BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of )
WILLIAM HORNEMAN ON BEHALF OF )
HAWAIIAN CEMENT )
To Operate And Expand A Quarry And Base )
Course Operation On Approximately 79.2 )
Acres Of Land Within The State Land Use )
Agricultural District At Māʻalaea, Maui, )
Hawaiʻi, Tax Map Key: 3-6-04: 7 )

DOCKET NO. SP06-400

ORDER AMENDING DECISION AND ORDER APPROVING SPECIAL USE PERMIT

ORDER AMENDING DECISION AND ORDER APPROVING SPECIAL USE PERMIT

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.

DEC 18 2006
Date

Executive Officer
ORDER AMENDING DECISION AND ORDER 
APPROVING SPECIAL USE PERMIT

This matter came on for hearing before the Land Use Commission ("LUC") at its meeting on December 8, 2006, at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai‘i. William Horneman appeared on behalf of Hawaiian Cement ("Applicant"). Bryan C. Yee, Esq., and Abe Mitsuda were also present on behalf of the State Office of Planning.

At the meeting, the LUC, upon its own motion, with no objections from the parties in this proceeding, moved to amend the Decision And Order Approving Special Use Permit dated December 4, 2006, issued in the above-entitled docket by amending Condition Number 1 to read as follows:
1. That the LUC Special Use Permit shall be valid until December 15, 2009, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.

Having been seconded, a vote was taken on this motion. There being a vote tally of 7 ayes and 0 nays, the motion carried.

ORDER

The LUC, having duly considered the entire record in this matter, the oral arguments of the parties in this proceeding, and a motion having been made at its meeting on December 8, 2006, at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, 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,

HEREBY ORDERS that Condition Number 1 of the Decision And Order Approving Special Use Permit dated December 4, 2006, be amended as follows:

1. That the LUC Special Use Permit shall be valid until December 15, 2009, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.
All other conditions to the Decision And Order Approving Special Use Permit dated December 4, 2006, are hereby reaffirmed and shall continue in effect.
Done at Honolulu, Hawai‘i, this 18th day of December, 2006.

APPROVED AS TO FORM:

Diane Inouye
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAI‘I

By Lisa Judge
LISA JUDGE
Chairperson and Commissioner

Filed and effective on DEC 18 2006

Certified by:

Anthony Ching
ANTHONY J. H. CHING, Executive Office

Docket No. SP06-400 William H. Horneman on Behalf of Hawaiian Cement
BEFORE THE LAND USE COMMISSION
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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the Order Amending Decision And
Order Approving Special Use Permit 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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CERT:
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Honolulu, Hawai‘i, _____.

[Signature]

ANTHONY L. CHING
Executive Officer

Docket No. SP06-400 William Hormeman on Behalf of Hawaiian Cement