



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

September 25, 1990

MEMORANDUM

TO: All Parties

FROM: *Esther Ueda*
Esther Ueda, Executive Officer
Land Use Commission

SUBJECT: Amended Decision and Order For LUC Docket No.
A75-404/Honokaa Sugar Company

Attached is an errata sheet for the subject Decision and Order filed on July 18, 1990.

DOCKET NO. A75-404 - HONOKAA SUGAR COMPANY

Page 2, Findings of Fact No. 4 of the Decision and Order should read as follows:

4. Subsequent to the issuance of the Commission's June 3, 1976 Decision and Order, the subject property and former Tax Map Key Number: 4-5-10: parcel 82 (containing approximately 0.731 acres which was reclassified from Agricultural to Urban by the Commission under Docket Number A78-439/Honokaa Sugar Company), was consolidated and resubdivided into Tax Map Key Numbers: 31, 80, 82 (new), 115, 116, 118, and 119, with a total area of approximately 49.227 acres.

Page 3, Findings of Fact No. 7 of the Decision and Order should read as follows:

7. Petitioner's motion to modify Decision and Order proposes to clarify the size and configuration of the subject property reclassified by the Commission, excluding former parcel 82, to be approximately 48.496 acres and that the configuration of the subject property to follow the property lines as reflected by the current tax map parcels: 31, 80, 82 [(new) but excluding the area of former parcel 82], 115, 116, 118, and 119.

Page 3, the Conclusions of Law of the Decision and Order should read as follows:

CONCLUSIONS OF LAW

The Commission finds that based upon the preponderance of the evidence submitted and the arguments of the parties, the correct description of the Petition area as reclassified by the Commission in its Decision and Order filed on June 3, 1976, is approximately 48.496 acres in size and the configuration of the Petition area follows the property lines of current Tax Map Key Numbers: 31, 80, 82 [(new) but excluding the area of former parcel 82], 115, 116, 118, and 119.

Page 4, the Order of the Decision and Order should read as follows:

ORDER

IT IS HEREBY ORDERED that the Decision and Order of June 3, 1976, in this matter, is amended by correcting all references to the Petition area from 42 acres to 48.496 acres; and

That the State Land Use Commission's official maps be amended to reflect the configuration of the Petition area following the property lines of current Tax Map Key Numbers: 4-5-10: parcels 31, 80, 82 [(new) but excluding the area of former parcel 82], 115, 116, 118, and 119.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A75-404
)
HONOKAA SUGAR COMPANY)
)
For Reclassification of Certain)
Lands Situated at Honokaa,)
Island of Hawaii)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Errata Sheet for the Amended 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:

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

CERT. DUANE KANUHA, Planning Director
Planning Department, County of Hawaii
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Hilo, Hawaii 96720

CERT. STEVEN S.C. LIM, ESQ., Attorney for Petitioner
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CERT. HAMAKUA OCEAN VIEW ESTATES
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CERT. ERNEST TEXEIRA
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Honokaa, Hawaii 96727

CERT. ESTATE OF CAROLINE A. KIRBY
c/o Kenneth W. Pickens, Esq.
Parkview Professional Center
1055 North 115th Street
Omaha, Nebraska 68154

DATED: Honolulu, Hawaii, this 26th day of September 1990.



ESTHER UEDA
Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
HONOKAA SUGAR COMPANY)
)
For Reclassification of Certain)
Lands Situated at Honokaa,)
Island of Hawaii)

DOCKET NO. A75-404

JUL 18 2 19 PM '90
LAND USE COMMISSION
STATE OF HAWAII

AMENDED DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A75-404
)
HONOKAA SUGAR COMPANY)
)
For Reclassification of Certain)
Lands Situated at Honokaa,)
Island of Hawaii)
_____)

AMENDED DECISION AND ORDER

This matter, being a proceeding to consider the Motion of Petitioner Hamakua Sugar Company, Inc., successor in interest to Honokaa Sugar Company to Modify Decision and Order For Interpretation of District Boundaries and Modification of June 3, 1976 Decision and Order, concerning certain lands situate at Honokaa, Island of Hawaii, was heard by the Land Use Commission on June 28, 1990. The Land Use Commission, having considered the record and the arguments of the parties listed in the minutes of the meeting, hereby makes the following findings of facts and conclusions of law:

FINDINGS OF FACTS

1. The Decision and Order dated June 3, 1976, in Docket No. A75-404, reclassified approximately 42 acres described as Tax Map Key Number 4-5-10: parcel 80 and portion of parcel 31, from the Agricultural District into the Urban District.

