

CERTIFIED MAIL

January 17, 1989

Mr. Terrance Shumaker
 P.O. Box 309
 Honokaa, Hawaii 96727

Dear Mr. Shumaker:

Special Permit Application (88-7)
 Applicant: Ellwyn Rice
 TMK: 4-8-04:6

The Planning Commission at a duly advertised public hearing on January 10, 1989, considered your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a gift shop at Lalakea, Hamakua, Hawaii.

At that meeting, the motion to approve the request did not pass (3 ayes and 2 nays). Section 205-6 of the Hawaii Revised Statutes states that "A decision in favor of the applicant shall require a majority vote of the total membership of the county planning commission." Since the total membership of the Planning Commission is 9, 5 votes constitutes a majority. Based on the above, your client's application was not approved.

An appeal regarding this matter may be filed with the Third Circuit Court pursuant to the Hawaii Rules of Civil Procedure.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,



Gary Mizuno
 Chairman, Planning Commission

xc: Ellwyn Rice
 Pat Poppee
 Sam Araki
 State Land Use Commission
 Corporation Counsel

bcc: Plan Approval Section

JAN 18 1989