

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
McCLEAN HONOKOHAU PROPERTIES,)
a Hawaii Limited Partnership)
)
To Amend the Land Use District)
Boundary to Reclassify)
Approximately 89.527 Acres of Land)
in the Conservation and)
Agricultural Districts to the Urban)
District at Honokohau, North Kona,)
Hawaii, Tax Map Key Nos.: 7-4-08:)
por. 26 and por. 49)
_____)

DOCKET NO. A89-643

ORDER GRANTING MOTION
FOR AMENDMENT TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

AUG 22 1995

Date

by

[Signature]
Executive Officer

ORDER GRANTING MOTION FOR AMENDMENT TO
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

LAND USE COMMISSION
STATE OF HAWAII
AUG 22 7 49 AM 1995

BEFORE THE LAND USE COMMISSION
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MCCLEAN HONOKOHAU PROPERTIES,)	ORDER GRANTING MOTION
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)	FINDINGS OF FACT,
To Amend the Land Use District)	CONCLUSIONS OF LAW, AND
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Approximately 89.527 Acres of Land)	
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District at Honokohau, North Kona,)	
Hawaii, Tax Map Key Nos.: 7-4-08:)	
por. 26 and por. 49)	
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ORDER GRANTING MOTION FOR AMENDMENT TO
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

On April 5, 1995, Petitioner McClean Honokohau Properties, a Hawaii limited partnership ("Petitioner") filed a Motion For Amendment To Findings Of Fact, Conclusions Of Law, And Decision And Order ("Motion") pursuant to section 15-15-70, Hawaii Administrative Rules ("HAR").

The Findings of Fact, Conclusions of Law, and Decision and Order issued on April 16, 1991 ("Decision and Order") for the subject docket granted reclassification of approximately 45.500 acres from the Conservation District to the Urban District and subjected approximately 26.900 acres in the Conservation District and approximately 17.127 acres in the Agricultural District to Incremental Districting.

Petitioner's Motion requested that a 12.294 acre parcel ("Subject Parcel"), a portion of the area subject to Incremental

Districting and currently within the Agricultural District, be released from the Decision and Order.

Petitioner proposes to develop an active adult residential community on the Subject Parcel instead of the previously proposed light industrial, commercial, and office uses.

Upon release of the Subject Parcel from the Decision and Order, the Petitioner proposes to seek reclassification of the Subject Parcel from the Agricultural District to the Urban District through the County of Hawaii Planning Commission and Hawaii County Council, pursuant to section 205-3.1(c), Hawaii Revised Statutes. Petitioner plans to consolidate the reclassification of the Subject Parcel with a concurrent request for zoning change.

On April 18, 1995, the Motion came on for action before this Land Use Commission ("Commission") at its meeting in Kailua-Kona, Hawaii. At the hearing, the County of Hawaii Planning Department had no objections to the Motion. The Intervenor was not present at the proceeding. The Office of State Planning ("OSP") requested information on the possible impacts of the proposed active adult residential community for circulation to various governmental agencies for comment. Action on the Motion was continued to allow Petitioner to provide OSP with the requested information.

On July 27, 1995, Petitioner filed a Memorandum In Support Of Motion For Amendment To Findings Of Fact, Conclusions Of Law, And Decision And Order ("Memorandum"). Said Memorandum

included a site plan for the Subject Parcel, a map depicting the Subject Parcel in relation to the remainder of Petitioner's Honokohau Master Plan, and a description of the impact upon the resources of the area and the adequacy of public services for the new proposed use of the Subject Parcel.

The Motion, having come on for continued action before this Commission on August 10, 1995 at its meeting in Kailua-Kona, Hawaii, with all parties present with the exception of the Intervenor, and the Commission having heard the additional arguments presented by the Petitioner, and with no objections by the Office of State Planning and the County of Hawaii Planning Department, and having reviewed the entire record herein, and good cause shown therefrom;

NOW HEREBY ORDERS that the Motion For Amendment To Findings Of Fact, Conclusions Of Law, And Decision And Order filed by Petitioner McClean Honokohau Properties, a Hawaii limited partnership, is granted, and hereby releases approximately 12.294 acres, as approximately shown in Exhibit "A" attached hereto and incorporated by reference herein, from the Decision and Order.

IT IS FURTHER ORDERED that the Decision and Order, issued on April 16, 1991 is hereby amended to reflect that approximately 31.733 acres within the State Land Use Conservation and Agricultural Districts, as shown in Exhibit "A" are subject to Incremental Districting pursuant to HAR section 15-15-78, and that reclassification of said 31.733 acres to the Urban District will be granted upon receipt of an application by Petitioner for

redistricting of the second increment upon a prima facie showing that Petitioner has made substantial completion of the onsite and offsite improvements within Increment I, in accordance with the Petitioner's development plans, within five years from the date of issuance of the Decision and Order on April 16, 1991.

IT IS FURTHER ORDERED that the conditions imposed in the Decision and Order issued on April 16, 1991 shall remain in effect for the approximately 45.500 acre Increment I area and the approximately 31.733 acres subject to Incremental Districting.

DOCKET NO. A89-643 - MCCLEAN HONOKOHAU PROPERTIES

Done at Honolulu, Hawaii, this 22nd day of August 1995,
per motion on August 10, 1995.

