

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 23, 2021

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 200D-081

OAHU

Sale of Remnant State Land to Ho'ala Honua, LLC, Hauula, Koolaupoko,
Oahu, Tax Map Key: (1) 5-4-005:012.

APPLICANT:

Ho'ala Honua, LLC, a Hawaii limited liability company

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Hauula, Koolaupoko, Oahu identified by
Tax Map Key: (1) 5-4-005:012 as shown on the attached map labeled **EXHIBIT
A.**

AREA:

8000 square feet, more or less. (To be verified by Department of Accounting
and General Services (DAGS), Survey Division)

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: Country

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020 the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existed" and Part 1, Item 37 that states, "Transfer of title to land."

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Good standing confirmed:	YES

APPLICANT REQUIREMENTS: Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Pay for an appraisal to determine the one-time payment of fair market value for the remnant.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

In accordance to the City and County of Honolulu’s development standard for Country zoned lands, the subject State parcel does not meet minimum lot area of 1 acre. See the City and County of Honolulu, Department of Planning and Permitting’s comments attached as **EXHIBIT C**. Therefore, staff recommends the Board determine the subject land is a remnant under 171-52, HRS.

The parcel is bordered by Hauula Homestead Road and private parcels identified as Tax Map Key: (1) 5-3-015:026 (Malefile’o and Bonnie Vea) and (1) 5-3-012:044 (Applicant - Ho’ala Honua LLC). Records shows that a portion of the property currently owned by the Applicant described as a portion of a former railroad right-of-way (40 foot wide) was conveyed by Land Patent Grant S-16407 dated May 9, 2012 to the previous owner, Hawaii Conference Foundation.

By their application, the Applicant is requesting to purchase the State-owned parcel to be used as part of a proposed roadway lot for access to their property. However, to create the proposed roadway lot, the City and County of Honolulu requires a minimum width of 44 feet, therefore, acquiring the state-owned parcel would widen the section from entrance from Hauula Homestead Road and enable the Applicant to comply with the City and County of Honolulu’s requirement.

Staff contacted Malefile’o and Bonnie Vea, the other abutting land owners who initially expressed interest in purchasing the remnant. A meeting was held with both parties and it was decided and agreed that the remnant would be divided, and each party would purchase a portion. However, the Veas have recently informed staff that they are no longer interested in purchasing a portion of the remnant. The Applicant is still interested in purchasing the entire remnant parcel.

Comments were solicited from the following Agencies:

C&C/Dept of Planning and Permitting	Comments shown attached as Exhibit C .
C&C/Dept of Design and Construction	No Response.
Board of Water Supply	No Comments
Office of Hawaiian Affairs	No Response.

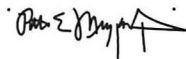
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an

environmental assessment.

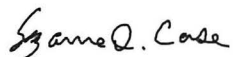
2. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
3. Subject to the Ho’ala Honua LLC fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant parcel to the Ho’ala Honua LLC under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson *RT*

