

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 DENYING KEALAKEKUA
) DEVELOPMENT CORPORATION'S
) MOTION TO DISMISS OFFICE
To Amend the State Land Use) OF STATE PLANNING'S PETITION
Agricultural District Boundary) FOR LAND USE DISTRICT
into the Conservation Land Use) BOUNDARY AMENDMENT AND FIRST
District for Approximately 10,895) AMENDED PETITION FOR LAND
Acres of Land at Kealakekua,) USE DISTRICT BOUNDARY
South Kona, Hawaii, TMK No.:) AMENDMENT
8-2-12: 1 (por.) and 13)
_____)

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

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LAND USE COMMISSION
STATE OF HAWAII

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In the Matter of the Petition of)	Docket No. BR94-702
THE OFFICE OF STATE PLANNING,)	
STATE OF HAWAII)	ORDER DENYING KEALAKEKUA
To Amend the State Land Use)	DEVELOPMENT CORPORATION'S
Agricultural District Boundary)	MOTION TO DISMISS OFFICE
into the Conservation Land Use)	OF STATE PLANNING'S
District for Approximately 10,895)	PETITION FOR LAND USE
Acres of Land at Kealakekua,)	DISTRICT BOUNDARY AMENDMENT
South Kona, Hawaii, TMK No.:)	AND FIRST AMENDED PETITION
8-2-12: 1 (por.) and 13)	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

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,)	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)	
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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
 Deputy Attorney General
 Hale Auhau, Third Floor
 425 Queen Street
 Honolulu, HI 96813
- DEL. HAROLD S. MASUMOTO, Director
 Office of State Planning
 P.O. Box 3540
 Honolulu, HI 96811-3540
- CERT. VIRGINIA GOLDSTEIN, Director
 Planning Department, County of Hawaii
 25 Aupuni Street
 Hilo, HI 96720
- CERT. SANDRA PECHTER SCHUTTE, Esq., Attorney for
 Kealakekua Development Corporation
 Case & Lynch
 460 Kilauea Ave.
 Hilo, HI 96720

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.



ESTHER UEDA
Executive Officer