

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. A04-748
)
CONSOLIDATED BASEYARDS LLC) CERTIFICATE OF SERVICE
)
To Amend The Agricultural Land Use)
District Boundary Into The Urban Land)
District For Approximately 23.164 Acres)
Of Land At Waikapu, Maui, Hawai`i,)
Tax Map Key: 3-8-07: 89, 143, And 144)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Approving Petitioner's Affordable Housing Study was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. LAURA THIELEN, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

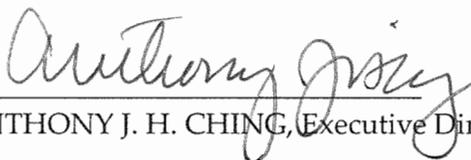
JOHN CHANG, Esq.
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425 Queen Street
Honolulu, Hawaii 96813

BRIAN MOTO, Esq.
Corporation Counsel
200 South High Street
Wailuku, Hawaii 96793

MICHAEL FOLEY, Director
County of Maui Planning Dept.
250 S. High Street
Wailuku, Hawaii 96793

CERT. BLAINE J. KOBAYASHI, Esq.
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793-1086

Dated: Honolulu, Hawaii, DEC - 6 2005.



ANTHONY J. H. CHING, Executive Director

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of)	DOCKET NO. A04-748
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CONSOLIDATED BASEYARDS LLC)	ORDER APPROVING PETITIONER'S
)	AFFORDABLE HOUSING STUDY
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ORDER APPROVING PETITIONER'S AFFORDABLE HOUSING STUDY

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ORDER APPROVING PETITIONER'S AFFORDABLE HOUSING STUDY

On July 6, 2005, Consolidated Baseyards LLC ("Petitioner") filed an Affordable Housing Study, pursuant to Condition Number 1 of the Land Use Commission's ("Commission") Findings of Fact, Conclusions of Law, and Decision and Order issued in the above-entitled docket on May 24, 2005. Condition Number 1 states as follows:

1. Within 180 days of this decision and order or prior to the Petitioner's presentation to the appropriate county council committee for a change in zoning, whichever is sooner, Petitioner shall complete and submit to the Commission for its approval, with copies to the County of Maui's Department of Planning and State Office of Planning, a housing study that addresses the following:
 - i. The impact the Project will have on the current labor force;
 - ii. The type of employee housing demands that will be created by the Project, if any;
 - iii. Any employee housing policy adopted and in place by the County of Maui for commercial and industrial developments;

- iv. The proposed mitigation measures to alleviate the impact on the employee housing situation; and
- v. Recommendations and timeframe for implementing any applicable County of Maui housing policy (in place at the time of this study) or requirements and/or Petitioner's proposed mitigation measures.

Within 150 days of approval of the housing study by the Commission, Petitioner shall submit to the Commission a copy of an executed affordable housing agreement entered into with the DHHC¹ or appropriate agency or department. Said agreement shall include the terms and conditions concerning implementation of the mitigation measures and timeline approved by the Commission.

By letter dated October 12, 2005, Petitioner requested that this Commission consider the approval of Petitioner's Affordable Housing Study at its next available meeting.

The matter came before this Commission at its meeting on November 17, 2005, in Lahaina, Maui, Hawai'i, with appearances by Blaine J. Kobayashi, Esq., on behalf of Petitioner; Jane Lovell, Esq., and Michael W. Foley on behalf of the County of Maui Department of Planning; and John W. K. Chang, Esq., and Abe Mitsuda on behalf of the State Office of Planning. At the meeting, Petitioner stated, among other things, that (i) the Affordable Housing Study concluded that development of the Project should include the contribution of four affordable housing units; (ii) both the DHHC and the County of Maui Department of Planning were in agreement with the conclusion of the Affordable Housing Study; and (iii) the Maui County Council granted Petitioner's zone

¹ DHHC is an acronym for the County of Maui Department of Housing and Human Concerns.

change request subject to an affordable housing condition that requires Petitioner, prior to final subdivision approval, to enter into an affordable housing agreement with the DHHC to provide for four affordable single-family housing units in Central Maui at a price not to exceed \$275,000 per unit. The units are to be made available to Maui residents who meet income qualifications as specified by the DHHC. A copy of the executed affordable housing agreement is to be provided to the County Council. Alternatively, if Petitioner is unable to reach such an agreement, Petitioner is required to make an in-lieu contribution of \$50,000 per unit for a total contribution of \$200,000 to be directed to the County's First-Time Home Buyers Fund.

Petitioner noted that to address the contribution of the four affordable housing units, it is in the process of finalizing an agreement with Spencer Homes, Inc. ("Spencer"), in which Petitioner will subsidize Spencer in the amount of \$200,000 to sell four market homes at prices not to exceed \$275,000 per unit in Spencer's housing development in Waikapu, Maui, Hawai'i. Petitioner further noted that the \$200,000 payment will be made upon the execution of the agreement with Spencer, and that said agreement will be subsequently attached as part of Petitioner's affordable housing agreement with the DHHC.

