

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In the matter of the Petition)	DOCKET NO. A05-757
)	
of)	ORDER DENYING
)	PETITIONER'S MOTION FOR
JAMES W. McCULLY &)	RECONSIDERATION FILED ON
FRANCINE M. McCULLY)	MAY 10, 2006
)	
To Amend the Land Use District)	
Boundary of Approximately 4.6 acres of)	
Land in the Conservation District to the)	
Agricultural District at Wailea, South)	
Hilo, Island and State of Hawai`i, Tax)	
Map Key Nos.: 2-9-003: 013, 029 and 060)	
)	

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION
FILED ON MAY 10, 2006

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OF THE STATE OF HAWAI`I

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ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION
FILED ON MAY 10, 2006

On May 9, 2006, the Land Use Commission ("LUC") issued its Findings of Fact, Conclusions of Law, and Decision and Order Denying Petition for a State Land Use District Boundary Amendment.

On May 10, 2006, James W. McCully and Francine M. McCully ("Petitioner") filed its Motion for Reconsideration and Memorandum in Support of Motion for Reconsideration.

On May 15, 2006, the Office of Planning, State of Hawai`i ("OP") filed its

Statement of No Position to Petitioner's Motion for Reconsideration dated May 10, 2006.

On May 22, 2006, the County of Hawai'i Planning Department ("County") filed its Statement of No Position on Petitioner's Motion for Reconsideration dated May 10, 2006.

On June 2, 2006, Petitioner filed its Supplemental Memorandum in Support of Motion for Reconsideration.

On June 6, 2006, the LUC conducted a meeting in Kailua-Kona, Hawai'i to consider Petitioner's Motion for Reconsideration. In attendance were Petitioner, the County, and the OP. No individuals provided public testimony.

The Petitioner stood by its position. The County noted that it continues to support the reclassification of the Petition Area because the County believes that Petition meets the standards for reclassification. The OP noted that it continues to support the reclassification of the Petition Area given the efforts made by the parties to stipulate to the facts of the Petition.

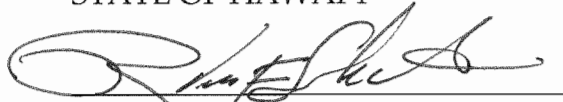
At its meeting on June 6, 2006, after deliberation by the Commissioners, a motion to deny Petitioner's Motion for Reconsideration was made and seconded. There being a vote tally of seven ayes, one nay, and one absent, the motion carried, having received the affirmative votes required by Section 15-15-13, HAR.

ORDER

IT IS HEREBY ORDERED that Petitioner's Motion for
Reconsideration filed on May 10, 2006 is DENIED.

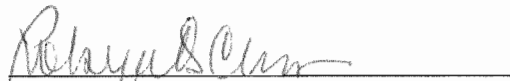
Dated: Kona, Hawaii June 6, 2006

LAND USE COMMISSION
STATE OF HAWAII

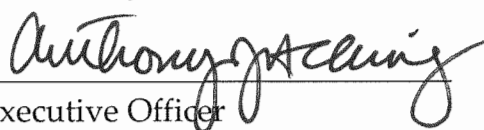


By RANDALL F. SAKUMOTO
Chair and Commissioner

APPROVED AS TO FORM:


Deputy Attorney General

Filed and effective on
JUN - 6 2006, 2006

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the matter of the Petition)	DOCKET NO. A05-757
)	
of)	CERTIFICATE OF SERVICE
)	
JAMES W. McCULLY &)	
FRANCINE M. McCULLY)	
)	
To Amend the Land Use District)	
Boundary of Approximately 4.6 acres of)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the was served upon the Order Denying
Petitioner's Motion For Reconsideration Filed On May 10, 2006 was served to 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, JUN - 6 2006.



ANTHONY J.H. CHING
Executive Officer