

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
)  
CHARLES P. BOOTH, SANDRA E. BOOTH, )  
EDWARD D. BRUFFEY, and SHARON L. )  
BRUFFEY )  
)  
To Amend the Conservation Land Use )  
District Boundary into the )  
Agricultural Land Use District for )  
Approximately 15,384.915 square )  
feet of land at Waimea, Waialua, )  
Oahu, Hawaii, TMK No.: 6-1-02: 2 )  
(por.) )  
\_\_\_\_\_ )

Docket No. A93-698  
ORDER ADOPTING HEARING  
OFFICER'S PROPOSED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION AND ORDER

OCT 24 11 33 AM '94  
LAND USE COMMISSION  
STATE OF HAWAII

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

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CONCLUSIONS OF LAW, AND DECISION AND ORDER

On June 24, 1994, the duly appointed Hearing Officer, Benjamin M. Matsubara, Esq., conducted a hearing on the Petition for Land Use Boundary Amendment filed by Charles P. Booth, Sandra E. Booth, Edward D. Bruffey, and Sharon L. Bruffey ("Petitioners") on November 10, 1993, and as amended on November 29, 1993, June 9, 1994, and June 21, 1994.

On July 25, 1994, the parties in this proceeding filed a Stipulation on Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

On August 25, 1994, the Hearing Officer submitted his report to this Commission, including the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order ("Hearing Officer's Proposed Decision and Order"). No exceptions to the Hearing Officer's Proposed Decision and Order were filed by the parties.

On October 18, 1994, at its meeting in Honolulu, Hawaii, this Commission heard oral arguments on the Hearing Officer's Proposed Decision and Order from Hearing Officer, Benjamin M. Matsubara. Also present were Cynthia Ching, Esq., representing the Petitioners, and Abe Mitsuda and Lorene Maki, representing the Office of State Planning. The City and County of Honolulu Planning Department previously notified the Commission that it would not be present for the proceedings, and further represented its support for the reclassification request.

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

HEREBY ORDERS that this Commission shall adopt and incorporate herein 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 24th day of October 1994,  
per motion on October 18, 1994.

LAND USE COMMISSION  
STATE OF HAWAII

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

By Allen Y. Kajioaka  
ALLEN Y. KAJIOKA  
Vice Chairperson and Commissioner

By Eusebio Lahenia, Jr.  
EUSEBIO LAHENIA, JR.  
Vice Chairperson and Commissioner

By (absent)  
M. CASEY JARMAN  
Commissioner

By Lloyd F. Kawakami  
LLOYD F. KAWAKAMI  
Commissioner

By (absent)  
JOANN N. MATTSON  
Commissioner

By Renton L. K. Nip  
RENTON L. K. NIP  
Commissioner

Filed and effective on  
October 24, 1994

Certified by:

Esther Lund  
Executive Officer

By Trudy K. Senda  
TRUDY K. SENDA  
Commissioner

By Elton Wada  
ELTON WADA  
Commissioner

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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:


NORMA WONG, Director  
Office of State Planning  
P. O. Box 3540  
Honolulu, Hawaii 96811-3540

CERT. ROBIN FOSTER, Chief Planning Officer  
Planning Department  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

CERT. CYNTHIA K. CHING, ESQ., Attorney for Petitioner  
Ashford & Wriston  
Alii Place, Suite 1400  
1099 Alakea Street  
Honolulu, Hawaii 96813

CERT. CHARLES P. BOOTH  
59-814 Maulukua Road  
Haleiwa, Hawaii 96712

DATED: Honolulu, Hawaii, this 24th day of October 1994.



ESTHER UEDA  
Executive Officer