SW 832

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WHITE HAT DEVELOPMENT, CORP. To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 23.926+ acres, at Makaula, North Kona, Island, County and State of Hawaii, Tax Map Key Nos. (3) 7-3-03:7 and 17	DOCKET NO. A92-679 WHITE HAT DEVELOPMENT, CORP.

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

JAN 7 1993 by [signature]
Date for Executive Officer

LAND USE COMMISSION STATE OF HAWAII
JAN 7 '93 AM 10:30

ORDER ADOPTING HEARING OFFICER'S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

00302

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WHITE HAT DEVELOPMENT, CORP. To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 23.926+ acres, at Makaula, North Kona, Island, County and State of Hawaii, Tax Map Key Nos. (3) 7-3-03:7 and 17	)	DOCKET NO. A92-679 WHITE HAT DEVELOPMENT, CORP.

ORDER ADOPTING HEARING OFFICER'S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

This matter came on for consideration on December 17, 1992 at the meeting of the Land Use Commission (hereinafter "Commission") of the State of Hawaii, held in Hilo, Island and State of Hawaii. Appearing for White Hat Development, Corp. (hereinafter "Petitioner") were Steven S.C. Lim, Gerard A. Jervis and William Boyle; for the County of Hawaii Planning Department were Frederick Giannini and Norman Hayashi; and for the Office of State Planning were Ann Ogata Deal and Abe Mitsuda. Hearing Officer Allen K. Hoe was not present.

The Commission, after careful review of the Hearing Officer's report, the record and files herein, with good cause existing and upon motion duly passed,

HEREBY adopts the Hearing Officer's Report. Accordingly, the Commission hereby adopts the findings of fact, conclusions of law and decision and order as follows:

Petitioner filed a Petition for Land Use District Boundary Amendment pursuant to Chapter 205, Hawaii Revised Statutes, as amended, (hereinafter "HRS") and the Hawaii Land Use Commission Rules, Title 15, Subtitle 3, Chapter 15, Hawaii Administrative Rules, as amended, to reclassify approximately 23.926 acres, Tax Map Key Nos. (3) 7-3-03:07 and (3) 7-3-03:17, at Makaula, North Kona, Island and County of Hawaii, State of Hawaii (hereinafter referred to as "Property"), from the Agricultural District to the Urban District.

FINDINGS OF FACT

Procedural Matters

1. The Petitioner filed the Petition for Land Use District Boundary Amendment (hereinafter "Petition") on July 16, 1992.

2. The Petition was served upon the Office of State Planning (hereinafter "OSP") and the County of Hawaii Planning Department (hereinafter "Planning Department") by Steven S. C. Lim, attorney for Petitioner.

3. On September 18, 1992, a prehearing conference was held in the conference room of the Department of Business, Economic Development and Tourism, 11th Floor, Central Pacific Plaza, 220 South King Street, Honolulu, Hawaii, with all parties in attendance.

4. On October 2, 1992, the Land Use Commission's Hearing Officer, Allen K. Hoe, Esq. conducted a hearing on the

Petition, pursuant to notices published on August 10, 1992 in the Honolulu Advertiser, the Hawaii Tribune-Herald, and the West Hawaii Today.

5. There were no requests for intervention nor any public witnesses testifying on the Petition.

Description of the Property

6. The fee owner of the Property is Yamada Diversified Corporation, a Hawaii corporation. Petitioner is the purchaser of the Property under a binding contract to purchase from the foregoing owner all of the fee interest in the parcels comprising the Property.

7. The Property is situated approximately 4 miles east (mauka) of Keahole Airport, and 10 miles northeast of Kailua Town.

8. The Property is located at an elevation ranging from 1,240 feet above sea level along its west (makai) boundary to 1,800 feet above sea level at its east (mauka) boundary with an average slope of approximately 16 percent.

9. The Property is bounded by Agricultural designated lands on all four sides. However, single-family homes on 11 lots ranging from approximately 7,800 square feet to 17,627 square feet are located east (mauka) of the Property.

10. On the south side of the Property are 5 lots ranging in size from 6.3 to 9.9 acres. One of those lots contains a dwelling and the other lots are unimproved. Further

south, about 1,000 feet away, is the Urban District and the single family residential developments of Keahole Heights, Kona Highlands, Kona Wonderview and Kona Coastview.

