

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A00-730
	)	
LANIHAU PROPERTIES, LLC	)	ORDER GRANTING PETITIONER'S
	)	REQUEST FOR A TIME EXTENSION
To Amend the Conservation Land Use	)	TO SATISFY CONDITIONS OF
District Boundary into the Urban Land Use	)	APPROVAL 1C, 3B AND 8
District for Approximately 336.984 Acres at	)	
Honokohau, North Kona, Hawaii,	)	
Tax Map Key Nos.: 7-4-08: portion of	)	
13 and 7-4-08: 30	)	
_____	)	

ORDER GRANTING PETITIONER'S REQUEST FOR A TIME EXTENSION TO  
SATISFY CONDITIONS OF APPROVAL 1C, 3B AND 8

On March 17, 2006, the Land Use Commission ("Commission") received a letter from R. Ben Tsukazaki of Tsukazaki, Yeh & Moore representing Lanihau Properties, LLC ("Movant" or "Petitioner") requesting an extension of time for six months to satisfy conditions 1C, 3B, and 8 of the Findings of Fact, Conclusions of Law and Decision and Order dated September 26, 2003.

Upon receipt of the Movant's written request, the Commission staff informed the Movant via telephone that the written request would be treated as a motion to request time extensions to satisfy the conditions ("the Motion").

The Motion came on for hearing before this Commission on April 6, 2006, in Kahului, Maui, with appearances by the Movant and the State of Hawaii Office of Planning (“OP”). Both the County of Hawaii Planning Department (“County”) and the National Parks Service (“Intervenor”) informed the Commission’s staff prior to the hearing that both parties had no objections to the time extension request and that they would not be able to attend April 6, 2006 meeting.

The Movant stood by its position and provided a brief summary of its progress and efforts to comply with conditions 1C, 3B, and 8.

OP stated no objection to the request for time extension but requested that the Commission consider, for future requests for time extensions, that the request: 1) come in the form of a formal motion, and 2) Movant provide a detailed description of the progress to date and justification to support further time extensions.

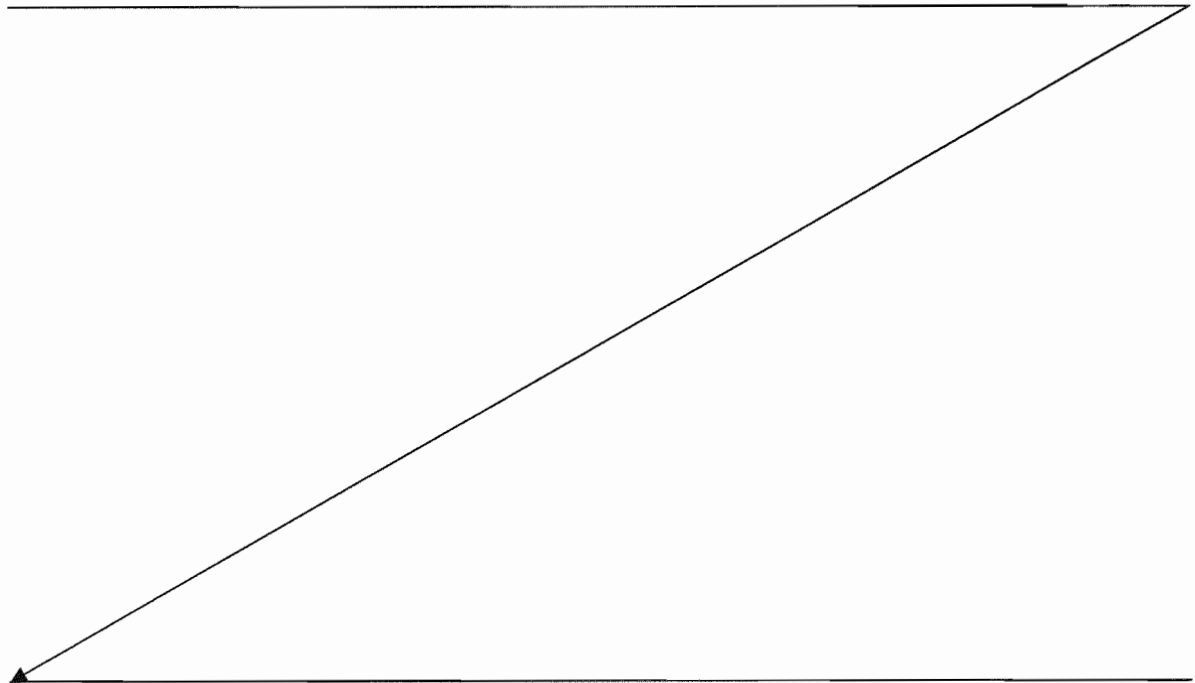
The most recent time extension expired by its terms on February 5, 2006.

