

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) Docket No. BR94-702  
THE OFFICE OF STATE PLANNING, )  
STATE OF HAWAII ) ORDER GRANTING OFFICE  
 ) OF STATE PLANNING'S  
 ) MOTION TO WAIVE  
To Amend the State Land Use ) SECTION 15-15-50(c)(5)(B),  
Agricultural District Boundary ) HAWAII ADMINISTRATIVE  
into the Conservation Land Use ) RULES  
District for Approximately 10,895 )  
Acres of Land at Kealahou, )  
South Kona, Hawaii, TMK No.: )  
8-2-12: 1 (por.) and 13 )

ORDER GRANTING OFFICE OF STATE PLANNING'S MOTION TO WAIVE  
SECTION 15-15-50(c)(5)(B), HAWAII ADMINISTRATIVE RULES

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LAND USE COMMISSION  
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )	Docket No. BR94-702
THE OFFICE OF STATE PLANNING, )	
STATE OF HAWAII )	ORDER GRANTING OFFICE
To Amend the State Land Use )	OF STATE PLANNING'S
Agricultural District Boundary )	MOTION TO WAIVE
into the Conservation Land Use )	SECTION 15-15-50(c)(5)(B),
District for Approximately 10,895 )	HAWAII ADMINISTRATIVE
Acres of Land at Kealahou, )	RULES
South Kona, Hawaii, TMK No.: )	
8-2-12: 1 (por.) and 13 )	
_____ )	

ORDER GRANTING OFFICE OF STATE PLANNING'S MOTION TO WAIVE  
SECTION 15-15-50(c)(5)(B), HAWAII ADMINISTRATIVE RULES

An Oral Motion by the Office of State Planning, State of Hawaii ("OSP"), to Waive Section 15-15-50(c)(5)(B), Hawaii Administrative Rules ("HAR"), came on for hearing before the Land Use Commission, State of Hawaii ("Commission") on May 19, 1994, in Kailua, Kona, Hawaii. The meeting was duly noticed and five commissioners were present constituting a quorum. Rick J. Eichor, Esq., appeared on behalf of Petitioner OSP; Sandra Pechter Schutte, Esq., appeared on behalf of Intervenor Kealahou Development Corporation ("KDC"); Derek R. Kobayashi, Esq. appeared on behalf of Intervenor Kealahou Ranch, Ltd. ("KRL"); and Richard D. Wurdeman, Corporation Counsel for the County of Hawaii, appeared on behalf of the Planning Department, County of Hawaii.

Having considered the arguments of counsel and the records and files herein and good cause appearing therefore;

IT IS HEREBY ORDERED that pursuant to Section 15-15-34, HAR, which permits the Commission to waive procedural rules for good cause, the Commission hereby waives the requirement of Section 15-15-50(c)(5)(B), HAR, which requires written authorization of the fee owner to file a petition for boundary amendment, and grants OSP's Motion to Waive Section 15-15-50(c)(5)(B), HAR.

Dated: Honolulu, Hawaii, May 31, 1994.

LAND USE COMMISSION  
STATE OF HAWAII

By JoAnn N. Mattson  
JOANN N. MATTSON  
Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) Docket No. BR94-702  
THE OFFICE OF STATE PLANNING, )  
STATE OF HAWAII ) CERTIFICATE OF SERVICE  
)  
To Amend the State Land Use )  
Agricultural District Boundary )  
into the Conservation Land Use )  
District for Approximately 10,895 )  
Acres of Land at Kealakekua, )  
South Kona, Hawaii, TMK No.: )  
8-2-12: 1 (por.) and 13 )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Office of State Planning's Motion to Waive Section 15-15-50(c)(5)(B), Hawaii Administrative Rules was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

- CERT. RICK EICHOR, ESQ., Attorney for Petitioner  
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- CERT. SANDRA PECHTER SCHUTTE, Esq., Attorney for  
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CERT. DEREK KOBAYASHI, ESQ., Attorney for  
Kealakekua Ranch , Ltd.  
Goodsill Anderson Quinn & Stifel  
Ali'i Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

Dated: Honolulu, Hawaii, this 31st day of May 1994.

  
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ESTHER UEDA  
Executive Officer