11. Along the north and west (makai) borders of the Property, the land is vacant and unimproved.

12. The Property was cleared and grubbed in approximately 1970 or 1971 by a prior owner. There were also more recent grading activities that have occurred on portions of the Property pursuant to grading permit.

13. On the east (mauka) portion of the Property are located three single-family dwellings, which will be demolished prior to construction of the proposed subdivision.

14. The USDA Soil Conservation Service Soil Survey of the Island of Hawaii identifies the soils of the Property as Kaimu (rKED) and Punaluu (rPYD) soils.

15. The Kaimu soils are well-drained, thin organic soils over a'a lava. Permeability is rapid, runoff is slow, and the erosion hazard is slight. According to the Soil Survey, the soil is generally not suitable for cultivation.

16. The Punaluu soils, which cover about 80 per cent of the Property, are well-drained, organic soils over pahoehoe lava bedrock. The top soil layer is rapidly permeable. The pahoehoe lava underneath is very slowly permeable, although water moves rapidly through cracks. Runoff is slow, and the erosion hazard is slight. The soils are typically used for pasture.

17. About 20 percent of the Property is in the Other Important Agricultural Land category as classified by the Agricultural Lands of Importance to the State of Hawaii (ALISH).

18. The Land Study Bureau Detailed Land Classifications, reference Map 11 for the Island of Hawaii, rates approximately 80 percent of the land in "C55", which indicates that the land has a fair productivity potential for most agricultural uses. The remaining land is rated "D" or lands having a poor productivity rating.

19. According to the Flood Insurance Rate Map (FIRM), the Property is located within Zone X. Zone X is an area determined to be outside the 500-year Flood Plain.

20. Located on the leeward side of the island, the Property experiences an average annual rainfall of approximately 30 inches at its west (makai) end to 40 inches at its east (mauka) end.

21. Winds are normally diurnal (on-shore during the day and off-shore during the night), with a mean annual temperature between 70 to 78 degrees Fahrenheit.

22. Due to its location approximately 4 miles inland and uphill from the coast, the Property is not located within the tsunami inundation area.

Description of the Proposed Development

23. Petitioner proposes to develop the "University Heights" planned residential community with approximately 109

single-family dwellings, parks, roadways, a private on-site sewage treatment facility, and appurtenant infrastructure (hereinafter "Project").

24. Petitioner proposes to develop the 109 unit planned residential community through the concept of a Planned Unit Development (PUD) and a change of zone to a Single-Family Residential-7,500 square foot (RS-7.5) zoned district, pursuant to provisions of the Hawaii County Zoning Code, as amended.

25. Petitioner is proposing to build and offer for sale to qualified applicants a 100 percent affordable housing community with house/lot sales prices ranging between 80 to 140 percent of the median income for the County of Hawaii.

26. The proposed PUD lot sizes will be approximately 5,000 to 7,000 square feet to accommodate the construction of two- and three-bedroom single-family residential dwellings by the Petitioner.

27. Primary access to the Property from the Mamalahoa Highway is via Makaula Street, which has a 40-foot right-of-way. Petitioner is also exploring locating the primary access to the Property from Mamalahoa across the parcel immediately to the north of the Property.

28. Internal traffic circulation will be provided by a 32-foot right-of-way main spine road running in the east (mauka) to west (makai) direction, with 16-foot right-of-way secondary roads leading to the subsectors of the proposed Project.

29. Petitioner anticipates a total revised construction cost for infrastructure and site improvements, not including costs associated with the construction of the 109 single-family dwellings, to be approximately $4,804,405.00 in 1992 dollars, up from the original cost projection of $3,472,000.00.

30. Petitioner anticipates completion of the proposed development within 5 years from the date of receiving zoning approval from the County of Hawaii.

Petitioner's Financial Capability to Undertake the Proposed Development

31. Petitioner's Statement of Financial Condition as of July 15, 1992, lists its total assets at $1,974,332.00, and total liabilities and partners' capital at $1,005,000.00.

32. Petitioner has investigated the market feasibility of the Project, examined environmental considerations affecting the Project, examined processing of required governmental permits, examined arrangement and securing of financing for construction of the Project, and overseeing of construction of the Project within the State of Hawaii.

