

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)

A & B PROPERTIES, INC.)

DOCKET NO. A80-483

To Amend the Agricultural Land)
Use District Boundary to)
Reclassify Approximately 618)
Acres (TMK 3-8-07: por. of 2)
& 3-8-07: por. of 110) at)
Wailuku-Kahului, Island and)
County of Maui, into the Urban)
Land Use District)

DECISION AND ORDER

DECISION

This matter arises from a Petition for an amendment to the Land Use Commission district boundary filed pursuant to Section 205-4 of the Hawaii Revised Statutes, Part VI, Rule 6-1 of the Land Use Commission's Rules of Practice and Procedure and District Regulation by A&B Properties, Inc. which is requesting that the designation of the subject property be amended from the Agricultural to the Urban District. The request consists of property comprising approximately 618.281 acres of land, situated at Wailuku/Kahului, Island and County of Maui. The subject property is more particularly identified as Tax Map Key No. 3-8-07: portion of 02 and Tax Map Key No. 3-8-07: portion of 110.

FINDINGS OF FACT

1. The subject Petition was filed on April 23, 1980, and amended on August 22, 1980.
2. Due notice of the hearing was sent by certified mail to the parties on July 28, 1980 and published in the Maui News and The Honolulu Advertiser on July 30, 1980.
3. A pre-hearing conference with all parties in attendance was conducted on August 25, 1980.
4. The contested case hearing was conducted before the Land Use Commission on September 3 and 4, 1980.
5. In addition to the parties of record in this proceeding, the following public witnesses were also permitted to participate in the proceedings: Owen Miyamoto, Chief of the Airport Division, Department of Transportation, State of Hawaii; Ms. Elizabeth N. Stone, President, Honest Environmental Citizens Against Progress; Eddie Tangen, Representative of the ILWU.

6. At its meeting held on February 24, 1981, the Land Use Commission voted on the Petition as follows: five (5) votes in favor of the Petition and three (3) votes against the Petition.

CONCLUSIONS OF LAW

Section 205-1, Hawaii Revised Statutes, provides in pertinent part that "...six affirmative votes shall be necessary for any boundary amendment."

DECISION

The Petition having failed to acquire the six votes required to effectuate a boundary amendment is hereby not approved.

Done at Honolulu, Hawaii, this 14th day of May, 1981, per Motion on February 24, 1981.

LAND USE COMMISSION
STATE OF HAWAII

By Shinichi Nakagawa
SHINICHI NAKAGAWA, Vice Chairman
and Commissioner

By George R. Pascua
GEORGE R. PASCUA, Commissioner

By Edward Vanai
EDWARD VANAI, Commissioner

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A & B PROPERTIES, INC.) DOCKET NO. A80-483
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To Amend the Agricultural Land)
Use District Boundary at Wailuku)
Kahului, Island and County of)
Maui, into the Urban Land Use)
District)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's 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:

HIDETO KONO, Director
Department of Planning & Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
Capital Investment Building
Penthouse, 850 Richards Street
Honolulu, Hawaii 96813

TOSH ISHIKAWA, Planning Director
Planning Department
County of Maui
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Wailuku, Hawaii 96793

H. RODGER BETTS, Corporation Counsel
Office of the Corporation Counsel
County of Maui
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J. KEN PETERSON, Attorney for Petitioner
A & B PROPERTIES, INC.
822 Bishop Street
Honolulu, Hawaii 96813

RYOKICHI HIGASHIONNA, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 15th day of May, 1981.



GORDAN Y. FURUTANI
Executive Officer