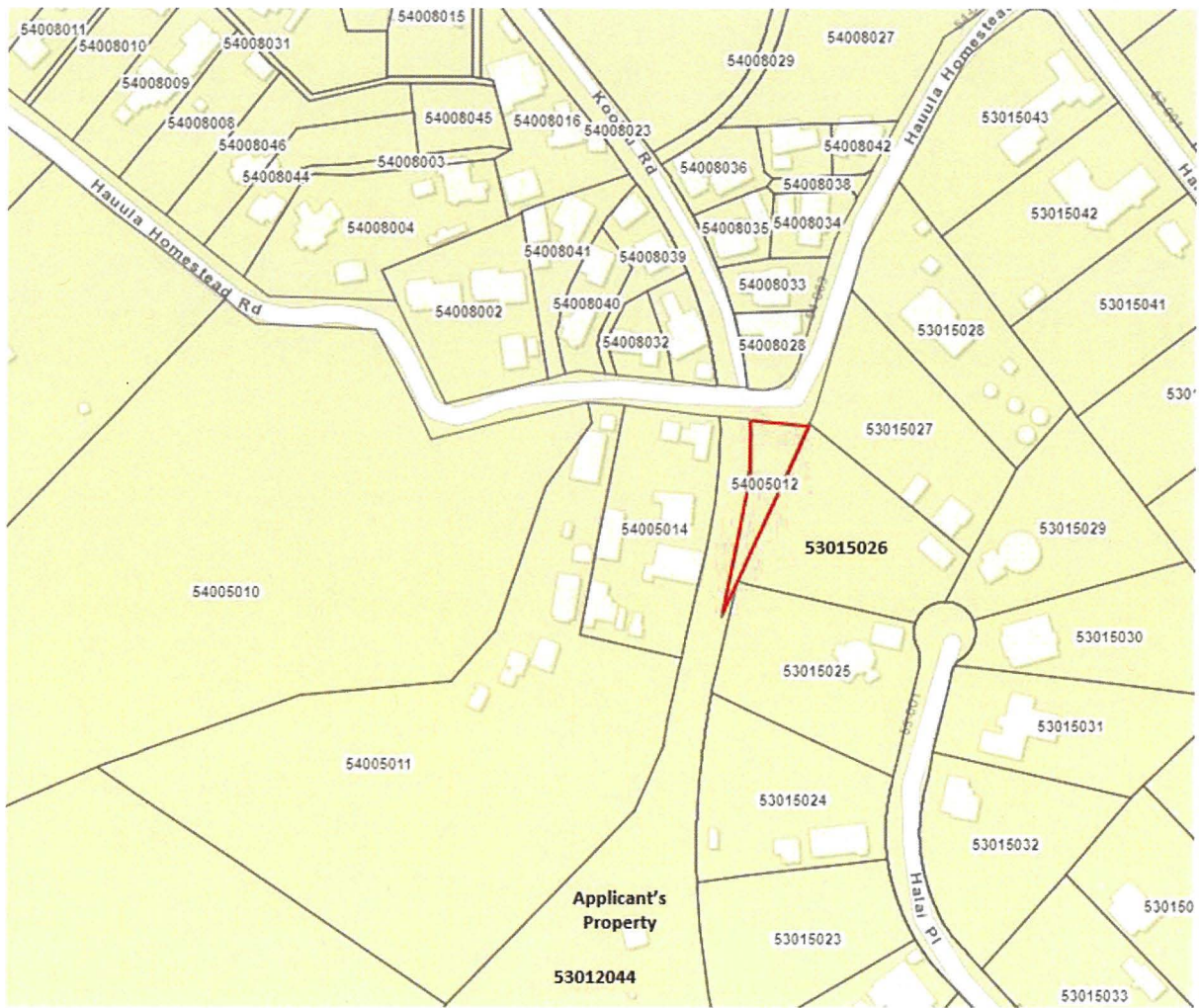


EXHIBIT A

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title: Sale of Remnant State Land

Reference No.: 20OD-081

Project Location: Hauula, Koolaupoko, Oahu, Tax Map Key: (1) 5-4-005:012

Project Description: Sale of Remnant State Land to Ho’ala Honua, LLC.

Chap. 343
Trigger(s): Use of State Land.

Exemption Class
No.: In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existed”, Part 1, Item 37 that states, “Transfer of title to land.”

The Applicant’s proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Cumulative Impact
of Planned
Successive Actions
in Same Place
Significant? No. Staff believes the request would involve negligible impact to the subject area.

Action May Have
Significant Impact
on Particularly
Sensitive
Environment?

Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible impact.

Consulted Parties:

As noted above.

Analysis:

The analysis factors are the requested sale of the remnant of state land are no negligible expansion or change in use of the subject area beyond previously existing. Taking these factors into consideration staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Recommendation:

It is anticipated that the sale of the remnant state land will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

DEPARTMENT OF PLANNING AND PERMITTING
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DEPUTY DIRECTOR

May 27, 2021

2021/ELOG-933(LP)

Ms. Patti E. Miyashiro
Department of Land and Natural Resources
Land Division
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Miyashiro:

SUBJECT: Request for Comments
Sale of Remnant State Land
Tax Map Key: 5-4-005: 012

This is in response to your letter, received May 7, 2021, requesting comments on the sale of remnant State land. Specifically you would like the Department of Planning and Permitting to confirm the applicable development standards. The subject site is an undeveloped 8,010-square-foot triangular lot in the Country District. According to our records, the Makao Stream appears to run through the eastern portion of the lot and a storm drainage easement is adjacent to the lot on its eastern side.

Pursuant to Land Use Ordinance (LUO) Section 21-3.60, Table 21-3.1, the lot does not meet the one acre minimum lot area required for the Country District. Additionally, at 76 feet wide along Hauula Homestead Road, the site does not meet the minimum lot width of 100 feet. Therefore, it is a nonconforming lot. Pursuant to LUO Section 21-4.110(a)(2), any conforming structure or use may be constructed, enlarged, extended, or moved on a nonconforming lot as long as all other requirements of the LUO are met.

The Country District requires 15-foot front and 10-foot side and rear yard setbacks. The maximum height for nonagricultural structures is 25 feet where height setbacks are provided. The height setback standards stipulate that any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet.

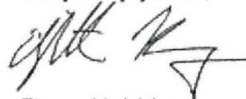
EXHIBIT C

Ms. Patti E. Miyashiro
May 27, 2021
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The building area (lot coverage) limit for nonagricultural structures is 25 percent of the lot area.

Thank you for the opportunity to comment on this proposal. Should you have any questions, please contact Lena Phomsouvanh, of our staff, at (808) 768-8052, or lena.phomsouvanh@honolulu.gov.

Very truly yours,



For: Dean Uchida
Director