

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2010 MAR 11 P 4:06

In The Matter Of The Petition Of	)	DOCKET NO. A06-765
)	
MAALAEA PROPERTIES, LLC, a Hawai'i	)	ORDER GRANTING WITHOUT
limited liability company, and LODI	)	PREJUDICE PETITIONERS' (1)
DEVELOPMENT, INC., a California	)	MOTION TO WITHDRAW
corporation	)	PETITION FOR LAND USE
	)	DISTRICT BOUNDARY
To Amend The Agricultural Land Use	)	AMENDMENT, AND (2) MOTION
District Boundary Into The Urban Land	)	TO RESCIND ORDER
Use District For Approximately 256.903	)	DETERMINING THAT THE LAND
Acres Of Land At Mā'alaea, Maui,	)	USE COMMISSION AGREES TO BE
Hawai'i, Tax Map Key: 3-6-01: 18	)	THE ACCEPTING AUTHORITY
_____	)	PURSUANT TO CHAPTER 343,
		HAWAII REVISED STATUTES,
		AND THAT THE PROPOSED
		ACTION MAY HAVE A
		SIGNIFICANT EFFECT UPON THE
		ENVIRONMENT TO WARRANT
		THE PREPARATION OF AN
		ENVIRONMENTAL IMPACT
		STATEMENT

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, Hawai'i.

March 11, 2010 by

Executive Officer



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ORDER GRANTING WITHOUT PREJUDICE PETITIONERS' (1) MOTION TO
WITHDRAW PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT,
AND (2) MOTION TO RESCIND ORDER DETERMINING THAT THE
LAND USE COMMISSION AGREES TO BE THE ACCEPTING AUTHORITY
PURSUANT TO CHAPTER 343, HAWAI`I REVISED STATUTES,
AND THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT EFFECT
UPON THE ENVIRONMENT TO WARRANT THE PREPARATION
OF AN ENVIRONMENTAL IMPACT STATEMENT

On February 1, 2010, Maalaea Properties, LLC, a Hawai`i limited liability company, and Lodi Development, Inc., a California corporation (collectively "Petitioners"), filed Petitioners' (1) Motion To Withdraw Petition For Land Use District Boundary Amendment, And (2) Motion To Rescind Order Determining That The Land Use Commission Agrees To Be The Accepting Authority Pursuant To Chapter 343, Hawai`i Revised Statutes, And That The Proposed Action May Have A Significant Effect Upon The Environment To Warrant The Preparation Of An Environmental Impact Statement (collectively "Motion"), pursuant to section 15-15-70, Hawai`i Administrative Rules ("HAR").

In their Motion, Petitioners pointed out that because they sold the subject property and are no longer owners or developers of the subject property, and have no property interest in the subject property, they are requesting that (1) the State Land Use Commission ("Commission") rescind its written Order of June 28, 2006, in which the Commission agreed to be the accepting authority in this matter pursuant to chapter 343, Hawai`i Revised Statutes, and determined that the proposed action may have a significant effect on the environment to warrant the preparation of an environmental impact statement; and (2) Petitioners be allowed to dismiss the Petition without prejudice to the rights of the persons who have a property interest in the property to seek district boundary amendment reclassifications in the future.

On February 18, 2010, the Commission considered the Motion at its meeting in Honolulu, Hawai'i. James W. Geiger, Esq., appeared on behalf of Petitioners. Bryan C. Yee, Esq., and Abbey Mayer appeared on behalf of the State Office of Planning ("OP"). The County of Maui Department of Planning was apprised of this meeting but was not present or represented.

