BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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 3,785 Acres at Kau through Keauhou, North Kona, Island of Hawaii, State of Hawaii, Tax Map Key No.: 7-2-05: por. 1; 7-3-07: 38, 39, 40; 7-3-09: 7, por. 13, por. 25, 26, 28; 7-3-10: 31, por. 33, 35; 7-4-08: por. 1, 5, por. 13; 7-5-03: 6, 7, 23; 7-5-10: 1, 5, por. 16; 7-5-17: 1, 19; 7-6-13: 9; 7-7-04: por. 2, por. 11, 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
PETITIONER'S MOTION TO
WAIVE REQUIREMENT FOR
METES AND BOUNDS
DESCRIPTION

ORDER GRANTING PETITIONER’S MOTION TO WAIVE REQUIREMENT FOR METES AND BOUNDS DESCRIPTION
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DESCRIPTION

ORDER GRANTING PETITIONER’S MOTION
TO WAIVE REQUIREMENT FOR METES AND BOUNDS DESCRIPTION

On August 30, 1994, the County of Hawaii Planning
Department ("Petitioner") filed a Motion to Waive Requirement for
Metes and Bounds Description and the Affidavit of Virginia
Goldstein ("Motion") pursuant to §§15-15-34, 15-15-41, 15-15-50,
and 15-15-70, Hawaii Administrative Rules ("HAR").

The Motion requested a waiver of §§15-15-50(c)(3) and
15-15-50(d)(3), HAR, which requires submittal of a metes and
bounds description if the subject property of a district boundary
amendment petition involves portions of lots.

In support of the Motion, Petitioner provided the
following: 1) various maps that depicted the boundaries of the
petition area; 2) written description of the boundaries of the
petition area; and 3) representations that the intent of the petition was to reclassify only those lands that were in the State Land Use Agricultural District to the Urban District.

The Motion, having come on for hearing before the Land Use Commission ("Commission") on December 1, 1994 at its meeting in South Kohala, Hawaii, and the Commission having heard the arguments presented by the Petitioner, and with no objections by the Office of State Planning, and having reviewed the entire record herein, and for good cause shown;

NOW HEREBY GRANTS Petitioner's Motion, subject to the following condition.

At any time in the future, when an accurate metes and bounds description of any portion of the property is needed, at the request of the Land Use Commission, the County shall provide a metes and bounds description and map.

Dated: Honolulu, Hawaii, ___________ December 30, 1994 ___________.

LAND USE COMMISSION
STATE OF HAWAII

By

ALLEN K. HOE
Chairperson and Commissioner
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

COUNTY OF HAWAII
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7-7-08: por. 27, 99, 105; 7-8-10:
pour. 29, and por. 30.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petitioner’s Motion to Waive Requirement for Metes and Bounds Description was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

GREGORY G.Y. PAI, PH.D., Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

VIRGINIA GOLDSHTEIN, Planning Director
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Office of the Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 30th day of December, 1994.

ESTHER UEDA
Executive Officer