33. Petitioner has demonstrated the financial capability to develop the Property based on its financial condition, and a showing of substantial market demand that indicates a probability of sufficiently profitable endeavor to justify the boundary amendment request.

State Plans and Programs

34. The Property is currently classified within the State Land Use Agricultural District by the Land Use Commission (hereinafter "Commission").

35. Urbanization of the Property is generally consistent with the State's West Hawaii Regional Plan, which directs future growth to the Keahole to Kailua subregional planning area.

36. The Property is located adjacent to several existing and proposed residential developments and will provide for additional affordable housing, which is currently one of the State's primary concerns.

County Plans and Programs

37. The County of Hawaii General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site for Urban Expansion. This designation allows for a mix of high density, medium density, low density, industrial and/or open designations in areas where new settlements may be desirable, but where specific settlement patterns and mix of uses have not yet been determined (provided the applicable goals, policies and standards of the General Plan are met).

38. The Property is currently zoned "Unplanned" by the County of Hawaii, and is not specifically planned in the County's Keahole to Kailua Planning Area.

39. The Property is not located within the Special Management Area (SMA) of the County of Hawaii.

Need for Proposed Development

40. Petitioner has completed a market study which concluded that the demand for affordable housing within the West Hawaii market is extremely strong. The market study found that there have been no single family detached affordable housing projects completed and offered for sale in the Kailua-Kona area since approximately 1985, when the Kealakehe House Lots Phase II Subdivision was completed. Although the Pualani Subdivision Increment I is progressing toward its requirements for house/lot sales, the projected demand far outstrips the affordable housing product available.

41. Petitioner's proposal to develop a subdivision to offer for sale affordable single-family dwellings will further the State's goal of providing affordable housing.

42. Within the Project, Petitioner proposes to provide approximately 5 private park sites and a private central park and swimming pool facility for the residents of the proposed subdivision. There are no public parks or recreational facilities within the immediate vicinity of the Property.

IMPACT ON THE RESOURCES OF THE AREA

Air Quality

43. Petitioner expects that the proposed Project will create only short-term impacts to the present air quality during the construction of the subdivision.

Aural Quality

44. Petitioner expects that the proposed Project will create only short-term adverse impacts to the present aural quality in the area during the construction phase of the Project. The Property is not affected by noise impacts from the Keahole Airport.

Archaeological Resources

45. Petitioner's archaeological consultant conducted a survey of the archaeological and historical features on the site. The site had been grubbed twice, once in the early 1970's and once in the early 1990's.

46. Petitioner's archaeological consultant observed possible agricultural mounds, a dense cultural deposit, two shell midden scatters, boundary rock walls, and a portion of a lava tube.

47. An archaeological survey of the Property located two sites, one a surface scatter and the other a stacked stone wall. Both sites have been severely compromised by previous bulldozing activities which occurred on the Property and both sites were found Significant for Information Content Only, and no preservation is recommended.

48. The State of Hawaii Department of Land and Natural Resources Historic Preservation Division has reviewed the archaeological survey submitted by Petitioner for the Property and has stated that the proposed development will have "no

effect" on significant historic sites and that no further archaeological work is necessary.

Agricultural Resources

49. The Property does not contain Prime or Unique agricultural lands, however, the Property does contain some Other Important Agricultural Lands as classified by the Agricultural Lands of Importance to the State of Hawaii (ALISH). The majority of the lands on the site are rated "C" by the Land Study Bureau and have a fair productivity potential for most agricultural uses.

50. The State Department of Agriculture has expressed a concern that "existing agricultural operations and lands with agricultural production potential in the general vicinity of the subject property, such as the Keahole Agriculture Park, be able to continue and not be precluded from future agricultural use".

Flora and Fauna

51. Petitioner's flora and fauna consultant conducted a botanical survey of the Property, finding vegetation on the site to be a thicket dominated by non-native plants with only a few native species, none of which are rare or endangered. The former native vegetation of the site had been destroyed by past human activity (grubbing and clearing operations). No rare or endangered plants were found on the site, nor is it likely that any grow there undetected.

52. Petitioner's flora and fauna consultant also conducted a fauna survey of the Property, finding all of the

birds observed on the site to be non-native. No rare or endangered species of animals were detected. Although the endangered Hawaiian Hawk is known to forage in the vicinity, it was concluded to be improbable that an active nest was being maintained on the site.

