEC 11 P 3:06

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR



MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

December 6, 2013

TO: GEORGE ATTA, FAICP, LEED AP, CEI, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ROLLAND J. HARVEST, ASSISTANT CHIEF

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM AG-2 GENERAL
AGRICULTURAL DISTRICT TO P-2 GENERAL PRESERVATION
DISTRICT
MAKAHA WEST GOLF COURSE
MAKAHA, OAHU
TAX MAP KEY: 8-4-002: 055 (PORTION)
PROJECT FILE NUMBER: 2013/Z-8

DEPT C
AND
CITY COUNTY OF H
CLU

13 DEC 10 AM 05

In response to your memorandum dated November 15, 2013, regarding the above-mentioned subject, the Honolulu Fire Department determined that there will be no significant impact to fire department services.

Should you have questions, please contact Battalion Chief Socrates Bratakos of our Fire Prevention Bureau at 723-7151 or sbratakos@honolulu.gov.


ROLLAND J. HARVEST
Assistant Chief

RJH/SY:jl

PROPOSAL

: The Applicant plans to renovate the existing Makaha Golf Course West property. Planned renovations include grading, grassing, reconstruction of cart paths and bridges, and renovation of accessory golf course structures.

DEPARTMENT COMMENTS:

HPD Commented

PROJECT FILE NUMBER 2013/Z-8

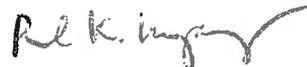
Thank you for the opportunity to review the subject application.

This project should have no significant impact on the operations of the Honolulu Police Department at this time.

If there are any questions, please contact Major Kerry Inouye of District 8 (Kapolei) at 723-8403 or via e-mail at kinouye@honolulu.gov.

DEPT. OF PLANNING
AND PERMITS
CITY & COUNTY OF HONOLULU, HI

13 DEC 12 A 9:29



RANDAL K. MACADANGDANG, Assistant Chief
Support Services Bureau

Signature / Date

December 10, 2013

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
Website: www.honolulu.gov

2013/2-18

*13 NOV 27 P2:53

KIRK CALDWELL
MAYOR



TONI P. ROBINSON
DIRECTOR

DEPT. OF PLANNING & PERMITTING
CITY & COUNTY OF HONOLULU
JEANNE C. ISHIKAWA
DEPUTY DIRECTOR

November 26, 2013

MEMORANDUM

TO: George I. Atta, FAICP, Director
Department of Planning and Permitting

FROM: Toni P. Robinson
Director *Toni P. Robinson*

SUBJECT: Application for a Zone Change from AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course, Makaha, Oahu; Tax Map Key: 8-4-002: 055 (portion)

Thank you for the opportunity to review and comment on Hawaiian Golf Properties, LLC Application for Zone Change.

The proposed zone change will have no impact on public facilities and/or services which are planned or provided by the Department of Parks and Recreation.

Should you have any questions, please contact Mr. John Reid, Planner, at 768-3017.

TPR:jr
(539322)

Serial 1101667

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813

Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

13 DEC 16 10 45

KIRK CALDWELL
MAYOR

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



MICHAEL D. FORMBY
DIRECTOR

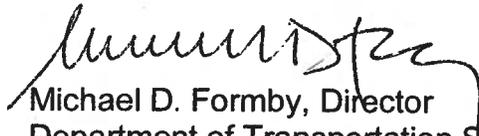
MARK N. GARRITY, AICP
DEPUTY DIRECTOR

TP11/13-539118R

December 5, 2013

MEMORANDUM

TO: George I. Atta, FAICP, Director
Department of Planning and Permitting

FROM: 
Michael D. Formby, Director
Department of Transportation Services

SUBJECT: Application for a Zone Change from AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course, Makaha, Oahu; Tax Map Key: 8-4-002: 055 (portion)

This is in response to your memorandum dated November 15, 2013, requesting our review and comment on the above zone change application for the project file number 2013/Z-8.

We do not have any comments or recommendations at this time.

Should you have any questions, please contact Renee Yamasaki of my staff at Local 88383.

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



2013/2-8
LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

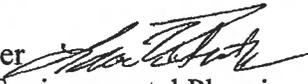
STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

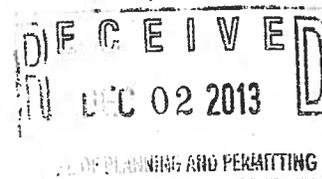
EPO 13-221
Makaha West Golf Course
2013/Z-8

November 26, 2013

TO: George I. Atta, FAICP, Director
Department of Planning and Permitting
Attention: Matt Higashida

FROM: Laura McIntyre, Manager 
Department of Health, Environmental Planning Office

SUBJECT: **Application for a Zone Change**
AG-2 General Agricultural District to P-2 General Preservation District
Makaha West Golf Course, Makaha, Oahu, TMK: 8-4-002: 005 (portion)



The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your letter dated November 15, 2013. Thank you for allowing us to review and comment on the subject document. EPO recommends that you review the Standard Comments found on our website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. You are required to adhere to all Standard Comments specifically applicable to this application.

