

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)
)
STATE OF HAWAI'I)
DEPARTMENT OF TRANSPORTATION,)
AIRPORTS DIVISION)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
210.471 Acres of Land at Kahului)
Airport, Kahului, County of Maui,)
State of Hawai'i, TMK 3-8-01: por.)
19, por. 73, por. 134, 166, 186,)
195, 211, 212, por. 222, and 245)
[formerly TMK 3-8-01: por. 19, por.)
73, por. 134, 166, 186, 195, 211,)
and 212])
)
_____)

DOCKET NO. A92-684
ORDER ACCEPTING
PETITIONER'S MOTION TO
WITHDRAW PETITION

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

APR 07 2000 by 
Date Executive Officer

ORDER ACCEPTING PETITIONER'S MOTION TO WITHDRAW PETITION

LAND USE COMMISSION
STATE OF HAWAII
2000 APR -7 P 12:09

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) STATE OF HAWAII) DEPARTMENT OF TRANSPORTATION,) AIRPORTS DIVISION)	DOCKET NO. A92-684 ORDER ACCEPTING PETITIONER'S MOTION TO WITHDRAW PETITION
To Amend the Agricultural Land Use) District Boundary into the Urban) Land Use District for Approximately) 210.471 Acres of Land at Kahului) Airport, Kahului, County of Maui,) State of Hawaii, TMK 3-8-01: por.) 19, por. 73, por. 134, 166, 186,) 195, 211, 212, por. 222, and 245) [formerly TMK 3-8-01: por. 19, por.) 73, por. 134, 166, 186, 195, 211,) and 212])	

ORDER ACCEPTING PETITIONER'S MOTION TO WITHDRAW PETITION

On March 13, 2000, the State of Hawaii Department of Transportation, Airports Division ("Petitioner"), filed a Motion To Withdraw Petition Without Prejudice ("Motion"), pursuant to section 15-15-70, Hawaii Administrative Rules ("HAR").

Petitioner requested an order allowing Petitioner to voluntarily withdraw its Petition For Land Use Boundary Amendment From Agricultural To Urban ("Petition") without prejudice.

An Affidavit of Jerry Matsuda, Administrator of Petitioner ("Affidavit"), filed to support the Motion, stated, among other things, that i) in a press release issued on February 7, 2000, Governor Benjamin Cayetano stated "[i]t's become clear that it would not be prudent to proceed with plans to increase the length of these neighbor island runways..Several

factors - including decreased revenues, improved aircraft technology, and an airline industry that no longer supports the improvements - make it obvious these projects should not go forward"; ii) consistent with Governor Cayetano's decision, Petitioner desired to withdraw the Petition and reevaluate its priorities with respect to Kahului Airport, including the need or demand for the different master planned improvements and the projected implementation timetable; and iii) Petitioner desired to voluntarily withdraw its Petition for good cause and not to gain any unfair advantage.

The Motion came on for hearing before this Commission on March 23, 2000, in Waikapu, Hawai'i, with appearances by the parties as noted in the minutes. At the hearing, the Commission heard public testimony from Greg Wescott, Mark Sheehan, Jeff Parker, and Dana Naone Hall. The Office of Planning and the County of Maui Planning Department had no objections to the Motion. Intervenors requested that the Petition should be withdrawn with prejudice.

Thereafter, a motion was made and seconded to accept Petitioner's Motion. During the discussion whether to accept Petitioner's Motion, it was noted that voluntary withdrawals of petitions for district boundary amendments are subject to section 15-15-76, HAR, and that it was not necessary at this time to determine the scope or extent of the prejudice, if any, for a future petition on the same matter. Following discussion by the Commission, a vote was taken on the motion to accept Petitioner's

Motion. There being a vote tally of 8 ayes, 0 nays and 1 excused, the motion carried.

ORDER

Having duly considered Petitioner's Motion, the supporting Affidavit, the statements made by public witnesses, the oral and written arguments presented by the parties and the intervenors, and a motion having being made at a hearing conducted on March 23, 2000 in Waikapu, Hawai'i, and the motion having received the affirmative votes requires by section 15-15-13, HAR, and there being good cause for the motion, the Commission ORDERS as follows:

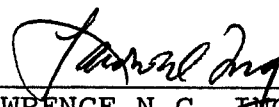
Petitioner's Motion is ACCEPTED, and the Petition is withdrawn voluntarily pursuant to section 15-15-76, HAR.


ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and the proceedings, hereby adopt and approve the foregoing ORDER this 6th day of April 2000. The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by the Commission.

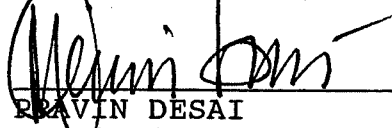
LAND USE COMMISSION
STATE OF HAWAI'I

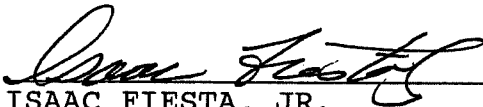
By (excused)
MERLE A. K. KELAI
Chairperson and Commissioner

By 
LAWRENCE N.C. KING
Vice Chairperson and Commissioner

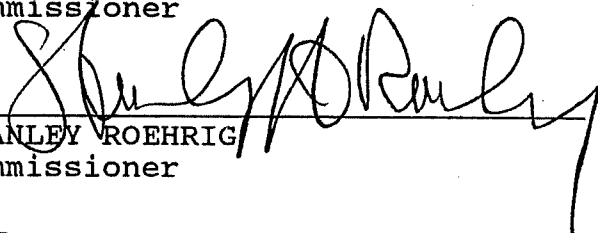
By 
P. ROY CATALANI
Commissioner

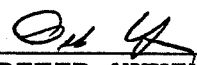
By 
BRUCE A. COPPA
Commissioner

By 
PRAVIN DESAI
Commissioner

By 
ISAAC FIESTA, JR.
Commissioner

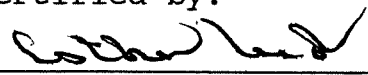
By (absent)
M. CASEY JARMAN
Commissioner

By 
STANLEY ROHRIG
Commissioner

By 
PETER YUKIMURA
Commissioner

Filed and effective on
April 7, 2000

Certified by:


Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A92-684
STATE OF HAWAI'I,)	
DEPARTMENT OF TRANSPORTATION)	CERTIFICATE OF SERVICE
AIRPORTS DIVISION)	
To Amend the Agricultural Land Use)	
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and 212])	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Accepting Petitioner's Motion To Withdraw Petition 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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CERT. LANE T. ISHIDA, ESQ., Attorneys for Petitioner
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CERT. KAZU HAYASHIDA, Director
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869 Punchbowl Street
Honolulu, HI 96813

CERT. ISAAC HALL, ESQ., Attorney for Intervenor
2087 Wells Street
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 7th day of April 2000.



ESTHER UEDA
Executive Officer