

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

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,)
O'ahu, Hawai'i, TMK No.: 6-1-02: 2)
(por.))
_____)

DOCKET NO. A93-698
ORDER GRANTING
PETITIONERS' MOTION FOR
MODIFICATION OF
CONDITIONS

JUN 1 8 39 AM '98
LAND USE COMMISSION
STATE OF HAWAII

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FOR MODIFICATION OF CONDITIONS

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EDWARD D. BRUFFEY, AND SHARON L.)	PETITIONERS' MOTION FOR
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ORDER GRANTING PETITIONERS' MOTION
FOR MODIFICATION OF CONDITIONS

On February 26, 1998, Charles P. Booth, Sandra E. Booth, Edward D. Bruffey, and Sharon L. Bruffey ("Petitioners") filed a Motion for Modification of Conditions and Exhibits 1, 2, and 3 (collectively "Motion"), pursuant to sections 15-15-70 and 15-15-94, Hawai'i Administrative Rules. Petitioners' Motion requested the Land Use Commission ("Commission") to modify Condition Number 1 of the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order ("Decision and Order") filed on October 24, 1994, as amended by Order Granting Petitioners' Motion for Modification of Conditions dated November 21, 1995, by extending the time in which Petitioners are required to acquire the Petition Area to October 31, 1998.

The Motion came on for hearing before this Commission on May 14, 1998, in Honolulu, Hawai'i. The Office of Planning and the City and County of Honolulu Planning Department had no objections to the Motion.

This Commission, having considered the arguments presented by the parties in this proceeding, and the record and files herein, and good cause existing therefrom,

HEREBY ORDERS that Condition Number 1 be amended as follows:

1. Petitioners shall acquire the Petition Area and obtain all zoning and subdivision approvals for the Petition Area from the City and County of Honolulu by October 31, 1998.

All other conditions of the Decision and Order filed on October 24, 1994, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawai'i, this 1st day of June 1998,
per motions on May 14, 1998 and May 28, 1998.

LAND USE COMMISSION
STATE OF HAWAI'I

By (absent)
RUPERT K. CHUN
Chairperson and Commissioner

By M. Casey Jarman
M. CASEY JARMAN
Vice Chairperson and Commissioner

By Lawrence N.C. Ing
LAWRENCE N.C. ING
Vice Chairperson and Commissioner

By P. Roy Catalani
P. ROY CATALANI
Commissioner

By Isaac Fiesta, Jr.
ISAAC FIESTA, JR.
Commissioner

By (absent)
HERBERT S.K. KAOPUA, SR.
Commissioner

By M. Kelai
MERLE A. K. KELAI
Commissioner

Filed and effective on
June 1, 1998

Certified by:

[Signature]
Executive Officer

By (absent)
JOANN N. MATTSON
Commissioner

By Peter Yukimura
PETER YUKIMURA
Commissioner

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(por.))
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petitioners' Motion for Modification of Conditions was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. RICK EGGED, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. PATRICK T. ONISHI, Chief Planning Officer
Planning Department
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

CERT. GALEN C. K. LEONG, ESQ., Attorney for Petitioner
Ashford & Wriston
P. O. Box 131
Honolulu, Hawaii 96810

DATED: Honolulu, Hawaii, this 1st day of June 1998.



ESTHER UEDA
Executive Officer