

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
HUEHUE RANCH ASSOCIATES, L.P.,)
a Hawaii Limited Partnership)
)
To Amend the Conservation Land)
Use District Boundary into the)
Urban Land Use District for)
Approximately 667 Acres at Kukio,)
North Kona, Hawaii, State of)
Hawaii, Tax Map Key No.: 7-2-04:)
5 (por.) and 16)

Docket No. A86-603

HUEHUE RANCH ASSOCIATES,
L.P., a Hawaii Limited
Partnership

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.

APR 23 1993

Date

by

Ester Lund
Executive Officer

ORDER GRANTING MOTION FOR AMENDMENT
OF FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER DATED JANUARY 28, 1987

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LAND USE COMMISSION
STATE OF HAWAII

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WHEREAS, Huehue Ranch Associates, L.P., a Hawaii Limited Partnership (hereinafter "Petitioner"), successor-in-interest to Huehue Ranch, a Hawaii general partnership, filed on November 20, 1992 its Motion for Amendment of Findings of Fact, Conclusions of Law, and Decision and Order dated January 28, 1987 pursuant to Section 15-15-70 of the Hawaii Land Use Commission Rules.

WHEREAS, the matter having come on for hearing at Kailua-Kona, Hawaii, on February 25, 1993, objections having been made by the Office of State Planning, and no objections having been made by the County of Hawaii Planning Department (hereinafter "County"),

WHEREAS, the Land Use Commission (hereinafter "Commission"), having considered Petitioner's supporting

memorandums and the arguments of the parties, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

1. On December 16, 1986, and by Order dated January 28, 1987, the Commission approved the reclassification of approximately 666.5 acres under the subject docket from the Conservation District to the Urban District for resort, residential, commercial, and recreational uses (hereinafter "Project"), at Kukio, North Kona, Hawaii, identified as TMK No.: 7-2-04: 5 (por.) and 16 (hereinafter "Property"). The Commission denied approximately .5 acres, which represented an area subject to an ownership and boundary dispute between Petitioner and the State of Hawaii ("STATE"). By Amendment to the Petition dated October 1, 1986, Petitioner had previously withdrawn approximately 8.39 acres of additional land in dispute from consideration.

2. On November 20, 1992, Petitioner filed a Motion for Amendment of Findings of Fact, Conclusions of Law, and Decision and Order dated January 28, 1987 ("Motion").

3. Petitioner's Motion requests that the Commission reclassify, from a Conservation District to an Urban District, an approximate 1.2-acre portion of the Property, as reflected in Petitioner's Exhibit "A-1", that also included a portion of the area in dispute between the Petitioner and the State.

4. In support of its Motion, Petitioner indicated that it has since resolved its boundary dispute with the State of Hawaii in favor of Petitioner with respect to said portion of the 1.2-acre.

5. Petitioner has indicated that the approximate 1.2-acre area will be incorporated into its Project. No structures will be placed in the site.

6. Improvements to this area will focus primarily on extending the hotel landscaping to provide a transition to the adjacent State-owned Conservation District lands presently proposed for park use. A public access walkway will be provided by the Petitioner.

7. Any archaeological feature, contained within the area, will be preserved according to the Archaeological Mitigation Plan approved by the Department of Land and Natural Resources (hereinafter "DLNR").

8. The 1.2-acre site represented a portion of the Property reviewed under the Environmental Impact Statement prepared by Petitioner in May 1986, which was accepted by the Commission by Order dated August 4, 1986.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, HRS, as amended, and the Hawaii Land Use Commission Rules, the Commission having considered Petitioner's motion, supporting evidence and the arguments of the parties, concludes that granting of the

subject Motion is reasonable and non-violative of Chapter 205 HRS, as amended, and the Hawaii Land Use Commission Rules.

ORDER

IT IS HEREBY ORDERED that Petitioner's Motion for Amendment of Findings of Fact, Conclusions of Law, and Decision and Order dated January 28, 1987, be approved.

The approximate 1.2-acre site situate at Kukio, North Kona, Hawaii, Tax Map Key No.: 7-2-04: 5 (por.), and approximately shown on Exhibit "A", attached hereto and incorporated herein by reference, is hereby reclassified from the Conservation District to the Urban District. The 1.2-acre site shall be subject to all conditions imposed in the Commission's Decision and Order dated January 28, 1987.

DOCKET NO. A86-603 - HUEHUE RANCH

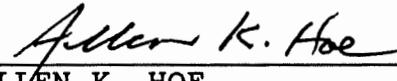
Done at Honolulu, Hawaii, this 23rd day of April 1993,
per motion on February 23, 1993.

