

11.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A00-734
)	
CASTLE & COOKE HOMES HAWAII, INC.)	ORDER GRANTING
and PACIFIC HEALTH COMMUNITY, INC.)	CO-PETITIONERS'
)	MOTION FOR TIME
To Amend the Agricultural Land Use)	EXTENSION FOR LAND
District Boundary into the Urban Land Use)	USE COMMISSION TO
District for Approximately 1,247.983 Acres of)	FILE FINDINGS OF FACT
Land at Waipio and Waiwa, O`ahu, Hawai`i,)	AND CONCLUSIONS OF
TMKs: 9-4-06: 1, 2, por. 3, por. 29; 9-5-03:)	LAW
por. 1, por. 2, por. 4; and 9-6-04: 21)	
_____)	

ORDER GRANTING CO-PETITIONERS' MOTION FOR TIME EXTENSION
FOR LAND USE COMMISSION TO FILE FINDINGS OF FACT AND
CONCLUSIONS OF LAW

2002 MAY 13 A 11:10
 THE CLERK OF THE COMMISSION

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ORDER GRANTING CO-PETITIONERS' MOTION FOR TIME EXTENSION
FOR LAND USE COMMISSION TO FILE FINDINGS OF FACT AND CONCLUSIONS
OF LAW

On April 26, 2002, Castle & Cooke Homes Hawaii, Inc., and Pacific Health Community, Inc. ("Co-Petitioners"), filed a Motion For Time Extension For Land Use Commission To File Findings Of Fact And Conclusions Of Law ("Motion") pursuant to sections 15-15-70 and 15-15-74(b), Hawai`i Administrative Rules ("HAR").

Co-Petitioners requested a ninety-day time extension for the Land Use Commission ("Commission") to file findings of fact and conclusions of law in the above-captioned docket.

Section 91-13.5, Hawai`i Revised Statutes, provides that if an agency does not act on a development-related permit, license, or approval within its adopted rules dealing with the time to approve the license, permit, or approval, it shall be automatically approved.

Section 15-15-74(b), HAR, establishes a three hundred and sixty-five day period for this Commission to act upon a district boundary amendment petition. The same section also provides for an extension of time not to exceed ninety days when approved by a two-thirds vote of the members of this Commission.

The Motion was heard at this Commission's meeting on May 3, 2002, in Hilo, Hawai`i, with appearances by the parties as noted in the minutes. At the meeting, the Office of Planning; the City and County of Honolulu Department of Planning and Permitting; the Mililani/Melemanu/Waipio Neighborhood Board #25; and the Sierra Club, Hawai`i Chapter, stated that they had no objections to the Motion.

Following discussion, a motion was made and seconded to approve Co-Petitioners' Motion. There being a vote tally of 6 ayes and 0 nays, the motion carried as it represented an affirmative vote of two-thirds of the members of this Commission.

ORDER

IT IS HEREBY ORDERED that the time within which this Commission must file its decision and order approving the petition, denying the petition, or modifying the petition by imposing conditions in the above-captioned docket is extended for ninety days, to and including August 30, 2002.

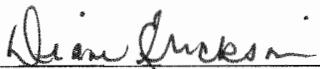
Dated: Honolulu, Hawai'i, MAY 13 2002.

LAND USE COMMISSION
STATE OF HAWAII

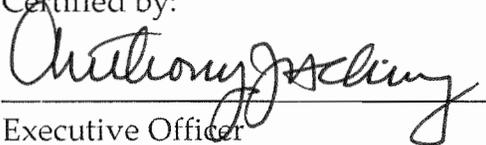


By MERLE A.K. KELAI
Chairperson and Commissioner

APPROVED AS TO FORM


Deputy Attorney General

Filed and effective on
MAY 13 2002, 2002

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A00-734
)
CASTLE & COOKE HOMES HAWAII, INC.) CERTIFICATE OF SERVICE
and PACIFIC HEALTH COMMUNITY, INC.)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban Land Use)
District for Approximately 1,247.983 Acres of)
Land at Waipio and Waiwa, O`ahu, Hawai`i,)
TMKs: 9-4-06: 1, 2, por. 3, por. 29; 9-5-03:)
por. 1, por. 2, por. 4; and 9-6-04: 21)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Co-Petitioners' Motion for Time Extension for Land Use Commission to File Findings of Fact and Conclusions of Law was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. DAVID W. BLANE, DIRECTOR
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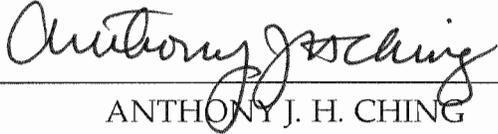
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DEL. RICHARD G. POIRIER
95-584 Naholoholo Street
Mililani Town, Hawai'i 96789

DATED: Honolulu, Hawaii, this 13th day of May, 2002.



ANTHONY J. H. CHING
Executive Officer