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

In The Matter Of The Petition Of
KA‘ONO‘ULU RANCH

To Amend The Agricultural Land Use District Boundary Into The Urban Land Use District For Approximately 88 Acres Of Land At Ka‘ono‘ulu, Makawao-Wailuku, Maui, Hawai‘i, Tax Map Key: 3-9-01: 16, 169, And 170 Through 174

DOCKET NO. A94-706
ORDER DENYING THE DEPARTMENT OF PLANNING, COUNTY OF MAUI’S MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY; CERTIFICATE OF SERVICE

ORDER DENYING THE DEPARTMENT OF PLANNING, COUNTY OF MAUI’S MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY

AND

CERTIFICATE OF SERVICE

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.

11/9/2012 BY
Date
Executive Officer
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

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ORDER DENYING THE DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY

On October 25, 2012, the Department of Planning, County of Maui ("DP"), filed a Motion to Exclude Further Public Testimony ("Motion"), pursuant to sections 15-15-63(b) and 15-15-70, Hawai'i Administrative Rules ("HAR").

On October 26, 2012, Pi'ilani Promenade South, LLC, and Pi'ilani Promenade North, LLC (collectively "Pi'ilani"), filed a Joinder in Department of Planning, County of Maui's Motion to Exclude Further Public Testimony.
On October 26, 2012, Honua‘ula Partners, LLC ("Honua‘ula"), filed a Joinder in Department of Planning, County of Maui’s Motion to Exclude Further Public Testimony.

On October 31, 2012, the State of Hawai‘i Office of Planning ("OP") filed a Response in Opposition to Department of Planning, County of Maui’s Motion to Exclude Further Public Testimony.

The State of Hawai‘i Land Use Commission ("Commission") considered the DP’s Motion at its meeting on November 1, 2012, at Kahului, Maui, Hawai‘i. Jane E. Lovell, Esq.; Michael J. Hopper, Esq.; and William Spence appeared on behalf of the DP. Jonathan H. Steiner, Esq., and Joel D. Kam, Esq., were present on behalf of Pi‘ilani and Honua’ula. Jesse Souki and Rodney Funakoshi were present on behalf of OP. Tom Pierce, Esq., and Mark Hyde were present on behalf of Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahele (collectively "Intervenors").

At the meeting, the parties provided oral argument on the DP’s Motion.

Thereafter, Chair Kyle Chock exercised his authority to rule on this matter pursuant to section 15-15-70(h), HAR, and denied the DP’s Motion based on section 92-6, Hawai‘i Revised Statutes ("HRS"), which requires the open deliberation of the adjudicatory functions of this Commission, including the requirement that this Commission afford all interested persons the opportunity to submit data, views, or
arguments in writing as well as present oral testimony on any agenda item pursuant to section 92-3, HRS.

ORDER

Having duly considered the DP's Motion and the oral and written arguments of the parties present in the proceeding at this Commission's meeting on November 1, 2012, in Kahului, Maui, Hawai'i, and there being good cause,

IT IS HEREBY ORDERED that DP's Motion be DENIED.

Dated: Honolulu, Hawaii, November 9, 2012

Approved as to Form: LAND USE COMMISSION
Deputy Attorney General STATE OF HAWAII

By Kyle Chock Chairperson and Commissioner
Certified by: Executive Officer
BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI‘I

In The Matter Of The Petition Of

KA‘ONO‘ULU RANCH

DOCKET NO. A94-706

CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DENYING THE DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY AND CERTIFICATE OF SERVICE 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:

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JESSE SOUKI, DIRECTOR Office of Planning
235 S. Beretania Street Rm. 600
Honolulu, Hawai‘i 96813

BRYAN YEE, ESQ.
Deputy Attorney General
Hale Auhaus, Third Floor
425 Queen Street
Honolulu, Hawai‘i 96813
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Honolulu, Hawai‘i, November 9, 2012.

DANIEL ORODENKER
Executive Officer