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

In the Matter of the Petition of

COUNTY OF HAWAI'I
PLANNING DEPARTMENT

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 970.80 Acres at Keahoulu 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

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
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In the Matter of the Petition of

COUNTY OF HAWAI'I
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 Hawaii', 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

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.

LAND USE COMMISSION
STATE OF HAWAII

BY

ALLEN K. HOE
Chairperson and Commissioner

TRUDY K. SENDA
Vice Chairperson and Commissioner

RUPERT K. CHUN
Commissioner

M. CASEY JARMAN
Commissioner

LLOYD F. KAWAKAMI
Commissioner

MERLE A. K. KELAI
Commissioner

EUSEBIO LAPENIA, JR.
Commissioner

JOANN N. MATTSON
Commissioner

ELTON WADA
Commissioner

FILED AND EFFECTIVE ON

JANUARY 5, 1996

CERTIFIED BY:

for Executive Officer

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BEFORE THE LAND USE COMMISSION
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970.80 Acres at Keahoulu through
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7-7-07: 41; 7-7-08: por. 27, 99,
105; 7-8-10: por. 29, and por. 30.

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
Office of State Planning
P. O. Box 3540
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.

ESTHER UEADA
Executive Officer