Scenic/Visual Resources

53. The Project will be a low density single-family dwelling subdivision located below Mamalahoa Highway. Currently, there is dense vegetation surrounding the Property along the east (mauka) and north sides. The proposed Project should not significantly affect views from Queen Kaahumanu Highway.

Socio-Economic Impacts

54. The proposed Project will generate direct employment during the construction period of the Project. Petitioner anticipates that socio-economic impacts of the Project will be favorable due to the focus on provision of affordable housing opportunities for the people of West Hawaii.

Adequacy of Public Service and Facilities

Highway and Roadway Services and Facilities

55. The Property is located below Mamalahoa Highway, which is a State-maintained two-lane arterial highway with a pavement width of 24 feet within a 100-foot right-of-way to the north of its Makaula Street intersection and an 80-foot right-of-way to the south.

56. Access to the Property is from Mamalahoa Highway via Makaula Street, which is a County-maintained roadway with a 40-foot right-of-way. From its intersection with Mamalahoa Highway, it proceeds west (makai) for a distance of approximately 450 feet to the Property.

57. Petitioner's traffic consultant states that the highway presently operates at Level Of Service (LOS) "B" during both the morning peak hour and during the afternoon peak hour. In 1995, the traffic along Mamalahoa Highway without the Project during the morning peak hour both north and south of Makaula Street is at LOS "C", and during the afternoon peak hour at LOS "D". In 1995 with the Project traffic, Mamalahoa Highway both north and south of Makaula Street will operate at LOS "D" during both the morning and afternoon peak hours.

58. Petitioner's consultant recommends an unsignalized intersection with dedicated left-turn pockets provided on both the northbound and the southbound approaches to the Project off Mamalahoa Highway.

59. The State Department of Transportation (DOT) recommends that the access intersection for the project with Mamalahoa Highway be fully channelized with left-turn lanes and provided with appropriate street lighting at no cost to the State, and that plans for construction work within the State Highway right-of-way be submitted to the DOT for review and approval.

Water

60. Petitioner proposes to utilize water provided from the County's Department of Water Supply system.

Wastewater Treatment and Disposal

61. The wastewater from the Property will be processed through a private sewage treatment plant located on-site. Petitioner will meet the applicable State Department of Health (DOH) regulations governing private wastewater sewage treatment plants.

Solid Waste

62. Solid waste and debris removal will be accomplished through private contractor services. The County's Kailua landfill is presently at capacity, and future solid waste disposal will be trucked to the new landfill site at Pu'uanahulu.

Drainage

63. The Property will be drained into on-site drywells pursuant to the requirements of the State Department of Health. Petitioner does not anticipate any runoff from the Property nor intrusion of wastewater into the groundwater table.

Electrical Power

64. The proposed Project will be serviced by Hawaii Electric Light Company (HELCO) and Hawaiian Telephone Company through underground utilities provided on-site at property line stubouts. HELCO states no objections, provided that easements for a new electrical distribution system interconnecting the

existing distribution circuit to the on-site development are granted to HELCO and a minimum of two 7.2 KV main feeders are available to serve the estimated load.

Schools

65. Petitioner anticipates that students residing in the "University Heights" project will attend public schools at Kealakehe Elementary and Intermediate School and Konawaena High School. However, the State Department of Education has stated that it "cannot assure the availability of classrooms to accommodate the 47 students projected from this subdivision".

66. Petitioner has committed to participate in the funding and construction of school facilities, on a pro rata basis, as determined by the State Department of Education.

Police and Fire Protection

67. Police protection services are provided by the Hawaii County Police Department out of its Kealakehe station, which is located approximately 5 miles to the southwest of the Property. Fire protection services are provided by the Hawaii County Fire Department out of its Kailua station, which is located at the junction of Palani Road and Queen Kaahumanu Highway.

Health Services

68. Primary health care is provided by Kona Hospital, which is located in Kealakekua approximately 15 miles to the south of the Property. Kailua Fire Station also provides emergency medical and paramedical services.

Civil Defense

69. The State Department of Defense, Office of the Director of Civil Defense, recommends the installation of a new 115 DBC solar powered outdoor warning siren, located within the central portion of the subdivision. The proposed siren requires a 100-foot radius buffer zone in which there is no residential building. Petitioner has represented that it will not be feasible to locate the warning siren anywhere within the proposed project due to the 100-foot radius buffer zone, nevertheless, the Petitioner is willing to share in the pro rata costs of funding the construction of appropriate civil defense measures with other developers in the area on a site located outside the Property.

