

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

In the Matter of the Petition of)
)
McCLEAN HONOKOHAU PROPERTIES,)
a Hawai'i Limited Partnership)
)
To Amend the Land Use District)
Boundary to Reclassify)
Approximately 77.233 Acres of Land)
in the Conservation and the)
Agricultural Districts to the Urban)
District at Honokohau, North Kona,)
Hawai'i, Tax Map Key Nos. 7-4-08:)
por. 26 and 49)
_____)

DOCKET NO. A89-643

ORDER GRANTING MOTION
FOR EXTENSION OF TIME TO
SUBSTANTIALLY COMPLETE
INCREMENT I

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.

JUN 08 1999

Date

by

Robert L. ...
Executive Officer

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LAND USE COMMISSION
STATE OF HAWAII
1999 JUN -8 P 12:04

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ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO SUBSTANTIALLY COMPLETE INCREMENT I

McCLean Honokohau Properties, a Hawai'i Limited Partnership ("Petitioner"), filed a Motion for Extension of Time to Substantially Complete Increment I ("Motion") on April 14, 1999, pursuant to section 15-15-70, Hawai'i Administrative Rules.

The Motion requested the Land Use Commission ("Commission") for an extension of two years to April 16, 2001, in which Petitioner is to substantially complete Increment I and to apply for redistricting of Increment II.

Attached in support of Petitioner's Motion was an affidavit of Robert S. McClean, Trustee of the Robert S. McClean Trust, which is the general partner of Petitioner ("Affidavit"). The Affidavit stated that in the last three years, Petitioner has continued to make substantial progress in the development of Increment I of the Property, including i) the grading of 95 percent of the accessible area of Increment I; ii) the

construction and completion of the mauka portion of the access Road "A" to County standards in 1997; iii) the expansion of Petitioner's Boat Park to accommodate 100 trailerable boats; iv) receipt of approval of Petitioner's Landscape Plan by the Housing and Community Development Corporation of Hawai'i ("HCDCH") and by the County of Hawai'i Planning Department ("Planning Department"); and v) a 75 percent occupancy rate of the industrial area by tenants. The Affidavit also noted that Petitioner has completed the engineering plans, received the required government approvals, and awarded a contract to Keauhou-Kona Construction Corp. for i) the improvement of the access road from Queen Ka'ahumanu Highway with a 12-inch water main and pavement; ii) the construction of a 60-foot paved road ("Road G") to County standards; and iii) the construction of a 60-foot paved road to County standards across the HCDCH's adjoining property to provide access to Kealakehe Parkway.

The Affidavit further stated that because West Hawaii Concrete ("WHC") was unable to obtain the necessary permits from the State Department of Health and the County of Hawai'i Department of Public Works to move its batch plant and scale until March 1999, Petitioner was unable to complete construction of the access road and Road G, both of which run through the location of the batch plant and scale, in order to substantially complete Increment I. The Affidavit also stated that WHC has since obtained the necessary permits and will be able to move its batch plant and scale by May 31, 1999. Petitioner has scheduled construction of the remaining improvements to commence on June 1,

1999, with completion anticipated by the end of 1999 or early 2000. Petitioner will then be able to implement the Landscape Plan by the end of 2000.

On May 19, 1999, the Office of Planning ("OP") filed its Testimony of the Office of Planning in Support of the Motion for Extension of Time from April 16, 1999 to April 16, 2001 to Substantially Complete Increment I.

The Motion came on for hearing before this Commission at its meeting on May 20, 1999, in Honolulu, Hawai'i. Robert J. Smolenski, Esq., appeared on behalf of Petitioner. Ann Ogata-Deal, Esq., appeared on behalf of OP. The Planning Department informed the Commission that it had no objections to the Motion and would not be present at the hearing.

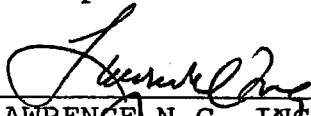
This Commission, having duly considered the Motion, the Affidavit, the oral and written arguments of the parties present in the proceeding, and good cause existing therefrom,

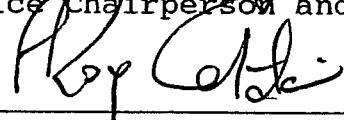
IT IS HEREBY ORDERED that Petitioner' Motion for a two-year extension to substantially complete Increment I of its property and, upon motion, request redistricting of Increment II is GRANTED, and Petitioner is GRANTED an extension of time to not later than April 16, 2001, to substantially complete Increment I and to apply for redistricting of Increment II.

Done at Honolulu, Hawai'i, this 8th day of June 1999,
per motions on May 20, 1999 and June 3, 1999.

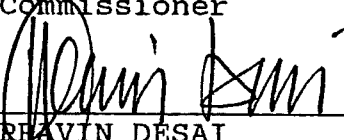
LAND USE COMMISSION
STATE OF HAWAI'I

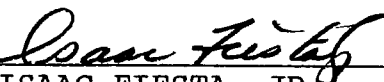
By (absent)
MERLE A. K. KELAI
Chairperson and Commissioner

By 
LAWRENCE N.C. IBE
Vice Chairperson and Commissioner

By 
P. ROY CATALANI
Commissioner

By (absent)
RUPERT K. CHUN
Commissioner

By 
RAVIN DESAI
Commissioner

By 
ISAAC FIESTA, JR.
Commissioner


By (absent)
M. CASEY JARMAN
Commissioner

Filed and effective on
June 8, 1999

Certified by:


Executive Officer

By (absent)
HERBERT S.K. KAOPUA, SR.
Commissioner

By 
PETER YUKIMURA
Commissioner

BEFORE THE LAND USE COMMISSION
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion For Extension Of Time To Substantially Complete Increment I was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL.	DAVID W. BLANE, Director Office of Planning P. O. Box 2359 Honolulu, Hawaii 96804-2359
CERT.	VIRGINIA GOLDSTEIN, Planning Director Planning Department, County of Hawaii 25 Aupuni Street Hilo, Hawaii 96720
CERT.	RICHARD D. WURDEMAN, ESQ. Corporation Counsel County of Hawaii The Hilo Lagoon Center 101 Aupuni Street, Suite 325 Hilo, Hawaii 96720
CERT.	ROBERT J. SMOLENSKI, ESQ., Attorney for Petitioner 1717 Davies Pacific Center 841 Bishop Street Honolulu, Hawaii 96813
CERT.	ISEMOTO CONTRACTING CO. LTD., Intervenor 648 Piilani Street Hilo, Hawaii 96720

CERT. SJA PARTNERSHIP, Intervenor
P. O. Box 429
Captain Cook, Hawaii 96704

CERT. MARCH E. TAYLOR, Intervenor
74-5598 Alapa Street
Kailua-Kona, Hawaii 96740

DATED: Honolulu, Hawaii, this 8th day of June 1999.



ESTHER UEDA
Executive Officer