

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
DEPARTMENT OF PUBLIC WORKS,)
COUNTY OF MAUI)
)
For a Special Permit to Establish)
an Integrated Solid Waste Facility)
on Approximately 37.9 Acres of Land)
Situated Within the State Land Use)
Agricultural District at Naiwa,)
Molokai, Tax Map Key Number:)
5-2-11: Portion of 27)

DOCKET NO. SP93-383
ORDER GRANTING REQUEST
FOR TIME EXTENSION OF
CONDITION NO. 3

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LAND USE COMMISSION
STATE OF HAWAII

ORDER GRANTING REQUEST FOR TIME EXTENSION OF CONDITION NO. 3

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OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. SP93-383
DEPARTMENT OF PUBLIC WORKS,)	ORDER GRANTING REQUEST
COUNTY OF MAUI)	FOR TIME EXTENSION OF
For a Special Permit to Establish)	CONDITION NO. 3
an Integrated Solid Waste Facility)	
on Approximately 37.9 Acres of Land)	
Situated Within the State Land Use)	
Agricultural District at Naiwa,)	
Molokai, Tax Map Key Number:)	
5-2-11: Portion of 27)	
_____)	

ORDER GRANTING REQUEST FOR TIME EXTENSION OF CONDITION NO. 3

On October 4, 1994, the County of Maui Planning Department ("Planning Department") received a request from the County of Maui Department of Public Works and Waste Management ("Applicant") to amend Condition No. 3 of the Land Use Commission's ("Commission") May 14, 1993 Decision and Order issued under Docket No. SP93-383/Department of Public Works, County of Maui ("Permit"), by extending the time in which to submit a traffic assessment to determine the impacts on Maunaloa Highway from October 1, 1994 to June 8, 1995 ("Request").

In its Request, the Applicant represented that the opening of the access road that lead to the entrance of the Molokai Integrated Solid Waste Facility was delayed until June 8, 1994 because of a lengthy county approval process to review plans for the entrance and access road and additional time was needed

to obtain funds to pave the access road and thereby minimizing maintenance costs and improving driving conditions.

On October 26, 1994, the Molokai Planning Commission ("Planning Commission") conducted a public hearing on the Applicant's Request.

On October 26, 1994, after due deliberation, the Planning Commission recommended approval of the Applicant's Request to the Commission, subject to the following amendment to Condition No. 3 of the Permit:

Condition No. 3

That a traffic assessment shall be developed to determine the impact on Maunaloa Highway once the sanitary landfill is operating. This assessment shall be submitted by June 8, 1995. Findings of the assessment shall be submitted to the State Department of Transportation, Highways Division, and the Maui County Planning Department for review.

On December 23, 1994, the Commission received the entire record of the County's proceedings on the Request.

On February 2, 1995, at the Commission's hearing in Kailua-Kona, Hawaii, the Applicant represented that its request for an amendment to Condition No. 3 for a time extension was timely because the opening of the Molokai Integrated Solid Waste Facility was on October 7, 1993.

The Applicant's Request, having come on for hearing on February 2, 1995, at the Commission's meeting at Kailua-Kona, Hawaii, and the Commission having considered the arguments, both written and oral, from the respective parties, and for good cause shown,

HEREBY GRANTS Applicant's Request to amend Condition No. 3 by extending the time for a traffic assessment.

IT IS HEREBY ORDERED that Condition Nos. 3 and 15 of the Order granting a Special Use Permit that was issued on May 14, 1993, shall be amended to read as follows:

3. That a traffic assessment shall be developed to determine the impact on Maunaloa Highway once the sanitary landfill is operating. This assessment shall be completed and submitted by June 8, 1995. Findings of the assessment shall be submitted to the State Department of Transportation, Highways Division, and the Maui County Planning Department for review.

15. The Applicant shall timely provide, without any prior notice, annual reports to the County of Maui Planning Department and the Land Use Commission in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

All other conditions to the Decision and Order dated May 14, 1993, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawaii, this 1st day of March 1995,
per motions on February 2, 1995 and February 23, 1995.

LAND USE COMMISSION
STATE OF HAWAII

By Allen K. Hoe
ALLEN K. HOE
Chairperson and Commissioner

By Allen Y. Kajioka
ALLEN Y. KAJIOKA
Vice Chairperson and Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Vice Chairperson and Commissioner

By M. Casey Jarman
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

By (absent)
RENTON L. K. NIP
Commissioner

By Trudy K. Senda
TRUDY K. SENDA
Commissioner

Filed and effective on
March 1, 1995

Certified by:

Esther Lind
Executive Officer

By Elton Wada
ELTON WADA
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. SP93-383
)
DEPARTMENT OF PUBLIC WORKS,) CERTIFICATE OF SERVICE
COUNTY OF MAUI)
)
For a Special Permit to Establish)
an Integrated Solid Waste Facility)
on Approximately 37.9 Acres of Land)
Situated Within the State Land Use)
Agricultural District at Naiwa,)
Molokai, Tax Map Key Number:)
5-2-11: Portion of 27)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request for Time Extension of Condition No. 3 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. BRIAN MISKAE, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERT. GUY A. HAYWOOD, ESQ.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

CERT. DAVID WISSMAR, Chief
Solid Waste Division
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 1st day of March 1995.



ESTHER UEDA
Executive Officer