

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

In the Matter of the Petition of)
HEMMETER-VMS KAUAI COMPANY V)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District For Approximately)
91.479 Acres At Kalapaki, Lihue,)
Kauai, Hawai'i, Tax Map Key No.:)
3-5-01: portion of 102)
_____)

DOCKET NO. A88-631
ORDER ADOPTING HEARING
OFFICER'S PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER

APR 4 10 48 AM '96
LAND USE COMMISSION
STATE OF HAWAII

ORDER ADOPTING HEARING OFFICER'S PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

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

In the Matter of the Petition of)	DOCKET NO. A88-631
HEMMETER-VMS KAUAI COMPANY V)	
To Amend the Agricultural Land Use)	ORDER ADOPTING HEARING
District Boundary into the Urban)	OFFICER'S PROPOSED
Land Use District For Approximately)	FINDINGS OF FACT,
91.479 Acres At Kalapaki, Lihue,)	CONCLUSIONS OF LAW, AND
Kauai, Hawai'i, Tax Map Key No.:)	DECISION AND ORDER
3-5-01: portion of 102)	
_____)	

ORDER ADOPTING HEARING OFFICER'S PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

On December 12, 1995, the duly appointed Hearing Officer Trudy K. Senda, conducted a hearing on the Order to Show Cause filed by the Commission on September 29, 1995.

On January 10, 1996, Petitioner Kauai Lagoons Resort Company, Ltd. ("Petitioner") filed its Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

On January 18, 1996, the Office of State Planning filed its Response to Petitioner's Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

On February 15, 1996, Hearing Officer Trudy K. Senda submitted the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order ("Hearing Officer's Proposed Decision and Order") to this Commission and to the parties in this proceeding. No exceptions to the Hearing Officer's Proposed Decision and Order were filed by the parties.

On March 14, 1996, this matter came on for consideration before this Commission at its meeting in Lihue, Kauai. Hearing Officer Trudy K. Senda appeared before the Commission; Lorna A.N. Rosa, Esq., appeared on behalf of the Petitioner; Jonathan Chun, Esq. appeared on behalf of the County of Kauai Planning Department, and Ann Ogata-Deal, Esq., appeared on behalf of the Office of State Planning.

This Commission, upon consideration of the Hearing Officer's Proposed Decision and Order, the record and files herein, the arguments presented by the parties, and good cause existing and upon motion duly passed by this Commission,

HEREBY ORDERS that this Commission shall adopt the Hearing Officer's Proposed Decision and Order as its own Findings of Fact, Conclusions of Law, and Decision and Order.

Done at Honolulu, Hawaii, this 4th day of April 1996,
per motion on March 14, 1996.

LAND USE COMMISSION
STATE OF HAWAII

By Allen K. Hoe
ALLEN K. HOE
Chairperson and Commissioner

By Trudy K. Senda
TRUDY K. SENDA
Vice Chairperson and Commissioner

By Rupert K. Chun
RUPERT K. CHUN
Commissioner

By (absent)
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Merle A. K. Kelai
MERLE A. K. KELAI
Commissioner

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

Filed and effective on
April 4, 1996

Certified by:

Esther [Signature]
Executive Officer

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

By (absent)
ELTON WADA
Commissioner

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

In the Matter of the Petition of)
HEMMETER-VMS KAUAI COMPANY V) DOCKET NO. A88-631
To Amend the Agricultural Land Use)
District Boundary into the Urban) CERTIFICATE OF SERVICE
Land Use District For Approximately)
91.479 Acres At Kalapaki, Lihue,)
Kauai, Hawai'i, Tax Map Key No.:)
3-5-01: portion of 102)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and 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:


CERT. GREGORY G.Y. PAI, PH.D., Director
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Office of the County Attorney
County of Kauai
4444 Rice Street, #220
Lihue, Hawaii 96766

CERT. LORNA A.N. ROSA, ESQ.
3135-A Akahi Street
Lihue, Hawaii 96766

DATED: Honolulu, Hawaii, this 4th day of April 1996.



ESTHER UEDA
Executive Officer