LAND USE COMMISSION
STATE OF HAWAII

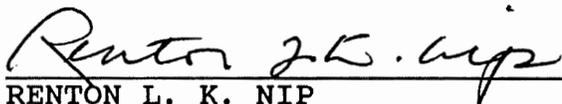
By 
ALLEN Y. KAJIOKA
Chairman and Commissioner

By (absent)
KAREN S. AHN
Vice Chairman and Commissioner

By (absent)
JOANN N. MATTSON
Vice Chairman and Commissioner

By 
ALLEN K. HOE
Commissioner

By 
EUSEBIO LAPENIA, JR.
Commissioner

By 
RENTON L. K. NIP
Commissioner

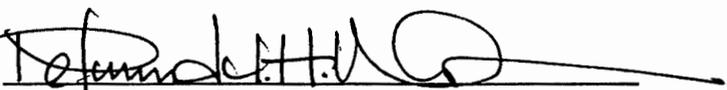
By (absent)
TRUDY K. SENDA
Commissioner

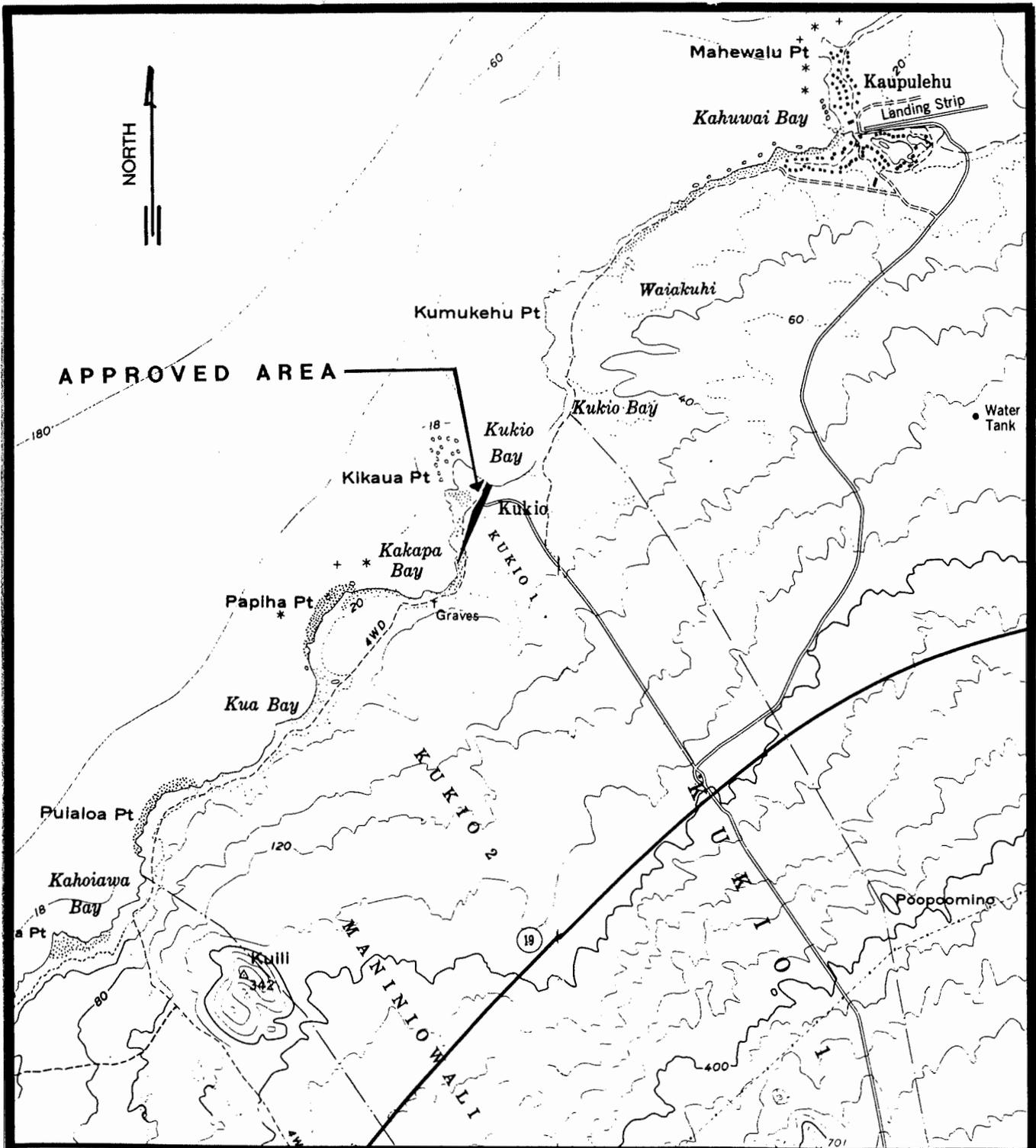
Filed and effective on
April 23, 1993

Certified by:


Executive Officer

By 
ELTON WADA
Commissioner

By 
DELMOND J. H. WON
Commissioner



DOCKET NO. A86 - 603 HUEHUE RANCH ASSOCIATES,
 L. P., a Hawaii Limited Partnership

LOCATION MAP

TAX MAP KEY: 7 - 2 - 04: por. 05
 KUKIO 1st, NORTH KONA, HAWAII

SCALE: 1" = 2,000 ft. ±



HAWAII

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion For Amendment of Findings of Fact, Conclusions of Law, and Decision and Order Dated January 28, 1987 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
P. O. Box 3540
Honolulu, Hawaii 96811-3540

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

CERT. JAN N. SULLIVAN, ESQ., Attorney for Petitioner
Takeyama & Sullivan
Suite 1411, Century Square
1188 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 23rd day of April 1993.



ESTHER UEDA
Executive Officer