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 5,914.96 Acres
at Honuaula Tract 3 Extension,
Honuaula Tract 3, Honuaula
Tract 2, and Makaula-Ooma Mauka
Tract, North Kona, Island of
Hawaii, State of Hawaii, Tax Map
Key Nos.: 7-3-01:2, 7-4-01:2
and 3, and 7-5-13:22

DOCKET NO. BR93-694
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 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 JOANNE N. MATTSON
Chairperson and Commissioner

By TRUDY K. SENDA
Vice Chairperson and Commissioner

By ALLEN K. HOE
Commissioner

By (absent)
LLOYD F. KAWAKAMI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By RENTON L. K. NIP
Commissioner

Filed and effective on June 28, 1994

Certified by:

Executive Officer

By ELTON WADA
Commissioner

By DELMOND J. H. WON
Commissioner
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Key Nos.: 7-3-01:2, 7-4-01: 2
and 3, and 7-5-13:22

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

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

ESTHER UEDE
Executive Officer