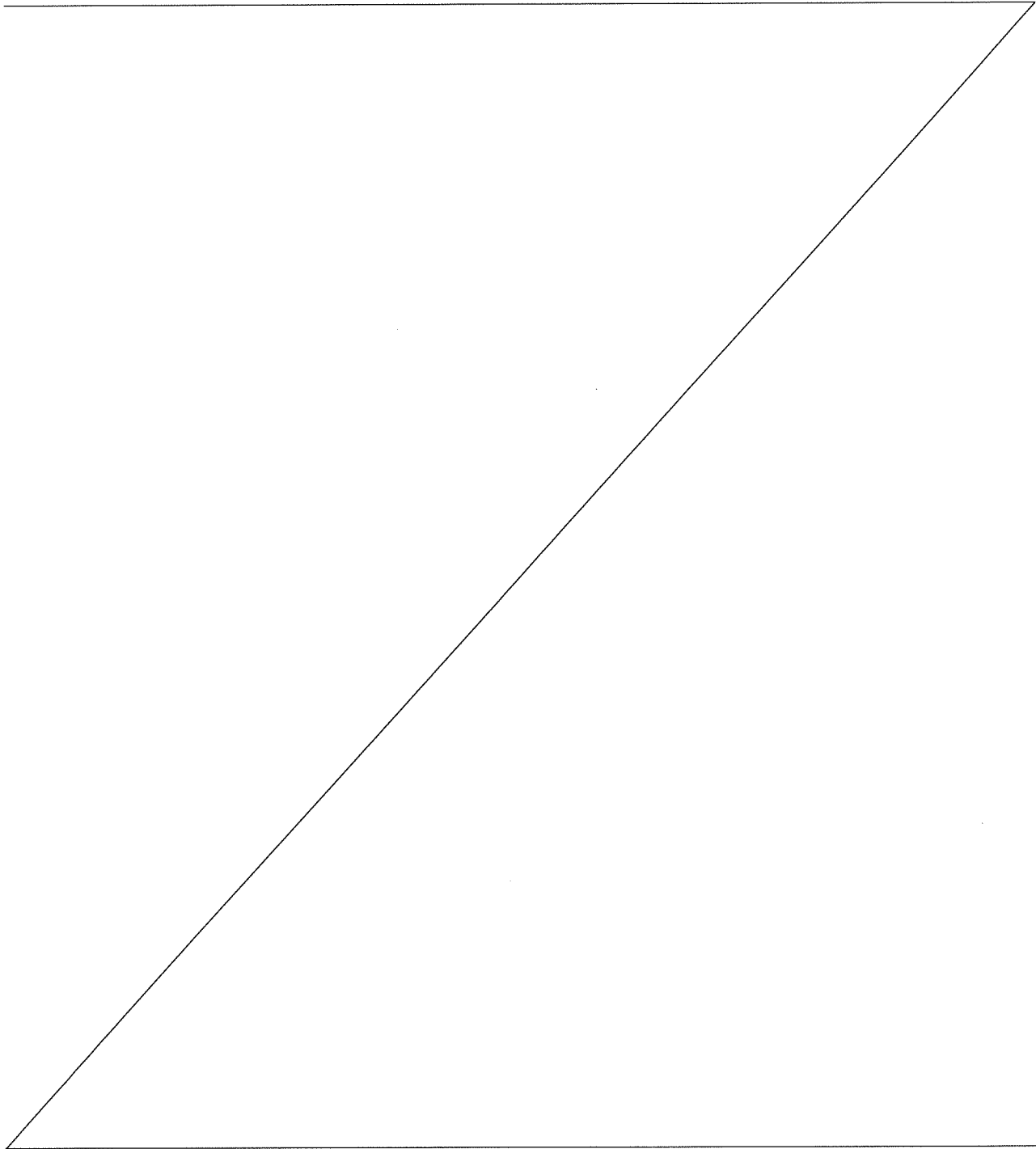
At the meeting, Mr. Geiger provided a presentation on the Motion. OP had no objections to the Motion. Following discussion, a motion was made and seconded to grant Petitioners' Motion. There being a vote tally of 5 ayes and 4 absent, the motion carried.

ORDER

This Commission, having duly considered Petitioners' Motion, and there being no objections from the parties in this proceeding, and a motion having been made at its meeting on February 18, 2010, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Petitioners' Motion be GRANTED without prejudice. Accordingly, any person, other than the Petitioners in this docket, with a property interest in the subject property shall not be precluded by the provisions of

section 15-15-76, HAR, from filing a petition for district boundary amendment with this Commission.



Done at Honolulu, Hawai'i, this 11th day of March, per motion
on February 18, 2010.

LAND USE COMMISSION

APPROVED AS TO FORM

Diane Jackson
Deputy Attorney General

STATE OF HAWAII

By *Vladimir Paul Devens*

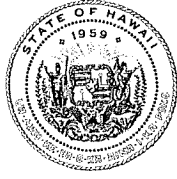
VLADIMIR PAUL DEVENS
Vice-Chairperson and Commissioner

Filed and effective on

3/11/10

Orlando Davidson

Orlando Davidson
Executive Officer



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

In The Matter Of The Petition Of) DOCKET NO. A06-765
)
MAALAEA PROPERTIES, LLC, a Hawai`i) CERTIFICATE OF SERVICE
limited liability company, and LODI)
DEVELOPMENT, INC., a California)
corporation)
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To Amend The Agricultural Land Use)
District Boundary Into The Urban Land)
Use District For Approximately 256.903)
Acres Of Land At Mā`alaea, Maui,)
Hawai`i, Tax Map Key: 3-6-01: 18)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the ORDER GRANTING WITHOUT PREJUDICE PETITIONERS' (1) MOTION TO WITHDRAW PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT, AND (2) MOTION TO RESCIND ORDER DETERMINING THAT THE LAND USE COMMISSION AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAI`I REVISED STATUTES, AND THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT TO WARRANT THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, 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:

Docket No. A06-765 Maalaea Properties, LLC, a Hawai`i limited liability company, and Lodi Development, Inc., a California corporation

CERTIFICATE OF SERVICE

HAND
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Dated: Honolulu, Hawai'i, March 11, 2010



ORLANDO DAVIDSON
Executive Officer