BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
THE OFFICE OF STATE PLANNING,
STATE OF HAWAII)

Docket No. BR94-702)
ORDER GRANTING OFFICE
OF STATE PLANNING'S)
MOTION TO WAIVE)
SECTION 15-15-50(c)(5)(B),
HAWAII ADMINISTRATIVE)
RULES)

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

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

In the Matter of the Petition of

THE OFFICE OF STATE PLANNING,
STATE OF HAWAII

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.:
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Docket No. BR94-702
ORDER GRANTING OFFICE
OF STATE PLANNING'S
MOTION TO WAIVE
SECTION 15-15-50(C)(5)(B),
HAWAII ADMINISTRATIVE
RULES

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 Kealakekua Development Corporation ("KDC"); Derek R. Kobayashi, Esq. appeared on behalf of Intervenor Kealakekua 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
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, CERTIFICATE OF SERVICE
STATE OF HAWAII

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:

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DEREK KOBAYASHI, ESQ., Attorney for  
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Goodsill Anderson Quinn & Stifel  
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1099 Alakea Street  
Honolulu, HI 96813  

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

   __________________________  
   (Signature)  
   ESTHER UEDA  
   Executive Officer