

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)
)
COUNTY OF HAWAII)
PLANNING DEPARTMENT)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
970.80 Acres at Keahuolu through)
Keauhou, North Kona, Island of)
Hawai'i, State of Hawai'i, Tax Map)
Key No.: 7-4-08: por. 1; 7-5-03: 6,)
7, 23; 7-5-10: 1, 5; 7-5-17: 1, 19;)
7-6-13: 9; 7-7-04: por. 2, 56;)
7-7-07: 41; 7-7-08: por. 27, 99,)
105; 7-8-10: por. 29, and por. 30.)

DOCKET NO. A94-705
ORDER GRANTING MOTION TO
FILE ADDITIONAL
INFORMATION TO CURE THE
DEFECT PRESENTED IN
STATE LAND USE
COMMISSION'S ORDER
GRANTING MOTION TO
DECLARE AMENDED PETITION
DEFECTIVE

LAND USE COMMISSION
STATE OF HAWAII
JAN 5 11 11 AM '96

ORDER GRANTING MOTION TO FILE ADDITIONAL INFORMATION TO
CURE THE DEFECT PRESENTED IN STATE LAND USE COMMISSION'S
ORDER GRANTING MOTION TO DECLARE AMENDED PETITION DEFECTIVE

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

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COUNTY OF HAWAII)	
PLANNING DEPARTMENT)	ORDER GRANTING MOTION TO
To Amend the Agricultural Land Use)	FILE ADDITIONAL
District Boundary into the Urban)	INFORMATION TO CURE THE
Land Use District for Approximately)	DEFECT PRESENTED IN
970.80 Acres at Keahuolu through)	STATE LAND USE
Keauhou, North Kona, Island of)	COMMISSION'S ORDER
Hawai'i, State of Hawai'i, Tax Map)	GRANTING MOTION TO
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ORDER GRANTING MOTION TO FILE ADDITIONAL INFORMATION TO
CURE THE DEFECT PRESENTED IN STATE LAND USE COMMISSION'S
ORDER GRANTING MOTION TO DECLARE AMENDED PETITION DEFECTIVE

On November 24, 1995, the County of Hawai'i Planning Department ("Petitioner") filed its Motion To File Additional Information To Cure The Defect Presented In State Land Use Commission's Order Granting Motion To Declare Amended Petition Defective ("Motion"), Exhibit Nos. 4 (Revision 5), 5, 6, 7, and the Affidavit of Virginia Goldstein, pursuant to section 15-15-70, Hawai'i Administrative Rules ("HAR"), and section 205-4, Hawai'i Revised Statutes ("HRS").

The Motion requested that the Petitioner be allowed to file information found in the exhibits filed with the Motion to cure the defect as represented in the Land Use Commission's ("Commission") Order Granting Motion To Declare Amended Petition Defective filed on September 18, 1995 ("Defective Petition

Order"). The Motion also requests that the petition be further amended by deleting an approximately 15.02 acre parcel, identified as Tax Map Key: 7-5-10: 01.

According to the Affidavit of Virginia Goldstein, TMK: 7-5-10: 01 was identified in the Defective Petition Order as a parcel that did not have information on historical resources, cave invertebrates and the Hawaiian bat, botanical, and fauna resources. Petitioner contacted the landowner of TMK: 7-5-10: 01 to obtain the required information. Petitioner did not receive any response from the landowner, and therefore cannot obtain any information concerning the parcel to cure the defect.

The deletion of TMK: 7-5-10: 01 would result in a petition area with the total acreage of approximately 955.78 acres.

The Motion having come before the Commission on December 15, 1995, at its meeting in Honolulu, Oahu, and the Commission having heard the arguments presented by the OSP and Petitioner, and having reviewed the entire record herein, and with good cause showing therefrom;

IT IS HEREBY ORDERED that the Motion To File Additional Information To Cure The Defect Presented In State Land Use Commission's Order Granting Motion To Declare Amended Petition Defective, filed by the County of Hawai'i Planning Department, IS GRANTED, and the petition is deemed cured as of December 14, 1995.

IT IS FURTHER ORDERED that TMK: 7-5-10 01, consisting of approximately 15.02 acres, be deleted from the petition and that

the total acreage of the petition area shall be approximately
955.78 acres.

DOCKET NO. A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Done at Honolulu, Hawaii, this 5th day of January 1996,
per motion on December 14, 1995.

LAND USE COMMISSION
STATE OF HAWAII

By Allen K. Hoe
ALLEN K. HOE
Chairperson and Commissioner

By Trudy K. Senda
TRUDY K. SENDA
Vice Chairperson and Commissioner

By Rupert K. Chun
RUPERT K. CHUN
Commissioner

By M. Casey Jarman
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Merle A. K. Kelai
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By Joann N. Mattson
JOANN N. MATTSO
Commissioner

By (absent)
ELTON WADA
Commissioner

Filed and effective on
January 5, 1996

Certified by:

Burt Jensen
for Executive Officer

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DOCKET NO. A94-705
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE


I hereby certify that a copy of the Order Granting Motion to File Additional Information to Cure the Defect Presented in State Land Use Commission's Order Granting Motion to Declare Amended Petition Defective was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. GREGORY G.Y. PAI, PH.D., Director
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Honolulu, Hawaii 96811-3540

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

CERT. RICHARD D. WURDEMAN, ESQ.
Office of the Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 5th day of January 1996.


for ESTHER UEDA
Executive Officer