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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of

WAIKOLOA MAUKA LLC

To Amend the Agricultural Land Use District
Boundary Into the Rural Land Use District for
Approximately 731,581 Acres in South Kohala
District, Island of Hawai'i, Tax Map Key No.
(3) 6-8-002:016 (por.)

DOCKET NO. A-06-767

COUNTY OF HAWAI'I PLANNING
DEPARTMENT'S COMMENTS TO
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION
AND ORDER REVERTING THE PETITION
AREA; CERTIFICATE OF SERVICE

**COUNTY OF HAWAI'I PLANNING DEPARTMENT'S COMMENTS
TO PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER REVERTING PETITION AREA**

The County of Hawai'i Planning Department ("County"), by and through its undersigned attorneys, hereby provides its comments to the State Land Use Commission's ("Commission") Proposed Findings of Fact, Conclusions of Law, and Decision and Order Reverting Petition Area ("Proposed Order") in the matter of the Order to Show Cause for Petitioner Waikoloa Highlands, Inc. ("Petitioner").


The County notes that there are errors in the Proposed Order’s Findings of Fact Paragraphs 66 and 69, as the County’s housing agency is the Office of Housing and Community Development (“OHCD”), and not the “Department of Housing and Community Development” (“DHCD”) as stated in the Proposed Order. Furthermore, one of the OHCD attendees at the November 28, 2018 hearing on this matter was “Duane Hosaka”, not “Duane Osaka” as stated in the Proposed Order.

The County comments to restate its position from the hearings at this matter; although the County respects and submits to this Commission’s authority and jurisdiction over this matter, the County believes that the Subject Area is most appropriate classified as Rural, which is consistent with the County’s General Plan and existing zoning for the Subject Area. The Subject Area was previously designated as “Extensive Agriculture” on the County’s General Plan, which signified that this land was not “Important Agriculture” land—meaning that the Subject Area was not ideally suited for intensive agricultural production. See also Exhibits 35, 36 and 37 to Petitioner’s Supplemental Statement of Position on Order to Show Cause and Reversion of Petition Area (“Petitioner’s Supplement”). Accordingly, when the County adopted a new General Plan in 2005, the County designated the Subject Area as Rural and Open. See Exhibit 35 to Petitioner’s Supplement. At the hearing on this matter, it was established that the Subject Area is presently zoned Residential-Agricultural 1 Acre and Open.

Dated: Hilo, Hawai‘i, June 21, 2019.

COUNTY OF HAWAI‘I, PLANNING
DEPARTMENT

By



RONALD KIM
Deputy Corporation Counsel
Its attorney

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by mailing
the same, postage prepaid, on June 21, 2019:

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Dated: Hilo, Hawai'i, June 21, 2019.

COUNTY OF HAWAI'I, PLANNING
DEPARTMENT

By



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