LAND USE COMMISSION
STATE OF HAWAII

By Allen K. Hoe
ALLEN K. HOE
Chairperson and Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Vice Chairperson and Commissioner

By (absent)
RUPERT K. CHUN
Commissioner

By M. Casey Jarman
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

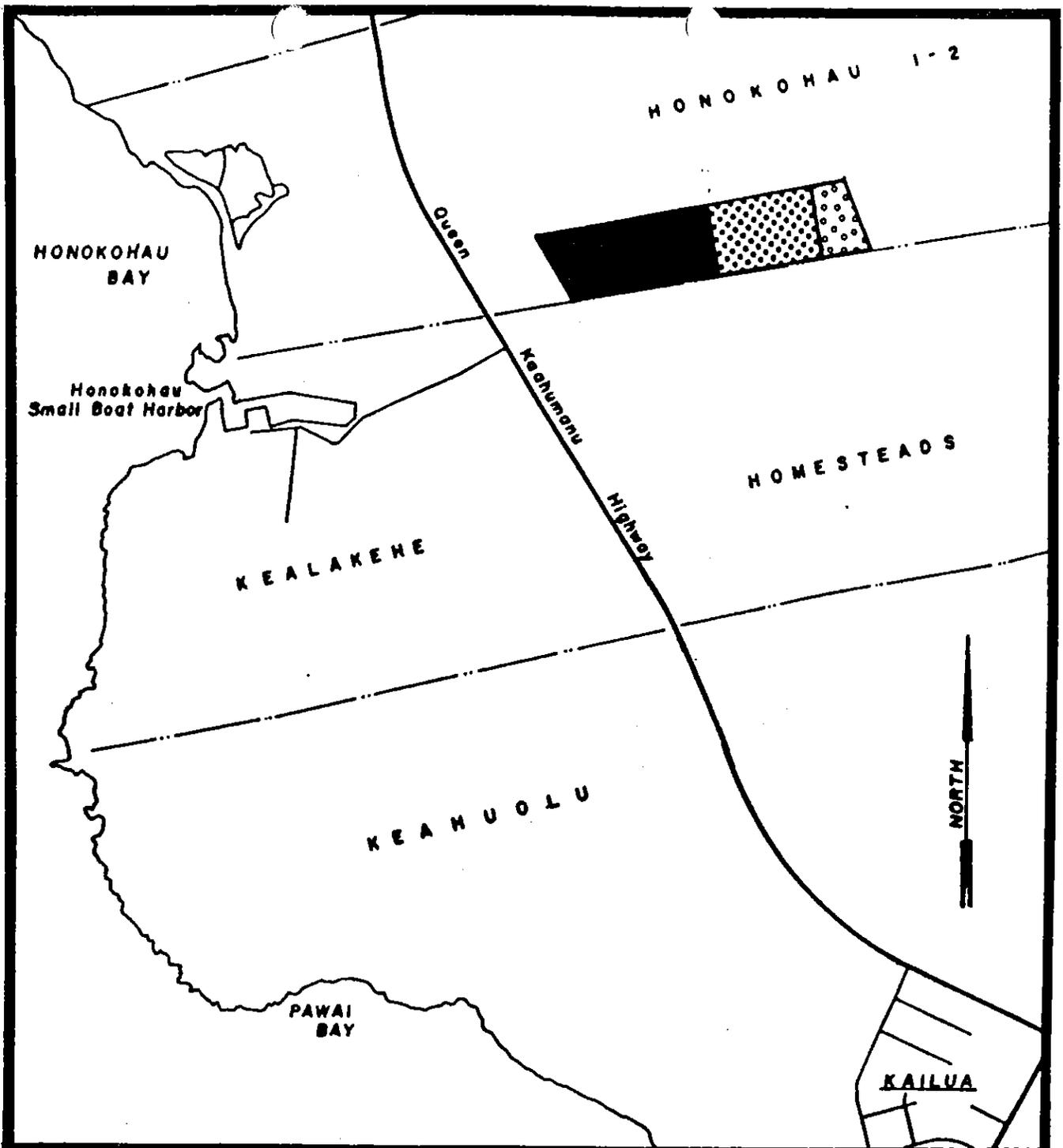
Filed and effective on
August 22, 1995

Certified by:

Elton Wada
Executive Officer

By Trudy K. Senda
TRUDY K. SENDA
Commissioner

By (absent)
ELTON WADA
Commissioner



LOCATION MAP

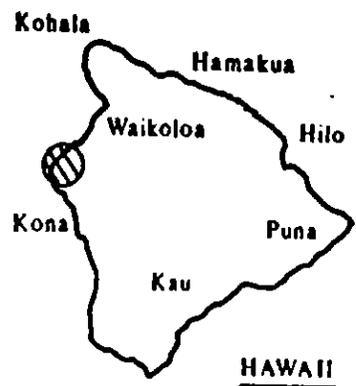
DOCKET NO. A89-643 / McCLEAN HONOKOHAU PROPERTIES, a Hawaii Limited Partnership
TAX MAP KEY: 7-4-08: por. 26, por. 49
HONOKOHAU, NORTH KONA, HAWAII

 **INCREMENT I**

 **INCREMENT II**

SCALE: 1" = 2,000 ft.±

 **DELETED AREA**



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A89-643
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McCLEAN HONOKOHAU PROPERTIES,) CERTIFICATE OF SERVICE
a Hawaii Limited Partnership)
)
To Amend the Land Use District)
Boundary to Reclassify)
Approximately 89.527 Acres of Land)
in the Conservation and)
Agricultural Districts to the Urban)
District at Honokohau, North Kona,)
Hawaii, Tax Map Key Nos.: 7-4-08:)
por. 26 and por. 49)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion for Amendment to Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

GREGORY G.Y. PAI, PH.D., Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

CERT. VIRGINIA GOLDSTEIN, Planning Director
Planning Department, County of Hawaii
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Hilo, Hawaii 96720

CERT. ROBERT J. SMOLENSKI, ESQ., Attorney for Petitioner
1717 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813-3970

CERT. SANDRA PECHTER SCHUTTE, ESQ., Attorney for Intervenors
101 Aupuni Street, Suite 1014A
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 22nd day of August 1995.



ESTHER UEDA
Executive Officer