At the hearing conducted on April 6, 2006, after discussion and deliberation by the Commissioners, a motion was made and seconded by the Commission to approve a time extension of eight (8) months from February 5, 2006 for conditions 1C, 3B, and 8, and additionally, any subsequent requests for time extension from the Petitioner should be in the form of a formal motion and

include a discussion of substantive issues. There being a vote tally of six ayes and two absent, the motion PASSED, having receiving the affirmative votes required by § 15-15-13, Hawai'i Administrative Rules.

ORDER

IT IS HEREBY ORDERED that the time extension for eight (8) months from February 5, 2006 for satisfaction of conditions 1C, 3B, and 8, is GRANTED. The deadline for compliance with conditions 1C, 3B and 8 is October 5, 2006. All other conditions set forth in the Findings of Fact, Conclusions of Law and Decision and Order issued by the Commission on September 26, 2003, shall remain unchanged and in full force and effect.

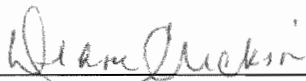


The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 21st day of April, 2006, as conforming to the vote taken on Maui on April 6, 2006. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Any person aggrieved by this decision and order may seek judicial review in accordance with the provisions of HRS section 91-4.

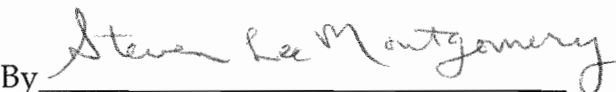
Done at Honolulu, Hawai`i, this 21st day of April, 2006, per motion on April 6, 2006.

APPROVED AS TO FORM

  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By   
RANDALL F. SAKUMOTO  
Chairperson and Commissioner

By   
STEVEN LEE MONTGOMERY  
Vice-Chairperson and Commissioner

By \_\_\_\_\_ (absent)  
LISA M. JUDGE  
Vice-Chairperson and Commissioner

By Thomas Contrades  
THOMAS CONTRADES  
Commissioner

By Michael D. Formby  
MICHAEL D. FORMBY  
Commissioner

By Kyong-Su Im  
KYONG-SU IM  
Commissioner

By Duane Kanuha  
DUANE KANUHA  
Commissioner

Filed and effective on  
APR 24 2006

Certified by:

Anthony J. H. Ching  
ANTHONY J. H. CHING

By (absent)  
RANSOM PILTZ  
Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A00-730
	)	
LANIHAU PROPERTIES, LLC	)	CERTIFICATE OF SERVICE
	)	
To Amend the Conservation Land Use	)	
District Boundary into the Urban Land Use	)	
District for Approximately 336.984 Acres at	)	
Honokohau, North Kona, Hawaii,	)	
Tax Map Key Nos.: 7-4-08: portion of	)	
13 and 7-4-08: 30	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petitioner's Request For A Time Extension To Satisfy Conditions Of Approval 1c, 3b And 8 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL.           LAURA H. THIELEN, Director  
                  Office of Planning  
                  P. O. Box 2359  
                  Honolulu, Hawaii 96804-2359

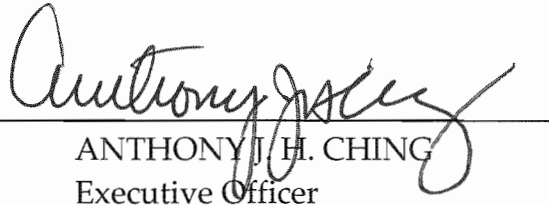
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85 W. Lanikaula Street  
Hilo, Hawaii 96720

Dated: Honolulu, Hawaii, APR 24 2008.

  
ANTHONY J. H. CHING  
Executive Officer