

MAR 13 2013

SENATE RESOLUTION

URGING CONTINENTAL PACIFIC, LLC, TO PLACE AN IMMEDIATE STAY OF
EVICTION TO ALLOW RESIDENTS OF KAHUKU VILLAGE TO REMAIN IN
THEIR HOMES UNTIL AN ARCHAEOLOGICAL INVENTORY SURVEY CAN BE
COMPLETED FOR THE ENTIRE PROJECT.

1 WHEREAS, in 1890, the Kahuku Sugar Plantation was founded
2 on the property owned by James Campbell; and

3
4 WHEREAS, workers were imported from Asia and elsewhere and
5 housed onsite to keep up with the production demands of the
6 sugar mill; and

7
8 WHEREAS, this is how the town of Kahuku began and was
9 populated; and

10
11 WHEREAS, in 1971, the Kahuku Sugar Mill ceased operation
12 and the James Campbell Estate worked with the community to
13 buffer the negative impact of its closure by allowing tenants to
14 stay in Kahuku Village at a reduced rent; and

15
16 WHEREAS, historically, plantation camps have been the
17 responsibility or "kuleana" of large landowners to provide
18 lifelong housing to their tenant workers and tenant workers'
19 families; and

20
21 WHEREAS, large landowners have long recognized the value
22 and intrinsic connection between the success of the plantations
23 and the sacrifices made by their tenant workers; and

24
25 WHEREAS, today, Kahuku Village tenants include multi-
26 generational families who have deep personal connections and
27 experiences with the former Kahuku Sugar Plantation or Kahuku
28 Town; and

29
30 WHEREAS, Kahuku Village V currently comprises about seventy
31 residential homes originally built for plantation workers on the
32 makai side of Kamehameha Highway on land formerly owned by the
33 James Campbell Estate; and



1 WHEREAS, in 2006, Continental Pacific, LLC (Continental
2 Pacific), purchased Kahuku Village from the James Campbell
3 Estate with plans to convert Kahuku Village into a condominium
4 property regime, a process that will allow for the sale of
5 single-family residential lots to the Kahuku Village occupants;
6 and
7

8 WHEREAS, additionally, necessary infrastructure
9 improvements are planned to be completed in and around the
10 Village, such as existing and new roadway improvements, new
11 water lines for fire protection, replacement of existing
12 cesspools with septic tanks, storm run-off remediation and
13 related drainage improvements; and
14

15 WHEREAS, in January 2012, Continental Pacific began
16 construction at Kahuku Village by installing a road; and
17

18 WHEREAS, during the construction, Continental Pacific
19 unearthed burials in an area outside of the planned construction
20 area that was designated by permit; and
21

22 WHEREAS, the State Historic Preservation Division of the
23 Department of Land and Natural Resources has indicated that no
24 new permits will be granted to Continental Pacific until the
25 developer has conducted an archaeological inventory survey in
26 the area; and
27

28 WHEREAS, the State Historic Preservation Division never
29 reviewed the Kahuku Village project to determine whether an
30 archaeological inventory survey was necessary before Continental
31 Pacific started road, sewer, and water work; and
32

33 WHEREAS, the Department of Land and Natural Resources
34 reported that the City and County of Honolulu Department of
35 Planning and Permitting never notified the State Historic
36 Preservation Division when the Department of Planning and
37 Permitting issued permits, as required under city law; and
38

39 WHEREAS, the issuing of permits would have triggered a
40 state review; and
41

42 WHEREAS, as a result, an archaeological inventory survey
43 was never conducted prior to the start of construction; and
44



1 WHEREAS, Continental Pacific is currently working with
2 community members to formalize a burial treatment plan; and
3

4 WHEREAS, section 514B-83, Hawaii Revised Statutes, requires
5 a developer's public report to contain any facts, documents, or
6 information that would have a material impact on the use or
7 value of a unit or any appurtenant limited common elements or
8 amenities of the project available for an owner's use, or that
9 may be required by the Real Estate Commission; and
10

11 WHEREAS, section 514B-83, Hawaii Revised Statutes, also
12 requires a developer to promptly amend the public report to
13 report any pertinent or material change or both in required
14 information; and
15

16 WHEREAS, however, in February 2012, Continental Pacific
17 initiated the process of instituting a condominium property
18 regime that would allow for the sale of single-family
19 residential lots to the Kahuku Village occupants, many of whom
20 are descendants from the original Kahuku Plantation workers; and
21

22 WHEREAS, to date, no single-family residential lots have
23 been sold to Kahuku Village occupants, and sixteen Kahuku
24 Village occupants have been sent eviction notices by Continental
25 Pacific while numerous other occupants have been forced to
26 relocate due to construction; now, therefore,
27

28 BE IT RESOLVED by the Senate of the Twenty-seventh
29 Legislature of the State of Hawaii, Regular Session of 2013,
30 that Continental Pacific, LLC, is urged to place an immediate
31 stay of eviction to allow residents of Kahuku Village to remain
32 in their homes until an archaeological inventory survey can be
33 completed for the entire project; and
34

35 BE IT FURTHER RESOLVED that the State Historic Preservation
36 Division of the Department of Land and Natural Resources is
37 urged to work with Continental Pacific to:
38

- 39 (1) Develop and implement an archaeological inventory
40 survey for the entire Kahuku Village project;
41
- 42 (2) Ensure that the burial remains unearthed during
43 construction that fell outside of the scope of the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

permit are properly treated in accordance with state law;

- (3) Develop and implement an appropriate burial treatment plan in an expeditious manner;
- (4) Ensure that within the scope of the permits granted to Continental Pacific no further burial sites are disturbed without an archaeological inventory survey; and
- (5) Consult with the Department of Planning and Permitting of the City and County of Honolulu to ensure that the project proceeds properly within the scope of the permits granted to Continental Pacific; and

BE IT FURTHER RESOLVED that Continental Pacific is requested to consult with the Real Estate Commission to ensure that the project adheres to the statutory requirements for condominium property regimes; and

BE IT FURTHER RESOLVED that the State Historic Preservation Division submit a written report to the Legislature regarding the Kahuku Village project with respect to the development and implementation of a burial treatment plan and archaeological inventory survey no later than twenty days prior to the convening of the Regular Session of 2014; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chief Executive Officer of Continental Pacific, LLC; Administrator of the State Historic Preservation Division of the Department of Land and Natural Resources; Chairperson of the Real Estate Commission; and Director of the Department of Planning and Permitting of the City and County of Honolulu.

OFFERED BY:



