

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
GROVE FARM PROPERTIES, INC.)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
599.908 Acres of Land Situated at)
Lihue, Kauai, State of Hawai'i,)
TMK: 3-3-01: por. 01, 28, 29, 30,)
32, 34, 35, 36, 37; 3-3-06: por.)
19; 3-3-14:: 1-127 (inclusive);)
3-3-15: 1-85 (inclusive); and)
3-3-16: 1-91 (inclusive))

DOCKET NO. A89-636

ORDER GRANTING MOTION TO
AMEND AND CLARIFY
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.

OCT 20 1995

Date

by

[Signature]
Executive Officer

ORDER GRANTING MOTION TO AMEND AND CLARIFY
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

LAND USE COMMISSION
STATE OF HAWAII
OCT 20 10 25 AM '95

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On July 31, 1995, Grove Farm Properties, Inc. ("Petitioner") filed a Motion To Approve Incremental Redistricting Of The Balance Of Increment II Lands From Agricultural To Urban pursuant to section 15-15-78, Hawai'i Administrative Rules ("HAR").

On August 25, 1995, Petitioner filed a Motion To Amend And Clarify Findings Of Fact, Conclusions Of Law And Decision And Order pursuant to HAR section 15-15-78 ("Motion").

Said Motion requested the Land Use Commission ("Commission") to: (a) amend the Findings of Fact, Conclusions of Law and Decision and Order dated June 30, 1989 ("Decision and Order") to clarify the exterior boundary of the subject Property under this docket to properly reflect the Property's coterminous location with the right of way for Kaumualii Highway, which would

result in an increase in the overall acreage from approximately 596.775 acres to approximately 599.908 acres; (b) to amend the Decision and Order to reflect the results of a survey of the interior boundaries of Increment I and II lands that indicates Increment I lands consisting of approximately 491.838 acres and that Increment II lands consists of approximately 108.070 acres, versus 480 acres for Increment I and 116.775 acres for Increment II as currently stated in the Decision and Order.

The Motion, having come for hearing before the Commission at its meeting on October 3, 1995 at Lihue, Kauai, and the Commission having considered the arguments provided by the parties, the record of the proceedings of the subject docket to date, and with no objections stated by the County of Kauai Planning and Office of State Planning, and with good cause appearing therefrom;

NOW HEREBY GRANTS Petitioner's Motion and the Findings of Fact, Conclusions of Law and Decision and Order dated June 30, 1989 shall hereby be amended to reflect that the total acreage of the petition area consists of approximately 599.908 acres, and that those lands, identified as Increment I and further identified on Exhibit "A" attached hereto and incorporated herein, shall consist of approximately 491.838 acres and the remaining lands, identified as Increment II and further identified on Exhibit "A" attached hereto and incorporated herein, shall consist of approximately 108.070 acres.

IT IS FURTHER ORDERED that those lands identified as Increment II, shall be and the same is approved for incremental

districting pursuant to section 15-15-78, Hawai'i Administrative Rules and that redistricting of Increment II from the Agricultural District to the Urban District will be granted upon receipt of an application by Petitioner for redistricting of this second increment upon a prima facie showing that there has occurred substantial completion of the on-site and off-site improvements within Increment I and in accordance with the Petitioner's development plan as represented within five years of the date of final County zoning approval and subject to conditions imposed in the Decision and Order dated June 30, 1989.

The conditions imposed in the Decision and Order dated June 30, 1989 are hereby reaffirmed and shall continue to be in effect.

DOCKET NO. A89-636 - GROVE FARM PROPERTIES, INC.

Done at Honolulu, Hawaii, this 20th day of October 1995,
per motion on October 3, 1995

LAND USE COMMISSION
STATE OF HAWAII

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

By Trudy K. Senda
TRUDY K. SENDA
Vice Chairperson and Commissioner

By Rupert K. Chun
RUPERT K. CHUN
Commissioner

By (absent)
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Merle A. K. Kelai
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

Filed and effective on
October 20, 1995

Certified by:

Ethel Lind
Executive Officer

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

By Elton Wada
ELTON WADA
Commissioner

DOCKET NO. A89-636 / GROVE FARM PROPERTIES, INC.

LOCATION MAP

TAX MAP KEYS: 3-3-03: por. 1, 28, 29, 30, 32, 34, por. 35, 36, 37; 3-3-06: por. 19;

3-3-14: 1 through 127; 3-3-15: 1 through 85; 3-3-16: 1 through 91

SCALE: 1" = 2,000 ft. ±

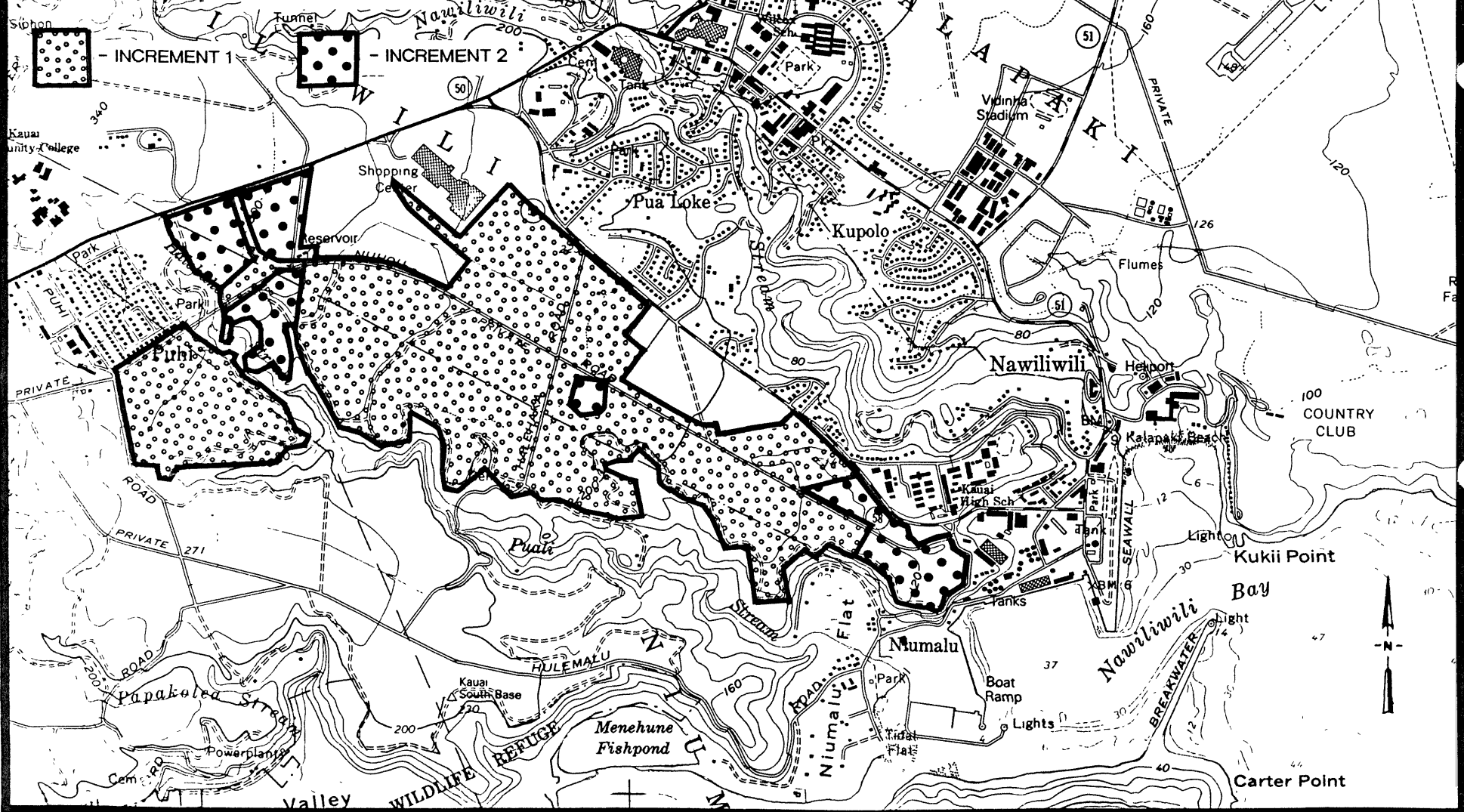


EXHIBIT "A"