

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

In the Matter of the Petition of)
OFFICE OF STATE PLANNING,)
STATE OF HAWAI'I)
To Amend the Agricultural Land Use)
District Boundary into the)
Conservation Land Use District for)
Approximately 273 Acres of Land)
Situated at Kaapahu, Hana, Maui,)
State of Hawai'i, TMK: 1-6-10: por.)
1 and por. 6)

DOCKET NO. BR94-709
ORDER ADOPTING HEARING
OFFICER'S PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER

This is to certify that this is a true and correct
copy of the Decision and Order on file in the office
of the State Land Use Commission, Honolulu Hawaii.

JUN 29 1995 by [Signature]
Date for Executive Officer

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

JUN 29 1 18 PM '95
LAND USE COMMISSION
STATE OF HAWAII

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

In the Matter of the Petition of)	DOCKET NO. BR94-709
)	
OFFICE OF STATE PLANNING,)	ORDER ADOPTING HEARING
STATE OF HAWAI'I)	OFFICER'S PROPOSED
)	FINDINGS OF FACT,
To Amend the Agricultural Land Use)	CONCLUSIONS OF LAW, AND
District Boundary into the)	DECISION AND ORDER
Conservation Land Use District for)	
Approximately 273 Acres of Land)	
Situated at Kaapahu, Hana, Maui,)	
State of Hawai'i, TMK: 1-6-10: por.)	
1 and por. 6)	
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ORDER ADOPTING HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

On March 31, 1995, the duly appointed Hearing Officer, Benjamin M. Matsubara ("Hearing Officer"), conducted a hearing on the Petition For Land Use District Boundary Amendment filed by the Office of State Planning ("Petitioner") on November 7, 1994 and subsequently amended on December 1, 1994 (hereinafter collectively referred to as "Petition").

On May 8, 1995, the parties in this proceeding filed a Stipulation Between The Petitioner And The County Of Maui On The Petitioner's Proposed Findings Of Fact, Conclusions Of Law, And Decision And Order.

On May 24, 1995, the Hearing Officer submitted the Hearing Officer's Proposed Findings Of Fact, Conclusions Of Law, And Decision And Order ("Hearing Officer's Report") to the Land Use Commission ("Commission") and to the parties in this proceeding. No exceptions to the Hearing Officer's Report were filed by the parties.

This matter came on for consideration on June 23, 1995 in Wailuku, Maui before this Commission. James Nagle, Esq., Deputy Attorney General and Mary Lou Kobayashi appeared on behalf of the Petitioner. Gary Zakian, Esq., Deputy Corporation Counsel and Clayton Yoshida appeared on behalf of the County of Maui Planning Department.

This Commission, upon consideration of the Hearing Officer's Report, the record and files herein, and good cause existing, and upon motion duly passed by this Commission,

HEREBY ORDERS that this Commission shall hereby adopt the Hearing Officer's Report.

DOCKET NO. BR94-709 - OFFICE OF STATE PLANNING, STATE OF HAWAII

Done at Honolulu, Hawaii, this 29th day of June 1995,
per motion on June 23, 1995.

LAND USE COMMISSION
STATE OF HAWAII

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

By Eusebio Larena, Jr.
EUSEBIO LARENA, JR.
Vice Chairperson and Commissioner

By M. Casey Jarman
M. CASEY JARMAN
Commissioner

By (absent)
LLOYD F. KAWAKAMI
Commissioner

By JoAnn N. Mattson
JOANN N. MATTSON
Commissioner

By (absent)
RENTON L. K. NIP
Commissioner

Filed and effective on
June 29, 1995

By Trudy K. Senda
TRUDY K. SENDA
Commissioner

Certified by:

[Signature]
for Executive Officer

By Elton Wada
ELTON WADA
Commissioner

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

In the Matter of the Petition of) DOCKET NO. BR94-709
)
OFFICE OF STATE PLANNING,) CERTIFICATE OF SERVICE
STATE OF HAWAI'I)
)
To Amend the Agricultural Land Use)
District Boundary into the)
Conservation Land Use District for)
Approximately 273 Acres of Land)
Situating at Kaapahu, Hana, Maui,)
State of Hawaii'i, TMK: 1-6-10: por.)
1 and por. 6)
_____)

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:


GREGORY G.Y. PAI, PH.D., Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540
Attention: Ms. Judith Henry

CERT. RICK J. EICHOR, ESQ., Attorney for Petitioner
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

CERT. GWEN OHASHI, Acting Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERT. JEFFREY SCHMIDT, ESQ.
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 29th day of June 1995.



ESTHER UEDA
Executive Officer