

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of)	DOCKET NO. A04-747
)	
KAMEHAMEHA INVESTMENT)	ORDER GRANTING PETITIONER'S
CORPORATION, a Hawai'i)	MOTION FOR EXTENSION OF TIME
corporation)	PURSUANT TO SECTION 15-15-51(e),
)	HAWAII ADMINISTRATIVE RULES
To Amend The Agricultural Land Use)	
District Boundary Into The Rural Land)	
Use District For Approximately 487.246)	
Acres Of Land At Keauhou I And II)	
And Kahalu'u, North Kona, Hawai'i,)	
Tax Map Keys: 7-8-05: 1, 6, 27, 28, 37, 38,)	
And 39; 7-8-07: 4; And 7-8-10: 6 And 9)	
_____)	

ORDER GRANTING PETITIONER'S MOTION FOR EXTENSION OF TIME
PURSUANT TO SECTION 15-15-51(e), HAWAII ADMINISTRATIVE RULES

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PURSUANT TO SECTION 15-15-51(e), HAWAII ADMINISTRATIVE RULES

On April 7, 2005, Kamehameha Investment Corporation, a Hawai'i corporation ("Petitioner"), filed a Motion For Extension Of Time Pursuant To Section 15-15-51(e), Hawaii Administrative Rules ("Motion").¹ Petitioner requested an extension of time of up to ninety days beyond the one-year anniversary date of May 3, 2005, for the Land Use Commission ("Commission") to act on Petitioner's Petition For Land Use District Boundary Amendment ("Petition") filed in the above-captioned docket.

¹ It should be noted that the actual section under Hawai'i Administrative Rules ("HAR") that provides for the requested time extension is section 15-15-74(b).

Section 91-13.5, Hawai'i Revised Statutes ("HRS"), provides that if an agency does not act on a development-related permit, license, or approval within its adopted rules dealing with the time to approve the license, permit, or approval, it shall be automatically approved. Section 205-4(g), HRS, establishes a three hundred and sixty-five-day period for this Commission to act upon a district boundary amendment petition and also provides that the Commission may establish, by a two-thirds vote, an extension of time not to exceed ninety days in which to approve such a petition.

In addition, section 15-15-74(b), HAR, establishes a three hundred and sixty-five-day period for this Commission to act upon a district boundary amendment petition. The same section also provides for an extension of time not to exceed ninety days when approved by a two-thirds vote of the members of this Commission.

The three hundred and sixty-five day period in this docket expires on May 3, 2005.

The Commission considered the Motion at its meeting on April 20, 2005, in Kailua-Kona, Hawai'i. R. Ben Tsukazaki, Esq., appeared on behalf of Petitioner. Bobby Jean Leithead-Todd, Esq., and Norman Hayashi appeared on behalf of the County of Hawai'i Planning Department ("Planning Department"). John W. K. Chang, Esq., and Abe Mitsuda appeared on behalf of the State Office of Planning ("OP"). At the meeting, the Planning Department and the OP stated that they had no objections to the Motion.

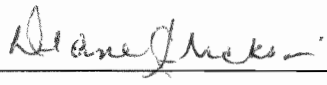
Following discussion, a motion was made and seconded to approve the Motion. There being a vote tally of 7 ayes, 0 nays, and 1 absent, the motion carried as it represented an affirmative vote of two-thirds of the members of this Commission.

ORDER

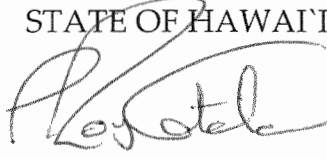
IT IS HEREBY ORDERED that the time within which this Commission must file its decision and order to approve the Petition, deny the Petition, or to modify the Petition by imposing conditions in the above-captioned docket is extended for ninety days to and including August 1, 2005.


Dated: Honolulu, Hawai'i, MAY 24 2005.

APPROVED AS TO FORM

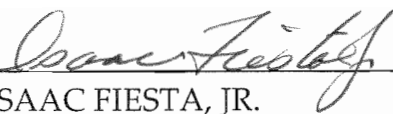

Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII


By 
P. ROY CATALANI
Chairperson and Commissioner

By 
RANDALL SAKUMOTO
Vice-Chairperson and Commissioner

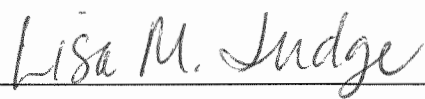
By 
STEVEN MONTGOMERY
Vice-Chairperson and Commissioner

By 
ISAAC FIESTA, JR.
Commissioner


By (absent)
MICHAEL D. FORMBY
Commissioner

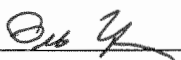
By 
KYONG-SU IM
Commissioner

Filed and effective on
MAY 24 2005

By 
LISA M. JUDGE
Commissioner

Certified by:


ANTHONY J. H. CHING

By 
PETER YUKIMURA
Commissioner

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KAMEHAMEHA INVESTMENT)	CERTIFICATE OF SERVICE
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To Amend The Agricultural Land Use District)	
Boundary Into The Rural Land Use District)	
For Approximately 487.246 Acres Of Land)	
At Keauhou I And II And Kahalu`u,)	
North Kona, Hawai`i, Tax Map Keys: 7-8-05: 1,)	
6, 27, 28, 37, 38, And 39; 7-8-07: 4; And 7-8-10: 6)	
And 9)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petitioner's Motion For Extension Of Time Pursuant To Section 15-15-51(e), Hawaii Administrative Rules 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:

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

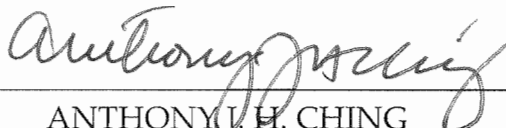
 JOHN CHANG, Esq.
 Deputy Attorney General
 Hale Auhau, Third Floor
 425 Queen Street
 Honolulu, Hawaii 96813

LINCOLN ASHIDA, Esq.
Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

CHRISTOPHER YUEN, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. R. BEN TSUKAZAKI, Esq.
85 W. Lanikaula Street
Hilo, Hawaii 96720-4199

Dated: Honolulu, Hawai'i, MAY 24 2005.



ANTHONY H. CHING
Executive Officer