JLU 032

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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 ORDER GRANTING MOTION TO AMEND CONDITIONS OF APPROVAL

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.

JUL 15 1996 by
Date Executive Officer

'96 JUL 16 PM 4 05
PLANNING DEPT.
COUNTY OF HAWAII

ORDER GRANTING MOTION TO AMEND CONDITIONS OF APPROVAL

LAND USE COMMISSION
STATE OF HAWAII
JUL 15 9 38 AM '96

07270

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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 ORDER GRANTING MOTION TO AMEND CONDITIONS OF APPROVAL

ORDER GRANTING MOTION TO AMEND CONDITIONS OF APPROVAL

On June 19, 1996, White Hat Development, Corp. ("Petitioner") filed its Motion to Amend Conditions of Approval ("Motion"), pursuant to section 15-15-94, Hawai'i Administrative Rules.

The Motion requested the Land Use Commission ("Commission") to amend Condition Nos. 1, 4, and 5, as imposed in the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order issued on January 7, 1993 in the subject docket.

On June 25, 1996, the Office of State Planning ("OSP") filed its Memorandum in Response to Motion to Amend Conditions of Approval. On June 26, 1996, OSP filed a Supplemental Memorandum in Response to Motion to Amend Conditions of Approval.

The Motion, having come before the Commission at its meeting on June 28, 1996 in Honolulu, Oahu, and the Commission having considered the arguments, both written and oral, provided

by the parties, and the Commission having reviewed the entire record to date of the subject docket, and for good cause shown;

NOW HEREBY GRANTS Petitioner's Motion to Amend Conditions of Approval, and accordingly, Condition Numbers 1, 4, and 5 are amended to read as follows:

1) Petitioner shall provide affordable housing opportunities for low to moderate residents in the State of Hawaii to the satisfaction of the County of Hawaii. 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 and the County of Hawaii.

4) Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed project in designs and schedules accepted by the State Department of Transportation and the County of Hawaii.

5) Prior to the occupancy of the first house in the subject project, the Petitioner shall provide a fair-share contribution for school facilities as determined by the Department of Education. The contribution may be a combination of land, services and/or cash required to address the impact on school facilities.

All other conditions to the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order issued on January 7, 1993, are hereby reaffirmed and shall continue in effect.

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

Done at Honolulu, Hawaii, this 15th day of July 1996, per motion on June 28, 1996.

LAND USE COMMISSION
STATE OF HAWAII

By _____
ALLEN K. HOE
Chairperson and Commissioner

By _____
TRUDY K. SENDA
Vice Chairperson and Commissioner

By _____
RUPERT K. CHUN
Commissioner

By _____
M. CASEY JARMAN
Commissioner

By _____
LLOYD F. KAWAKAMI
Commissioner

By (absent)
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By (absent)
JOANN N. MATTSON
Commissioner

By _____
ELTON WADA
Commissioner

Filed and effective on
July 15, 1996

Certified by:

_____
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion to Amend Conditions of Approval was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. SEIJI F. NAYA, Acting Director
Office of 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. RICHARD D. WURDEMAN, ESQ.
Corporation Counsel
County of Hawaii
The Hilo Lagoon Center
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

CERT. STEVEN S.C. LIM, ESQ., Attorney for Petitioner
Carlsmith Ball Wichman Case & Ichiki
121 Waianuenue Avenue
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 15th day of July 1996.

ESTHER UEDA
Executive Officer