

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of)	DOCKET NO. DR02-26
)	
KULEANA KU'IKAHI, LLC)	ORDER DENYING COUNTY OF MAUI'S
)	NOTICE OF EXCEPTIONS TO, AND
For A Declaratory Order Declaring That)	REQUEST FOR CORRECTION OF,
The Subdivision And Development Of)	LAND USE COMMISSION'S ORDER
Approximately 4,500 Acres Of Land In)	REGARDING WITHDRAWAL OF
An Agricultural District Requires A)	PETITION FOR A DECLARATORY
District Boundary Amendment)	ORDER
_____)	

ORDER DENYING COUNTY OF MAUI'S NOTICE OF EXCEPTIONS TO, AND
REQUEST FOR CORRECTION OF, LAND USE COMMISSION'S ORDER
REGARDING WITHDRAWAL OF PETITION FOR A DECLARATORY ORDER

2003 AUG 28 P 4: 21
LAND USE COMMISSION
STATE OF HAWAII

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REQUEST FOR CORRECTION OF, LAND USE COMMISSION'S ORDER
REGARDING WITHDRAWAL OF PETITION FOR A DECLARATORY ORDER

On July 9, 2003, the County of Maui ("Movant) filed a Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order ("Request").¹

On July 17, 2003, Kuleana Ku`ikahi, LLC ("Petitioner") filed a Position Statement Regarding County of Maui's Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order.

On July 18, 2003, Makila Land Company, LLC; Kaua`ula Land Company, LLC; and Launiupoko Associates, LLC (collectively "Intervenors"), filed a Position

¹ The Order Regarding Withdrawal Of Petition For A Declaratory Order was issued on July 2, 2003.

Statement Regarding County of Maui's Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order.

The Land Use Commission ("Commission") considered the Movant's Request at its meeting on August 7, 2003, in Honolulu, Hawai'i. Jane E. Lovell, Esq., appeared on behalf of the Movant; James Richard McCarty, Esq., appeared on behalf of Petitioner; Benjamin A. Kudo, Esq., appeared on behalf of the Intervenors; and John W. K. Chang, Esq., appeared on behalf of the Office of Planning.

At the meeting, the Commission noted that neither chapter 91, Hawaii Revised Statutes ("HRS"), nor chapter 92, HRS, provided Movant with the right to file exceptions to this Commission's decision in this matter.

Thereafter, a motion was made and seconded to deny the Movant's Request. Following discussion by the Commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

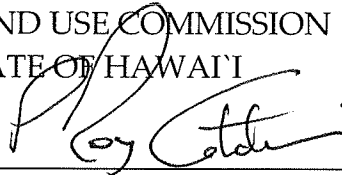
ORDER

Having duly considered the Movant's Request, the arguments presented by the parties, and a motion having been made at a meeting conducted on August 7, 2003, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, Hawai'i Administrative Rules, and there being good cause

for the motion, this Commission ORDERS that Movant's Request be and is hereby DENIED.

Dated: Honolulu, Hawai'i, AUG 28 2003.

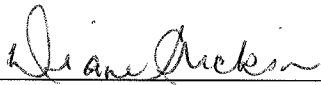
LAND USE COMMISSION
STATE OF HAWAII



By P. ROY CATALANI
Vice Chair and Commissioner

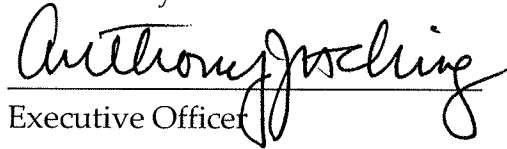
APPROVED AS TO FORM:

Filed and effective on
AUG 28 2003, 2003



Deputy Attorney General

Certified by:



Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. DR02-26
)
KULEANA KU'IKAHI, LLC) CERTIFICATE OF SERVICE
)
For A Declaratory Order Declaring That)
Subdivision And Development Of)
Approximately 4,500 Acres Of Land In)
An Agricultural District Requires A)
District Boundary Amendment)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying County Of Maui's Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order 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:

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Dated: Honolulu, Hawaii, AUG 28 2003.



ANTHONY J. HUCHING
Executive Officer