Geologic Hazards

70. In its letter to OSP dated September 21, 1992, the Department of the Interior, United States Geological Survey, Hawaiian Volcano Observatory, stated that since the Project site is on a steep slope only two miles downhill from the northeast rift zone of Mt. Hualalai, it recommends a road which exits the development either to the side or downhill of the slope. Petitioner proposes to comply with the requirements of the Hawaii County Department of Public Works which typically require lateral roadway stubouts leading to the properties on each side of the development.

Conformance with the Hawaii State Plan and Functional Plans

71. The proposed reclassification is generally consistent with the goals, objectives and policies of the Hawaii State Plan and Functional Plans.

Conformance with the Land Use Commission Rules

72. The proposed reclassification is in general conformance with Section 15-15-18 of the Hawaii Land Use Commission Rules, relating to Standards for Determining "U" Urban District Boundaries.

Conformance with Coastal Zone Policies and Objectives

73. The proposed reclassification conforms with the goals, objectives and policies of the Coastal Zone Management Program, Chapter 205A, HRS.

Incremental Districting

74. Full development of the Property can be substantially completed within five years after the date of the final County zoning approval and therefore incremental districting of the Property is not warranted.

RULINGS ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact not adopted by the Commission herein, or rejected by clear contrary finding of fact herein, are hereby denied and rejected.

Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a

conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Hawaii Land Use Commission Rules, as amended, and subject to the conditions of the Decision and Order herein, the Commission finds upon a clear preponderance of the evidence that the reclassification of the Property from the Agricultural to the Urban District, which is the subject of the Petition in Docket No. A92-679, filed by WHITE HAT DEVELOPMENT, CORP., a Hawaii corporation, which Property consists of approximately 23.926 acres, situated at Makaula, North Kona, Island and County of Hawaii, State of Hawaii, and is identified as Tax Map Key Nos. (3) 7-3-03:7 and (3) 7-3-03:17, conforms to the standards for reclassification from the Agricultural to the Urban district, is reasonable and not violative of Section 205-2, HRS, and is consistent with the policies and criteria of the Hawaii State Plan pursuant to Section 205-16, HRS, the Land Use Commission decision making criteria pursuant to Section 205-17, HRS, and the Coastal Zone Management program, objectives and policies pursuant to Section 205A-2, HRS.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, being the subject of the Petition in Docket No. A92-679, filed by White Hat Development, Corp., a Hawaii corporation, consisting of approximately 23.926 acres of land situated at Makaula, North

Kona, Island and County of Hawaii and identified as Tax Map Key Nos. (3) 7-3-03:7 and (3) 7-3-03:17, and approximately identified on Exhibit A attached hereto and incorporated by reference herein, shall be and the same is hereby reclassified from the State Land Use Agricultural District to the State Land Use Urban District and the State Land Use District Boundaries are hereby amended accordingly subject to the following conditions:

1. Petitioner shall provide affordable housing opportunities for low-low/moderate and gap group residents of the State of Hawaii to the satisfaction of the State Housing Finance and Development Corporation in accordance with the Affordable Housing Guidelines, adopted by the Housing Finance and Development Corporation, effective July 1, 1992, as periodically amended. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Petitioner, the State Housing Finance and Development Corporation and the County of Hawaii.

2. Should any archaeological resources such as artifacts, shell, bones or charcoal deposits, human burials, or rock or coral alignments, paving or walls of historic or prehistoric significance be encountered during the development of the Property, Petitioner shall immediately stop work on the impacted area and contact the Historic Preservation Division of

the State of Hawaii Department of Land and Natural Resources (hereinafter referred to as "State Historic Preservation Division").

3. Petitioner shall submit a complete archaeological inventory survey for the review and approval of the State Historic Preservation Division. Provided that the inventory survey indicates significant archaeological sites, a detailed preservation plan (scope of work) and archaeological data recovery plan (scope of work) shall be approved by the State Historic Preservation Division prior to commencement of work. The detailed preservation plan shall include acceptable buffer zones around the sites, interim protection measures during construction, and long-term management measures (e.g., public access, trails, interpretative sign design and text, maintenance). The buffer zones and interim protection measures shall be approved by the State Historic Preservation Division and implemented prior to construction. The archaeological data recovery plan shall be executed prior to construction. The State Historic Preservation Division shall verify in writing the successful execution of both plans.

