SW 861

ERIC T. MAEHARA 1326
Attorney at Law
55 Merchant Street, Suite 1810
Honolulu, Hawaii 96813
Telephone No. 528-5004

Attorney for Petitioner

'96 JUN 21 PM 3 28
PLANNING DEPT.
COUNTY OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of C. BREWER HOMES, INC., a Hawaii Corporation, To Amend the Land Use District Boundary of Certain Land situated at Puueo, Island of Hawaii, State of Hawaii, consisting of approximately 288.240 acres from the Agricultural to the Urban District	DOCKET NO. A92-680 MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FILED ON JANUARY 5, 1994; AFFIDAVIT OF B. EBEN DALE; CERTIFICATE OF SERVICE

LAND USE COMMISSION
STATE OF HAWAII
JUN 20 3 13 PM '96

(06/17/96lac: cbp\puueo\amend-2.d&o)

MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION AND ORDER FILED JANUARY 5, 1994

COMES NOW, C. BREWER HOMES, INC., formerly known as C. Brewer Properties, Inc. ("Petitioner"), by and through its attorney, Eric T. Maehara, and respectfully submits this Motion to Amend the Findings of Fact, Conclusions of Law and Decision and Order filed on January 5, 1994 (the "Decision and Order"). This Motion is made pursuant to §15-15-94 and §15-15-70, Hawaii Land Use Commission Rules and is supported by the attached affidavit.

06338

Petitioner herein moves for the amendment of the Decision and Order by the deletion in its entirety of Condition 1, found on page 32, and the inclusion in its stead of the following paragraph:

"1. Petitioner shall contribute to affordable housing opportunities for low, low-moderate, and gap-group residents pursuant to an affordable housing plan approved by the County of Hawaii, which addresses proportionate household income distribution, location, and other appropriate affordable housing policies as determined by the County of Hawaii. The means location and distribution of the affordable housing shall be under such terms as may be mutually agreeable to Petitioner and the County of Hawaii."

DATED: Honolulu, Hawaii, JUNE 18, 1996.

Eric Maehara

ERIC T. MAEHARA
Attorney for Petitioner

AFFIDAVIT OF B. EBEN DALE

(06/12/96lac: cbp\puuco\dale-2.aff)

STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

B. EBEN DALE, being duly sworn under oath, deposes and declares the following:

1. I am the Vice President of Hawaii Operations/Legal for C. Brewer Homes, Inc., Petitioner in this Land Use Commission Docket No. A92-680 and in said capacity am familiar with the subject docket proceeding and am knowledgeable to testify with regard to the same on behalf of Petitioner.

2. Since January 5, 1994, the date of the filing of the Decision and Order in this docket proceeding, I along with other representatives of Petitioner have engaged in numerous and continuous discussions with representatives of the County of Hawaii, including the Office of the Mayor, the Planning Department and the Office of Housing and Community Development with regards to various matters, including, but not limited to, a change in zoning application and proposals to meet the needs of low, low-moderate and gap-group residents of the County of Hawaii.

3. Based upon these discussions, Petitioner has come to an agreement in principle with the County of Hawaii whereby Petitioner will contribute certain lands at Kulaimano, Hawaii, for a housing project that will be targeted to the economically disadvantaged residents of the Hamakua Coast of the Island of Hawaii.

4. The transfer of these lands is to take place after

receiving County approval in satisfaction of the affordable housing condition and final large lot subdivision approval for the Kulaimano lands.

Further affiant sayeth naught.

B. Eben Dale

B. EBEN DALE

Subscribed and sworn to before me
this 18th day of June, 1996.

L.S. Nora Kawano

NOTARY PUBLIC, STATE OF HAWAII

My commission expires: 12-13-96

ERIC T. MAEHARA 1326
Attorney at Law
55 Merchant Street, Suite 1810
Honolulu, Hawaii 96813
Telephone No. 528-5004

Attorneys of Petitioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of C. BREWER HOMES, INC., Hawaii Corporation, To Amend the Land Use District Boundary of Certain Land situated at Puueo, Island of Hawaii, State of Hawaii, consisting of approximately 288.240 acres from the Agricultural to the Urban District	)	DOCKET NO. A92-680 CERTIFICATE OF SERVICE

(02/01/96lac: cbp\puueo\cos1)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that due service of a copy of Petitioner's Motion to Amend Findings of Fact, Conclusions of Law and Decision and Order Filed January 5, 1994, was made by certified mail, return receipt request or by hand-delivering said copies on JUNE 20, 1996, addressed to:

GREGORY PAI, Director
Office of State Planning
State of Hawaii
250 S. Hotel Street, 4th Floor
Honolulu, Hawaii 96813

VIA HAND DELIVERY

ABE MITSUDA
Land Use Division
State of Hawaii
Capital Center
1177 Alakea Street, 2nd Floor
Honolulu, Hawaii 96813

VIA HAND DELIVERY

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

VIA CERTIFIED MAIL

DATED: Honolulu, Hawaii, JUNE 20, 1996.

Eric Maehara

ERIC T. MAEHARA
Attorney for Petitioner