

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

ORIGINAL

In the Matter of the Petition of )  
 )  
ROBERT E. & CHRISTINE M. STENGLE )  
(HAWAII) )  
 )  
For a Declaratory Order Clarifying and )  
Correcting the Boundary Interpretations )  
of the Land Use Commission Under )  
Boundary Interpretation No. 98-36 )  
dated October 29, 1998, and Boundary )  
Interpretation No. 98-50 dated January 12, )  
1999. )  
\_\_\_\_\_ )

DOCKET NO. DR 99-21

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LAND USE COMMISSION  
STATE OF HAWAII

TESTIMONY  
OF THE OFFICE OF PLANNING

The subject property is located at the twenty-mile marker makai of Mamalahoa Highway along the Hamakua Coast and is identified by Tax Map Key Nos. 3-2-03: 23 and 41.

According to the Tax Map, the property is bounded on the north by Manoloa Stream and to the south partially by Hualolo Stream. The Petition states that it was formerly planted in sugar cane and converted to a macadamia nut orchard in 1982.

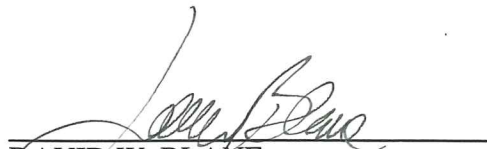
The Petition states that a topographical survey map was submitted to the Land Use Commission with contour lines and the "Top of Pali" delineated in metes and bounds. The Land Use Commission Executive Officer issued Boundary Interpretation No. 98-50 overlaid on this map on January 12, 1999. The Petition claims that the State Land Use Agricultural/Conservation District Boundary was substantially removed from the "Top of Pali" and as a result, approximately 46,699 square feet of land planted in macadamia nuts is within the Conservation District while approximately 22, 888 square feet of land containing stream beds and a waterfall is within the Agricultural District.

The Petition is requesting a Declaratory Order clarifying the Agricultural/Conservation District boundary as being the "Top of Pali" to place 46, 699 square feet of land planted in

macadamia nuts in the Agricultural District and 22,888 square feet of land containing stream beds and a waterfall in the Conservation District.

Based upon the aerial photograph submitted as Petition Exhibit A and the Boundary Interpretation No. 98-50 map submitted as Petition Exhibit C, the Office of Planning has no objections to the Petitioners' request. This position is based on the information provided and should not be interpreted to mean that "Top of Pali" is public policy in the Agricultural/Conservation District Boundary in all cases.

DATED: at Honolulu, Hawaii, this 24<sup>th</sup> day of February, 1999.



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DAVID W. BLANE  
Director  
Office of Planning

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Testimony was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service:

ROBERT E. STENGLE  
CHRISTINE . STENGLE  
5436 Kirkwood Place  
Honolulu, Hawaii 96821

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

OFFICE OF THE CORPORATION COUNSEL  
County of Hawaii  
101 Aupuni Street  
Hilo, Hawaii 96720

PLANNING COMMISSION  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 24<sup>th</sup> day of February, 1999.

  
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DAVID W. BLANE  
Director, Office of Planning  
State of Hawaii