4. Petitioner shall fund, design, and construct the necessary roadway improvements, specifically, that the development's access intersection with Mamalahoa Highway shall be fully channelized with left-turn lanes and provided with street lighting as appropriate to the satisfaction of the State

Department of Transportation. Petitioner shall submit construction plans for work within the State highway right-of-way for review and approval by the State Department of Transportation.

5. Petitioner shall participate in the funding and construction of school facilities, on a pro rata basis, as determined by the State Department of Education.

6. Petitioner shall implement effective soil erosion and dust control measures both during and after construction to the satisfaction of the State Department of Health.

7. Petitioner shall fund and construct adequate wastewater treatment, transmission and disposal facilities, as determined by the State Department of Health and the County of Hawaii Department of Public Works.

8. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

9. Petitioner shall cooperate with the State Department of Health and the County of Hawaii Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, HRS.

10. Petitioner shall participate, on a pro rata basis, in the funding for construction of appropriate civil defense measures as determined by the State and County of Hawaii civil defense agencies.

11. Petitioner shall fund and construct adequate water source/storage/transmission facilities and improvements to accommodate the proposed project.

12. Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of the appropriate State and County agencies.

13. Petitioner shall provide notification to all owners and occupants of the Property of the potential odor, noise, and dust pollution resulting from surrounding Agricultural District lands, and that the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

14. Petitioner shall consult with the Department of Interior, United States Geological Survey, Hawaiian Volcano Observatory in the design of the roadway system for the proposed project.

15. Petitioner shall complete the proposed project in substantial compliance with the representations made before the Land Use Commission. Failure to so develop the Property may result in reversion of the Property to its former land use classification, or change to a more appropriate classification.

16. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust,

or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property.

17. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Hawaii Planning Department in connection with the status of the subject project and the Petitioner's progress in complying with the conditions imposed.

18. The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

19. The conditions imposed by the Commission shall be recorded with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

20. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

DOCKET NO. A92-679 - WHITE HAT DEVELOPMENT, CORP.

Done at Honolulu, Hawaii, this 7th day of January 1993, per motion on December 17, 1992.

