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, ) ORDER DENYING KEALAKEKUA
STATE OF HAWAII ) DEVELOPMENT CORPORATION'S
 ) MOTION TO DISMISS OFFICE
 ) OF STATE PLANNING'S PETITION
 ) FOR LAND USE DISTRICT
 ) BOUNDARY AMENDMENT AND FIRST
 ) AMENDED PETITION FOR LAND
 ) USE DISTRICT BOUNDARY
 ) AMENDMENT

ORDER DENYING KEALAKEKUA DEVELOPMENT
CORPORATION'S MOTION TO DISMISS OFFICE OF
STATE PLANNING'S PETITION FOR LAND USE
DISTRICT BOUNDARY AMENDMENT AND FIRST AMENDED
PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT
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.: 8-2-12: 1 (por.) and 13

Docket No. BR94-702
ORDER DENYING KEALAKEKUA
DEVELOPMENT CORPORATION’S
MOTION TO DISMISS OFFICE
OF STATE PLANNING’S
PETITION FOR LAND USE
DISTRICT BOUNDARY AMENDMENT
AND FIRST AMENDED PETITION
FOR LAND USE DISTRICT
BOUNDARY AMENDMENT

ORDER DENYING KEALAKEKUA DEVELOPMENT CORPORATION’S MOTION TO DISMISS OFFICE OF STATE PLANNING’S PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT AND FIRST AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

Kealakekua Development Corporation’s ("KDC") Motion to Dismiss Office of State Planning’s Petition for Land Use District Boundary Amendment and First Amended Petition for Land Use District Boundary Amendment ("Motion to Dismiss") filed herein on April 19, 1994, came on for hearing before the Land Use Commission, State of Hawaii ("Commission") on May 19, 1994, at its meeting 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 oral and written arguments of counsel and the records and files herein and good cause appearing therefore;

IT IS HEREBY ORDERED that KDC's Motion to Dismiss be and is here DENIED.

Dated: Honolulu, Hawaii, May 31, 1994

LAND USE COMMISSION
STATE OF HAWAII

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 Denying
Kealakekua Development Corporation’s Motion to Dismiss Office
of State Planning’s Petition for Land Use District Boundary
Amendment and First Amended Petition for Land Use District
Boundary Amendment 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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Case & Lynch
460 Kilauea Ave.
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DEREK KOBAYASHI, ESQ., Attorney for
Kealakekua Ranch, Ltd.
Goodsill Anderson Quinn & Stifel
Aliʻi Place, Suite 1800
1099 Alakea Street
Honolulu, HI 96813

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

[Signature]
ESTHER UEDA
Executive Officer