EPO appreciates your work to create healthy, active, and sustainable communities.

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 12, 2013

City and County of Honolulu
Department of Planning and Permitting
Attention: George I. Atta, Director
Mr. Matt Higashida
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

via email: mhigashida@honolulu.gov

Dear Mr. Atta and Mr. Higashida,

SUBJECT: Application for a Zone Change from AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course, Makaha, Oahu; Project File Number 2013/Z-8

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from Land Division – Oahu District. No other comments were received as of our suspense date. Should you have any questions, please feel free to call Supervising Land Agent Steve Molmen at 587-0439. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 26, 2013

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division Oahu District
 Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Application for a Zone Change from AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course
LOCATION: Makaha West Golf Course, Makaha, Oahu, Tax Map Key: 8-4-002: 055 (portion)
APPLICANT: Hawaiian Golf Properties, LLC by its agent Patrick Seguirant

Transmitted for your review and comment on the above-referenced document. If we have not provided you with a CD-ROM, the document can be found here:

1. Go to: <https://sp01.ld.dlnr.hawaii.gov/LD>
2. Login: Username: LD\visitor Password: 0pa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Application for a Zone Change from AG-2 General Agricultural District to P-2 General Preservation District; Makaha West Golf Course", then click on "Files" and "Download a copy".

We would appreciate your comments on this document. Please submit any comments by December 12, 2013. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: T. Aila
Print Name: William J. Aila, Jr.
Date: 12/2/2013

cc: Central Files

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 30, 2013

Mr. Tim Hata
City and County of Honolulu
Dept. Planning and Permitting
650 S. King Street, 7th floor
Honolulu, Hawaii 96813

LOG NO: 2013.6614
DOC NO: 1312NN07
Archaeology

Dear Mr. Hata:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Request for a Letter of Determination for a Change of Zone for Makaha West Golf Course
Makaha Ahupua'a, Waianae District, Island of O'ahu
TMK: (1) 8-4-002:055 (portion)**

Thank you for the opportunity to review this request that was received by our office on November 21, 2013. According to the application, Hawaiian Golf Properties LLC proposes to change the zoning of about 28.3 acres of the 87.4-acre subject parcel from the General Agricultural District (A-2) to the General Preservation District (P-2) and to subsequently include this acreage in the renovation of the existing golf course.

A review of our records indicates that no archaeological inventory survey has been completed for this parcel. While the existing golf course comprises most of the parcel, the *mauka* portion was not graded during the construction of the golf course. As such, potential exists that yet undocumented historic properties may still be present in some areas. Therefore, **SHPD requests that an archaeological inventory survey (AIS) be completed for the entire proposed zone change portion of the property** in order to record any historic properties potentially present and to determine an appropriate course of mitigation. We request that a report of the survey findings be submitted to SHPD for review and acceptance pursuant to Hawaii Administrative Rule §13-276 prior to issuance of the zone change and of any permits associated with the renovation and possible expansion of the Makaha West Golf Course.

Please contact Deona Naboia at (808) 692-8015 or deona.naboia@hawaii.gov for any questions or concerns regarding this letter.

Aloha,

A handwritten signature in black ink that reads "Susan A. Lebo".

Susan A. Lebo, PhD
Oahu Lead Archaeologist

cc: Larry Sumida of Pacific Links email: lsumida@pacificlinks.com,

NEIL ABERCROMBIE
GOVERNOR



RECEIVED

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

'13 DEC 18 P1:13

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION DEPT. OF PLANNING
869 PUNCHBOWL STREET AND PERMITTING
HONOLULU, HAWAII 96813-5092 CITY & COUNTY OF HONOLULU, HI

STP 8.1400

December 10, 2013

Mr. George I. Atta
FAICP Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Subject: Application for a Zone Change from AG-2 General Agricultural District
to P-2 General Preservation District
Makaha West Golf Course, Makaha, Oahu
Tax Map Key: 8-4-002:055 (portion)

The subject project is not expected to significantly impact the State highway facility. However, the applicant is required to obtain a permit from the State Department of Transportation (DOT), Highways Division for the transport of oversized and/or overweight materials and equipment on State highway facilities.

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,


GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Serial 1101667

**ATTACHMENT 3
(DRAFT ORDINANCE)**



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT MAKAHA VALLEY, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

Section 1. Zoning Map No. 15 (Lualualei-Makaha), Ordinance 86-117, is hereby amended as follows: Land situated at Makaha Valley, Oahu, Hawaii hereinafter described, is hereby rezoned from the AG-2 General Agricultural District to the P-2 General Preservation District. The boundaries of said District shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key: 8-4-002: Portion of 055.

Section 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.