LAND USE COMMISSION
STATE OF HAWAII

By _____
ALLEN Y. KAJIOKA
Chairman and Commissioner

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

By _____
JOANN N. MATTSON
Vice Chairman and Commissioner

By (absent)
ALLEN K. HOE
Commissioner

By _____
EUSEBIO LAPENIA, JR.
Commissioner

By (absent)
RENTON L. K. NIP
Commissioner

By _____
TRUDY K. SENDA
Commissioner

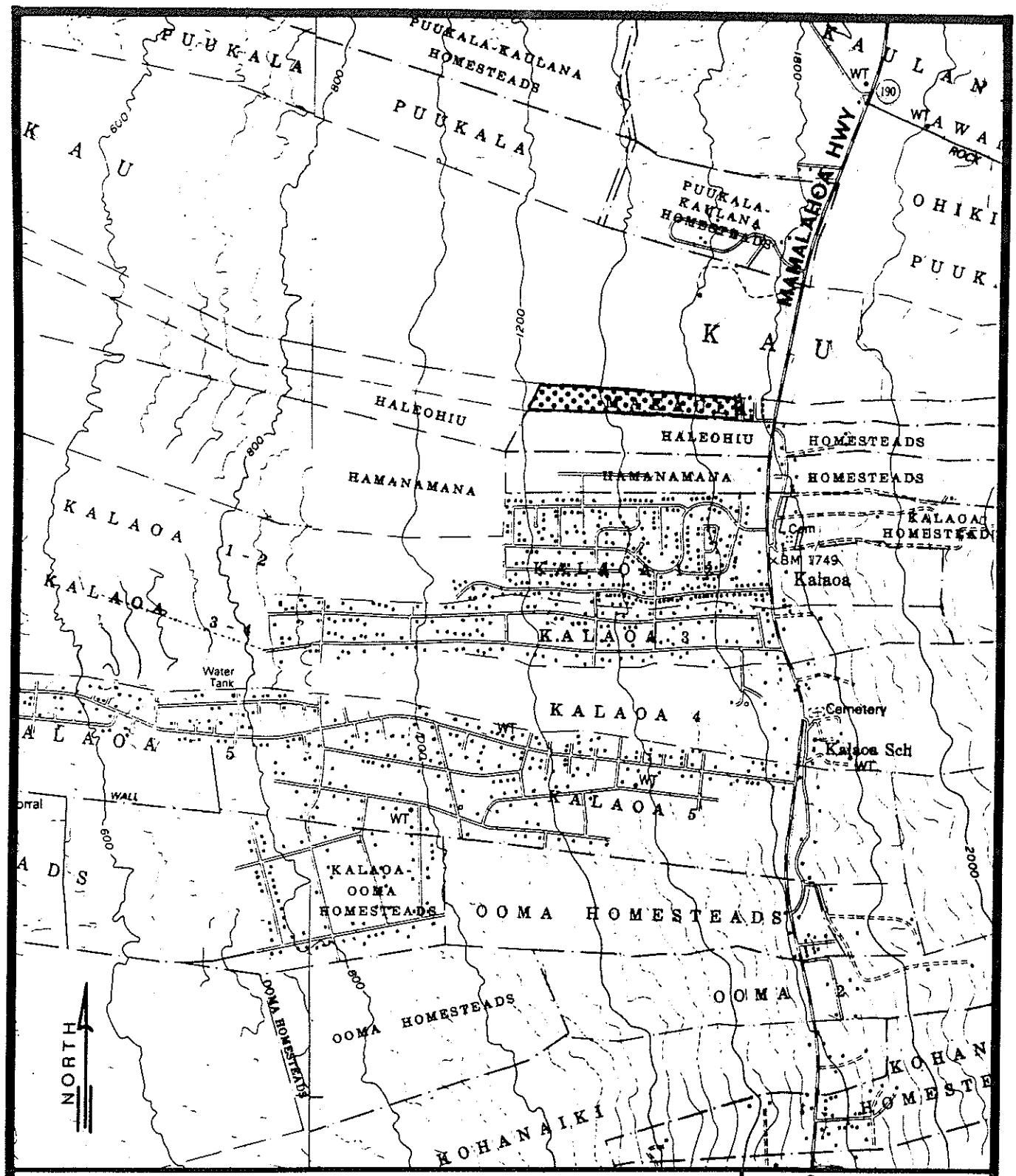
By _____
ELTON WADA
Commissioner

By _____
DELMOND J. H. WON
Commissioner

Filed and effective on
January 7, 1993

Certified by:

_____
for Executive Officer



DOCKET NO. A92-679 / WHITE HAT DEVELOPMENT, CORP.

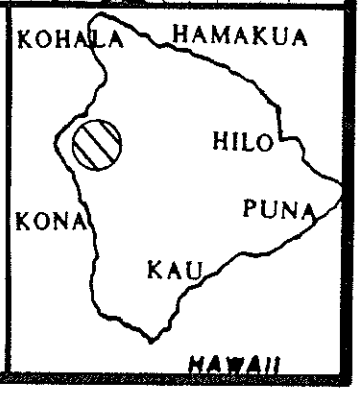
LOCATION MAP

TAX MAP KEY: 7-3-03: 7 & 17

MAKAULA, NORTH KONA, HAWAII

SCALE: 1" = 2,000 ft. ±

APPROVED AREA



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WHITE HAT DEVELOPMENT, CORP. To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 23.926+ acres, at Makaula, North Kona, Island, County and State of Hawaii, Tax Map Key Nos. (3) 7-3-03:7 and 17	)	DOCKET NO. A92-679 WHITE HAT DEVELOPMENT, CORP.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Adopting Hearing Officer's Proposed 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:

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. STEVEN S.C. LIM, ESQ., Attorney for Petitioner
Case & Lynch
460 Kilauea Avenue
Hilo, Hawaii 96720

CERT. GERARD A. JERVIS, President
White Hat Development, Corp.
970 N. Kalaheo Avenue, Suite A-300
Kailua, Hawaii 96734

DATED: Honolulu, Hawaii, this 7th day of January 1993.

for ESTHER UEDA
Executive Officer