

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
HONOKAA SUGAR COMPANY)
For Reclassification of Certain)
Lands Situated at Honokaa,)
Island of Hawaii)

DOCKET NO. A75-404

**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 18 1990

Date

by

Robert L. ...
Executive Officer

JUL 18 2 20 PM '90
LAND USE COMMISSION
STATE OF HAWAII

ORDER GRANTING MOTION TO DELETE AND SUBSTITUTE
CONDITIONS OF THE DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A75-404
HONOKAA SUGAR COMPANY)
For Reclassification of Certain)
Lands Situated at Honokaa,)
Island of Hawaii)
_____)

ORDER GRANTING MOTION TO DELETE AND SUBSTITUTE
CONDITIONS OF THE DECISION AND ORDER

Petitioner, Hamakua Sugar Company, Inc., successor in interest to Honokaa Sugar Company, filed its Motion To Delete Conditions on October 3, 1989, to delete Condition Numbers 1, 2 and 4 of the Land Use Commission's Decision and Order of June 3, 1976, and Condition Number 3 of the Land Use Commission's Decision and Order of July 5, 1978 and orally moved at the Commission's June 28, 1990 meeting, to substitute the four deleted conditions with a new condition relating to affordable housing, pursuant to Section 15-15-70, Hawaii Land Use Commission Rules. The Land Use Commission, having duly considered Petitioner's motion and proposed new condition at its meeting of June 28, 1990, at Honolulu, Hawaii, and the Office of State Planning and the County of Hawaii Planning Department being in support of the motion and imposition of the new housing condition, and good cause appearing therefrom,

HEREBY ORDERS that Petitioner's motion, as amended, be granted. Accordingly, Conditions 1, 2, 3 and 4 of the

Commission's Decision and Order of June 3, 1976 are deleted and the following new condition of approval is hereby imposed upon the subject property:

1. Hamakua Sugar Company, Inc., within two (2) years of the release of the existing mortgage and forbearance agreements which cover the real property owned by Hamakua Sugar Company, Inc. located in the County and State of Hawaii, shall provide housing opportunities to the current employees and pensioners of Hamakua Sugar Company, Inc. by offering a minimum of 100 lots for sale or rent, with at least thirty percent (30%) of the lots or units at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Hawaii's median income can afford, and seventy percent (70%) of the lots or units at prices which families with an income range of one hundred twenty to one hundred forty percent (120-140%) of the County of Hawaii's median income can afford, at an off-site location or locations under such terms as may be mutually agreeable between Hamakua Sugar Company, Inc., the Housing Finance and Development Corporation of the State of Hawaii and the County of Hawaii.

Done at Honolulu, Hawaii, this 18th day of July 1990,
per motion on June 28, 1990.

LAND USE COMMISSION
STATE OF HAWAII

By _____ (excused)
RENTON L. K. NIP
Chairman and Commissioner

By Fredrick P. Whittemore
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Sharon R. Himeno
SHARON R. HIMENO
Commissioner

By _____ (absent)
ALLEN K. HOE
Commissioner

By Allen Y. Kajioka
ALLEN Y. KAJIOKA
Commissioner

By Eusebio Lapenia, Jr.
EUSEBIO LAPENIA, JR.
Commissioner

By James M. Shinno
JAMES M. SHINNO
Commissioner

By Elton Wada
ELTON WADA
Commissioner

Filed and effective on
July 18, 1990

Certified by:

Edward L. ...
Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A75-404
HONOKAA SUGAR COMPANY)	
For Reclassification of Certain)	
Lands Situated at Honokaa,)	
Island of Hawaii)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion To Delete And Substitute Conditions Of The 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:

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

CERT. DUANE KANUHA, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. STEVEN S.C. LIM, ESQ., Attorney for Petitioner
Case & Lynch
275 Ponahawai Street, Suite 201
Hilo, Hawaii 96720

CERT. HAMAKUA OCEAN VIEW ESTATES
TAKESHI HAGIWARA
c/o Alan Okamoto, Esq.
Nakamoto, Yoshioka & Okamoto
187 Kapiolani Street
Hilo, Hawaii 96720

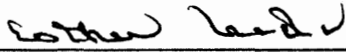
CERT. MILTON HAGIWARA
LESLIE K. HAGIWARA
c/o Alan Okamoto, Esq.
Nakamoto, Yoshioka & Okamoto
187 Kapiolani Street
Hilo, Hawaii 96720

CERT. LORRAINE B. PARESA TRUST
MARY M.A. NACBAR TRUST
EVELYN R. VALLON TRUST
c/o Roy Nakamoto, Esq.
187 Kapiolani Street
Hilo, Hawaii 96720

CERT. ERNEST TEXEIRA
P. O. Box 1710
Honokaa, Hawaii 96727

CERT. ESTATE OF CAROLINE A. KIRBY
c/o Kenneth W. Pickens, Esq.
Parkview Professional Center
1055 North 115th Street
Omaha, Nebraska 68154

DATED: Honolulu, Hawaii, this 18th day of July 1990.



ESTHER UEDA
Executive Officer