

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
OFFICE OF STATE PLANNING,)
STATE OF HAWAII)
To Amend the Urban Land Use)
District Boundary into the)
Conservation Land Use District)
for Approximately 23.642 Acres at)
Diamond Head, Honolulu, Island)
of Oahu, State of Hawaii, Tax)
Map Key Numbers: 3-1-42: 10, 21,)
23, 24, 25, 36, and 37)

DOCKET NO. BR93-692
ORDER ADOPTING HEARING
OFFICER'S PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION AND ORDER

This is to certify that this is a true and correct
copy of the Decision and Order on file in the office
of the State Land Use Commission, Honolulu Hawaii.

JUN 28 1994 by *[Signature]*
Date Executive Officer

ORDER ADOPTING HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

JUN 28 10 15 AM '94
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. BR93-692
OFFICE OF STATE PLANNING,)	
STATE OF HAWAII)	ORDER ADOPTING HEARING
To Amend the Urban Land Use)	OFFICER'S PROPOSED
District Boundary into the)	FINDINGS OF FACT,
Conservation Land Use District)	CONCLUSIONS OF LAW,
for Approximately 23.642 Acres at)	AND DECISION AND ORDER
Diamond Head, Honolulu, Island)	
of Oahu, State of Hawaii, Tax)	
Map Key Numbers: 3-1-42: 10, 21,)	
23, 24, 25, 36, and 37)	

ORDER ADOPTING HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

On March 10, 1994, the duly appointed Hearing Officer, Benjamin M. Matsubara, Esq., conducted a hearing on the Petition for Land Use District Boundary Amendment, filed on October 7, 1993, and as amended on January 18, 1994 and February 3, 1994 (hereinafter collectively referred to as "Petition").

On March 31, 1994, Petitioner Office of State Planning filed its Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

On April 26, 1994, the Hearing Officer issued his Proposed Findings of Fact, Conclusions of Law, and Decision and Order. On May 17, 1994, the Hearing Officer issued a memorandum to all parties in regards to an amendment to the Proposed Findings of Fact, Conclusions of Law, and Decision and

Order. No exceptions to the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended, were filed by the parties.

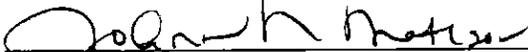
On June 16, 1994, at its meeting at Lanai City, Lanai, this Commission heard oral arguments on the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended, from the Hearing Officer. Also present was Rick Eichor, Esq., Deputy Attorney General and Mary Lou Kobayashi representing the Office of State Planning. In a letter dated June 14, 1994, the Planning Department of the City and County of Honolulu, stated that it would not be present for the proceedings in Lanai City, Lanai, and further stated its support of the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended.

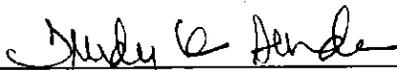
This Commission, upon consideration of the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended, the arguments of the Hearing Officer, the record and files herein, and good cause existing and upon motion duly passed by this Commission,

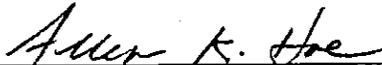
HEREBY ORDERS that this Commission shall hereby adopt the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended, as its own Findings of Fact, Conclusions of Law, and Decision and Order.

Done at Honolulu, Hawaii, this 28th day of June 1994,
per motion on June 16, 1994.

LAND USE COMMISSION
STATE OF HAWAII

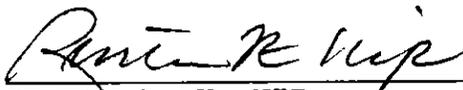
By 
JOANN N. MATTSON
Chairperson and Commissioner

By 
TRUDY K. SENDA
Vice Chairperson and Commissioner

By 
ALLEN K. HOE
Commissioner

By (absent)
LLOYD F. KAWAKAMI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

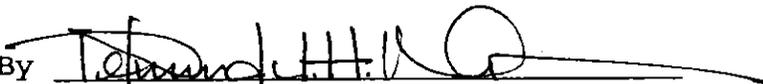
By 
RENTON L. K. NIP
Commissioner

Filed and effective on
June 28, 1994

By 
ELTON WADA
Commissioner

Certified by:


Executive Officer

By 
DELMOND J. H. WON
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. BR93-692
OFFICE OF STATE PLANNING,)	CERTIFICATE OF SERVICE
STATE OF HAWAII)	
To Amend the Urban Land Use)	
District Boundary into the)	
Conservation Land Use District)	
for Approximately 23.642 Acres at)	
Diamond Head, Honolulu, Island)	
of Oahu, State of Hawaii, Tax)	
Map Key Numbers: 3-1-42: 10, 21,)	
23, 24, 25, 36, and 37)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HAROLD S. MASUMOTO, Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

RICK J. EICHOR, ESQ., Attorney for Petitioner
Department of the Attorney General
State of Hawaii
425 Queen Street
Honolulu, Hawaii 96813

CERT. ROBIN FOSTER, Chief Planning Officer
Planning Department
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 28th day of June 1994.


ESTHER UEDA
Executive Officer