A BILL FOR AN ORDINANCE

Section 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

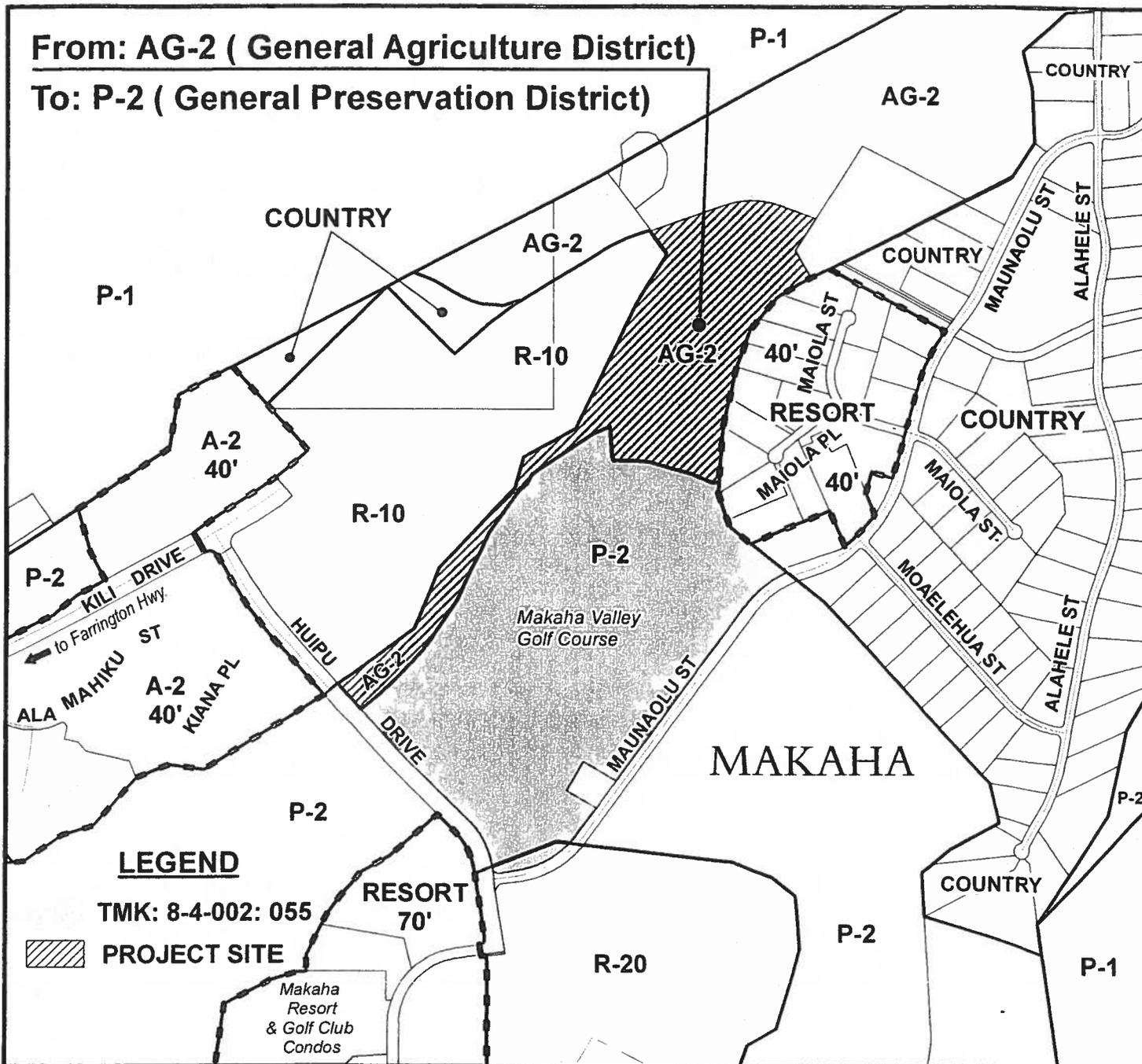
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu

From: AG-2 (General Agriculture District)

To: P-2 (General Preservation District)



LEGEND

TMK: 8-4-002: 055



PROJECT SITE

Makaha
Resort
& Golf Club
Condos

PORTION OF

**EXISTING ZONING MAP # 15
(LUALUALEI-MAKAHA)**

Land situated approximately 2,550 feet East from the intersection of Kili Drive and Huipu Drive and approximately 830 feet West from the intersection of Maiola Street and Maiola Place.

APPLICANT: HAWAIIAN GOLF PROPERTIES, LLC
TAX MAP KEY(S): 8-4-002: PORTION OF 055
FOLDER NO.: 2013/Z-8
LAND AREA: 28.3 Acres (Approx.)
PREPARED BY: DEPARTMENT OF PLANNING AND PERMITTING
 CITY AND COUNTY OF HONOLULU
PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

2013/Z-6



0 400 800

1 INCH = 800 FEET



EXHIBIT B

(DRAFT UNILATERAL AGREEMENT
INCORPORATING THE CONDITIONS
RECOMMENDED BY THE DPP IN THE
DIRECTOR'S REPORT)

(To be prepared by the Applicant and submitted to the City Council)