BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

THE OFFICE OF STATE PLANNING,
STATE OF HAWAII

To Amend the Agricultural Land
Use District Boundary into the
Conservation Land Use District
for Approximately 4,470.22 Acres
at Moaula and Kaalaiki-Ninole,
Kau, Island of Hawaii, State of
Hawaii, Tax Map Key Nos.: 9-6-06:9,
10, 15 & 18 and 9-7-01:14, 15,
16, 17 & 20

DOCKET NO. BR93-693
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
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In the Matter of the Petition of THE OFFICE OF STATE PLANNING, STATE OF HAWAII

To Amend the Agricultural Land Use District Boundary into the Conservation Land Use District for Approximately 4,470.22 Acres at Moaula and Kaalaiki-Ninole, Kau, Island of Hawaii, State of Hawaii, Tax Map Key Nos.: 9-6-06:9, 10, 15 & 18 and 9-7-01:14, 15, 16, 17 & 20

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

On March 15, 1994, the duly appointed Hearing Officer, Karen S. Ahn, conducted a hearing on the Petition for Land Use District Boundary Amendment filed by the Office of State Planning ("Petitioner") on October 13, 1993, and as amended on January 27, 1994 (hereinafter collectively referred to as "Petition").

On April 7, 1994, the parties in this proceeding filed a Stipulation between the Petitioner and the County of Hawaii on the Petitioner’s Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

On June 2, 1994, Mr. Benjamin M. Matsubara, Esq., on behalf of Hearing Officer, Karen S. Ahn, 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.

This matter came on for consideration on June 16, 1994 in Lanai City, Lanai, Maui before this Commission. Rick Eichor, Esq., and Mary Lou Kobayashi appeared on behalf of the Petitioner. Mr. Benjamin M. Matsubara appeared on behalf of Hearing Officer Karen S. Ahn. The County of Hawaii Planning Department was not present.

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

IT IS HEREBY ORDERED that this Commission shall hereby 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 28th day of June 1994, per motion on June 16, 1994.

LAND USE COMMISSION
STATE OF HAWAII

By

JOANN N. MATTSON
Chairperson and Commissioner

By

TRUDY K. SENDA
Vice Chairperson and Commissioner

By

ALLEN K. HOE
Commissioner

By

(aabsent)

LLOYD F. KAWAKAMI
Commissioner

By

(aabsent)

EUSEBIO LAPENIA, JR.
Commissioner

By

RENTON L. K. NIP
Commissioner

Filed and effective on
June 28, 1994

Certified by:

Executive Officer

ELTON WADA
Commissioner

DELMOND J. H. WON
Commissioner
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DOCKET NO. BR93-693

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:

HAROLD S. MASUMOTO, Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

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

VIRGINIA GOLDSTEIN, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 28th day of June 1994.

ESTHER UEUDA
Executive Officer