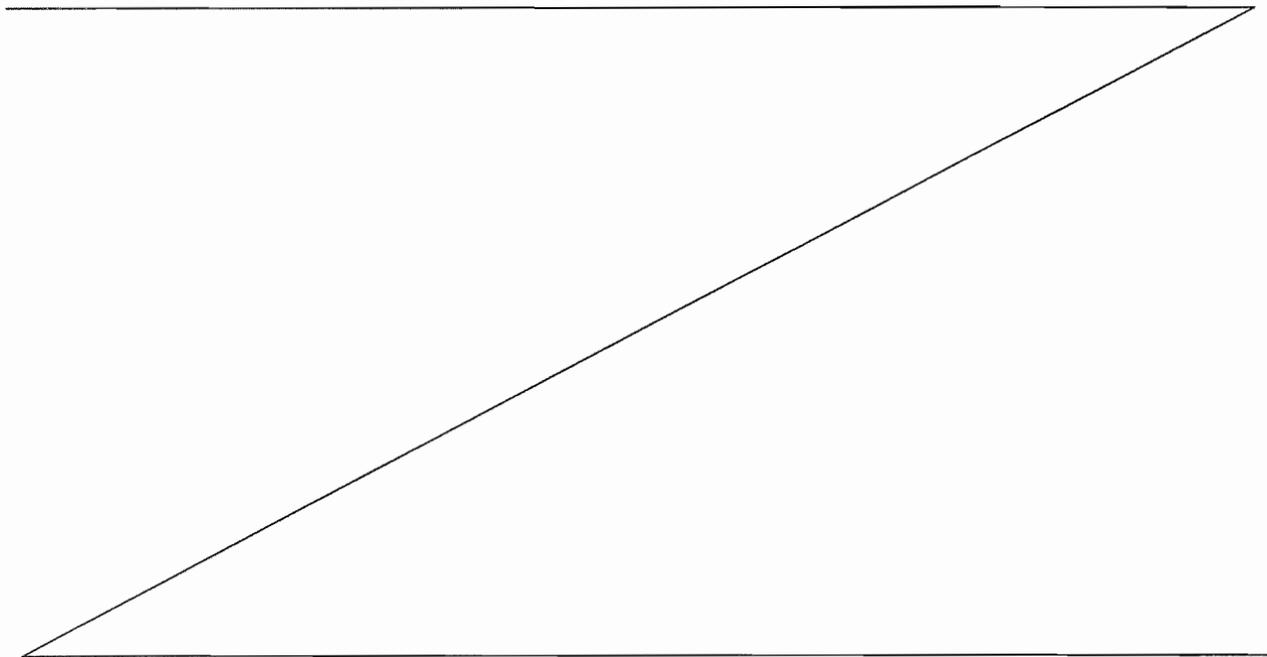
Following discussion, a motion was made and seconded to approve Petitioner's Affordable Housing Study. There being a tally of 6 ayes and 2 absent, the motion carried.

ORDER

This Commission, having duly considered Petitioner's Affordable Housing Study, the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting conducted on November 17, 2005, in Lahaina, Maui, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, Hawai'i Administrative Rules, and there being good cause for the motion,

HEREBY ORDERS that Petitioner's Affordable Housing Study be and is hereby APPROVED.

IT IS FURTHER ORDERED that Petitioner shall submit to this Commission a copy of the executed affordable housing agreement entered into with the DHHC within 150 days of this Order.



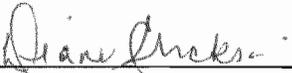
ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 6th day of December, 2005. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

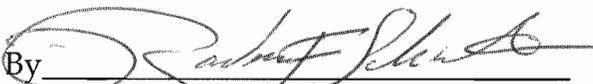
Done at Honolulu, Hawai'i, this 6th day of December, 2005, per motion on November 17, 2005.

APPROVED AS TO FORM

LAND USE COMMISSION
STATE OF HAWAII



Deputy Attorney General

By 

RANDALL SAKUMOTO
Chairperson and Commissioner

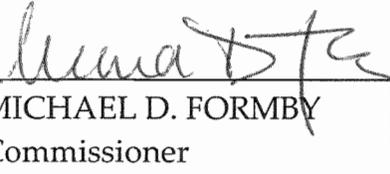
By (absent)

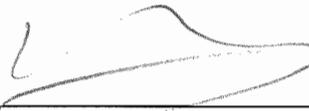
STEVEN LEE MONTGOMERY
Vice-Chairperson and Commissioner

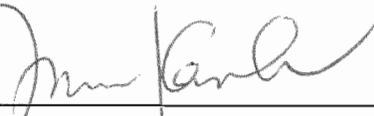
By 

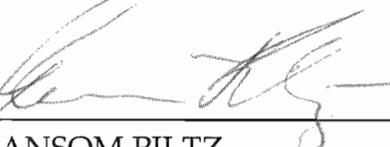
LISA M. JUDGE
Vice-Chairperson and Commissioner

By _____ (absent)
THOMAS CONTRADES
Commissioner

By 
MICHAEL D. FORMBY
Commissioner

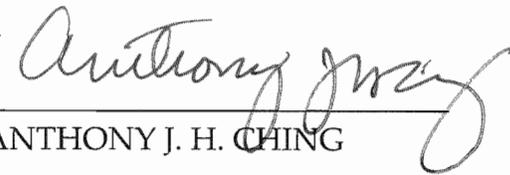
By 
KYONG-SU IM
Commissioner

By 
DUANE KANUHA
Commissioner

By 
RANSOM PILTZ
Commissioner

Filed and effective on
DEC - 6 2005

Certified by:


ANTHONY J. H. CHING