Petitioner's Exhibit 2 submitted at the time of the hearing, indicated the 42 acres was intended to mean 42 "usable" acres; "usable" acres meaning the exclusion of Lehua Street, major drainage areas, and slopes over 25 percent.

2. The application for amendment of the district boundaries for the subject 42 acres included a map and text descriptions of the subject property reflecting that the subject 42-acre Petition area was triangular in shape, bounded by Mamalahoa Highway to the north, Old Mamalahoa Highway to the south, and a boundary line connecting Old Mamalahoa Highway to Mamalahoa Highway located approximately in the middle of Land Grant 1155.

3. On June 3, 1976, the Commission filed its Order approving the reclassification of approximately 42 acres from the Agricultural District to the Urban District, subject to four conditions.

4. Subsequent to the issuance of the Commission's June 3, 1976 Decision and Order, the subject property and former Tax Map Key Number: 4-5-10: parcel 82 (containing approximately 0.731 acres which was reclassified from Agricultural to Urban by the Commission under Docket Number A78-439/Honokaa Sugar Company), was consolidated and resubdivided into Tax Map Key Numbers: 31, 82 (new), 115, 116, 117, 118, and 119, with a total area of approximately 49.227 acres.

5. On April 14, 1990, the Commission informed Petitioner of a discrepancy in the acreage reclassified and in the configuration of the approved area as reflected in the Petition, the Commission's Decision and Order and the Commission's Official Map.

6. In support of its Motion, Petitioner presented evidence that the area reclassified by said Decision and Order, as reflected on the maps attached to the original application, and the Official Map, actually contained approximately 51 acres and included major drainage areas and slopes over 25 percent.

7. Petitioner's motion to modify Decision and Order proposes to clarify the size and configuration of the subject property reclassified by the Commission, excluding former parcel 82, to be approximately 48.496 acres and that the configuration of the subject property to follow the property lines as reflected by the current tax map parcels: 31, 82 (new), 115, 116, 117, 118, and 119.

CONCLUSIONS OF LAW

The Commission finds that based upon the preponderance of the evidence submitted and the arguments of the parties, the correct description of the Petition area as reclassified by the Commission in its Decision and Order filed on June 3, 1976, is approximately 48.496 acres in size and the configuration of the Petition area follows the property lines of current Tax Map Key Numbers: 31, 82 (new), 115, 116, 117, 118, and 119.

ORDER

IT IS HEREBY ORDERED that the Decision and Order of June 3, 1976, in this matter, is amended by correcting all references to the Petition area from 42 acres to 48.496 acres; and

That the State Land Use Commission's official maps be amended to reflect the configuration of the Petition area following the property lines of current Tax Map Key Numbers: 4-5-10: parcels 31, 82 (new), 115, 116, 117, 118, and 119.

Done at Honolulu, Hawaii, this 18th day of July 1990,
per motion on June 28, 1990.

LAND USE COMMISSION
STATE OF HAWAII

By _____ (excused)
RENTON L. K. NIP
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

By *Sharon R. Himeno*
SHARON R. HIMENO
Commissioner

By _____ (absent)
ALLEN K. HOE
Commissioner

By *Allen Y. Kajioaka*
ALLEN Y. KAJIOKA
Commissioner

By *Eusebio Lapenia, Jr.*
EUSEBIO LAPENIA, JR.
Commissioner

By *James M. Shinno*
JAMES M. SHINNO
Commissioner

By *Elton Wada*
ELTON WADA
Commissioner

Filed and effective on
July 18, 1990

Certified by:

Robert Wada
Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A75-404
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HONOKAA SUGAR COMPANY)
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 Hilo, Hawaii 96720

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c/o Kenneth W. Pickens, Esq.
Parkview Professional Center
1055 North 115th Street
Omaha, Nebraska 68154

DATED: Honolulu, Hawaii, this 18th day of July 1990.



ESTHER UEDA
Executive Officer