

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
OFFICE OF STATE PLANNING,)
STATE OF HAWAII)
To Amend the Land Use District)
Boundary of Certain Lands Situated)
at Halehaku and Peahi Ahupuaa,)
Makawao, Island of Maui, State of)
Hawaii, Identified by Tax Map Key)
Number of the Second Division:)
2-8-8: por. 7 and 12, Consisting of)
Approximately 932 acres, from the)
Agricultural District to the)
Conservation District)

Docket No. BR94-713
ORDER GRANTING OFFICE
OF STATE PLANNING'S
MOTION TO WAIVE
REQUIREMENT FOR
METES AND BOUNDS
DESCRIPTION

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LAND USE COMMISSION
STATE OF HAWAII

ORDER GRANTING OFFICE OF STATE PLANNING'S MOTION TO WAIVE
REQUIREMENT FOR METES AND BOUNDS DESCRIPTION

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	Docket No. BR94-713
OFFICE OF STATE PLANNING,)	ORDER GRANTING OFFICE
STATE OF HAWAII)	OF STATE PLANNING'S
To Amend the Land Use District)	MOTION TO WAIVE
Boundary of Certain Lands Situated)	REQUIREMENT FOR
at Halehaku and Peahi Ahupuaa,)	METES AND BOUNDS
Makawao, Island of Maui, State of)	DESCRIPTION
Hawaii, Identified by Tax Map Key)	
Number of the Second Division:)	
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Approximately 932 acres, from the)	
Agricultural District to the)	
Conservation District)	

ORDER GRANTING OFFICE OF STATE PLANNING'S MOTION TO WAIVE
REQUIREMENT FOR METES AND BOUNDS DESCRIPTION

On December 7, 1994, the Office of State Planning ("Petitioner") filed a Motion to Waive Requirement for Metes and Bounds Description and the Affidavit of Mary Lou Kobayashi, and on February 21, 1995, Petitioner filed a First Amended Motion to Waive Requirement for Metes and Bounds Description and the Affidavit of Mary Lou Kobayashi (cumulatively "Motion") pursuant to §§15-15-34, 15-15-41, 15-15-50, and 15-15-70, Hawaii Administrative Rules ("HAR").

The Motion requested a waiver of §15-15-50(c)(3), HAR, which requires the submittal of a metes and bounds description if the subject property of a district boundary amendment petition involves portions of a parcel.

In support of the Motion, Petitioner provided the following: 1) the Petition Area delineated on a full-size copy of

the tax map; 2) the Petition Area delineated on a mylar U.S.G.S. orthophotograph; and, 3) the Petition Area delineated on a mylar U.S.G.S. topographic map.

The Motion came on for hearing before the Land Use Commission ("Commission") on February 23, 1995 at Lahaina, Maui. James F. Nagle, Esq., Deputy Attorney General appeared on behalf of the Petitioner and Gary Zakian, Esq., Deputy Corporation Counsel for the County of Maui, appeared on behalf of the Maui County Planning Department ("County").

The Commission, having received no objections to the Motion from the parties, and having considered the arguments of the parties and the records and files in this proceeding and good cause appearing therefrom;

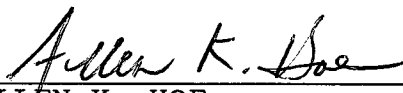
NOW HEREBY GRANTS Petitioner's Motion, subject to the following condition:

At any time in the future, when an accurate metes and bounds description of any portion of the property is needed, at the request of the Land Use Commission, the Office of State Planning will provide a metes and bounds description and map.

Dated: Honolulu, Hawaii, March 14, 1995.

LAND USE COMMISSION
STATE OF HAWAII

By



ALLEN K. HOE
Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) Docket No. BR94-713
)
OFFICE OF STATE PLANNING,) CERTIFICATE OF SERVICE
STATE OF HAWAII)
)
To Amend the Land Use District)
Boundary of Certain Lands Situated)
at Halehaku and Peahi Ahupuaa,)
Makawao, Island of Maui, State of)
Hawaii, Identified by Tax Map Key)
Number of the Second Division:)
2-8-8: por. 7 and 12, Consisting of)
Approximately 932 acres, from the)
Agricultural District to the)
Conservation District)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Office of State Planning's Motion to Waive Requirement for Metes and Bounds Description was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:


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Corporation Counsel
Office of the Corporation Counsel
County of Maui
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DATED: Honolulu, Hawaii, this 14th day of March 1995.



ESTHER UEDA
Executive Officer