

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of)	DOCKET NO. SP06-400
)	
WILLIAM HORNEMAN ON BEHALF OF)	ORDER AMENDING
HAWAIIAN CEMENT)	DECISION AND ORDER
)	APPROVING SPECIAL
To Operate And Expand A Quarry And Base)	USE PERMIT
Course Operation On Approximately 79.2)	
Acres Of Land Within The State Land Use)	
Agricultural District At Mā`alaea, Maui,)	
Hawai`i, Tax Map Key: 3-6-04: 7)	
_____)	

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

by 
Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of)	DOCKET NO. SP06-400
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WILLIAM HORNEMAN ON BEHALF OF)	ORDER AMENDING
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_____)	

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.

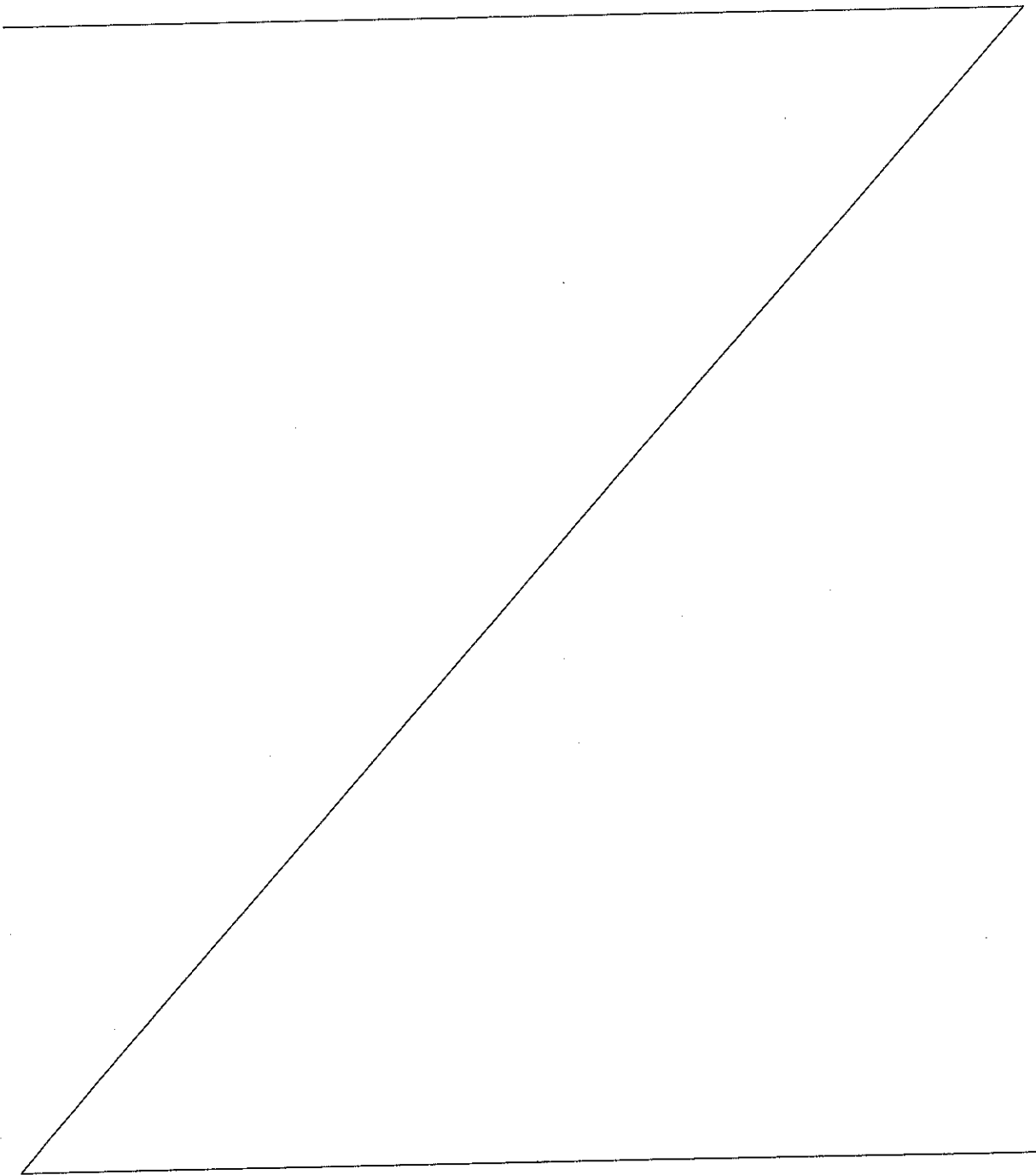
ORDER

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 Jackson
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By Lisa Judge
LISA JUDGE
Chairperson and Commissioner

Filed and effective on
DEC 18 2006

Certified by:
Anthony J. H. Ching
ANTHONY J. H. CHING, Executive Office

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of)	DOCKET NO. SP06-400
)	
WILLIAM HORNEMAN ON BEHALF OF)	CERTIFICATE OF SERVICE
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 Mā`alaea, Maui,)	
Hawai`i, Tax Map Key: 3-6-04: 7)	
_____)	

CERTIFICATE OF SERVICE

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 orcertified mail as noted:

DEL. LAURA THIELEN, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

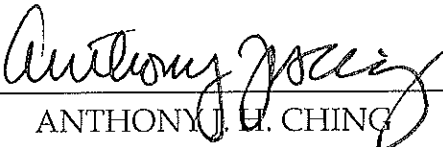
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CERT: WILLIAM HORNEMAN
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Honolulu, Hawai'i, DEC 18 2006.



ANTHONY J. CHING
Executive Officer