

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 3,818.493 Acres )  
at Honomalino, Olelomoana, Kaohu, )  
and Kukuiopae, South Kona, Island )  
of Hawaii, State of Hawaii, Tax )  
Map Key Nos.: 8-7-01: 8 and 12, )  
8-7-12: 5, and 8-9-01: 2 )

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DOCKET NO. BR93-695  
ORDER ADOPTING HEARING  
OFFICER'S PROPOSED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION AND ORDER

JUN 28 10 14 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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OF THE STATE OF HAWAII

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	)	FINDINGS OF FACT,
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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,

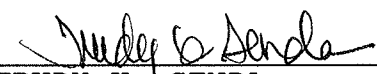
IT IS HEREBY ORDERED that this Commission shall hereby adopt the Hearing Officer's Proposed Decision and Order as its own Findings of Fact, Conclusions of Law, and Decision and Order.

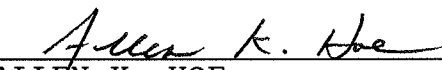
DOCKET NO. BR93-695 - OFFICE OF STATE PLANNING

Done at Honolulu, Hawaii, this 28th day of June 1994,  
per motion on June 16, 1994.

LAND USE COMMISSION  
STATE OF HAWAII

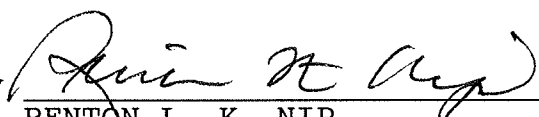
By   
JOANN N. MATTSON  
Chairperson and Commissioner

By   
TRUDY K. SENDA  
Vice Chairperson and Commissioner

By   
ALLEN K. HOE  
Commissioner

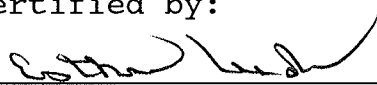
By (absent)  
LLOYD F. KAWAKAMI  
Commissioner

By (absent)  
EUSEBIO LAPENIA, JR.  
Commissioner

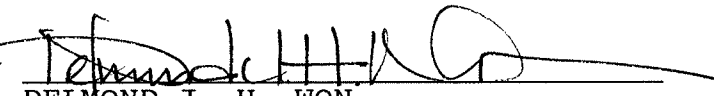
By   
RENTON L. K. NIP  
Commissioner

Filed and effective on  
June 28, 1994

Certified by:

  
Executive Officer

By   
ELTON WADA  
Commissioner

By   
DELMOND J. H. WON  
Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. BR93-695  
THE OFFICE OF STATE PLANNING, ) CERTIFICATE OF SERVICE  
STATE OF HAWAII )  
To Amend the Agricultural Land )  
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of Hawaii, State of Hawaii, Tax )  
Map Key Nos.: 8-7-01: 8 and 12, )  
8-7-12: 5, and 8-9-01: 2 )

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

CERT. 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 UEDA  
Executive Officer