



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2012 NOV -9 P 2:28 PM

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

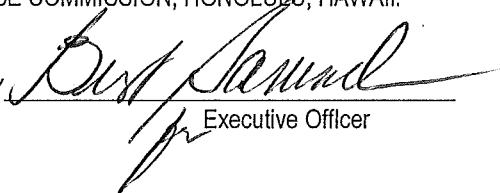
ORDER DENYING THE DEPARTMENT OF PLANNING, COUNTY OF MAUI'S
MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY

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 HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2012 NOV -9 P 2:22

In The Matter Of The Petition Of

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LAND USE COMMISSION
STATE OF HAWAII

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 Kanahale (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

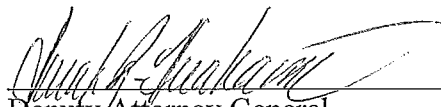
Having duly considered the DP's Motion and the oral and written arguments of the parties present in the proceeding at this Commission's meeting on November 1, 2012, in Kahului, Maui, Hawai'i, and there being good cause,

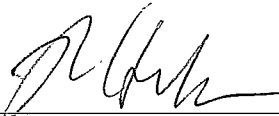
IT IS HEREBY ORDERED that DP's Motion be DENIED.

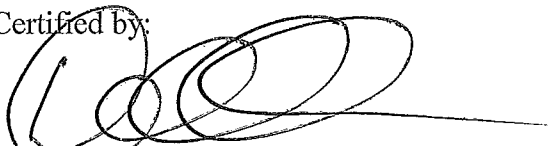
Dated: Honolulu, Hawaii, November 9, 2012

Approved as to Form:

LAND USE COMMISSION
STATE OF HAWAII


Deputy Attorney General

By 
for Kyle Chock
Chairperson and Commissioner

Certified by:

Executive Officer



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CERTIFICATE OF SERVICE

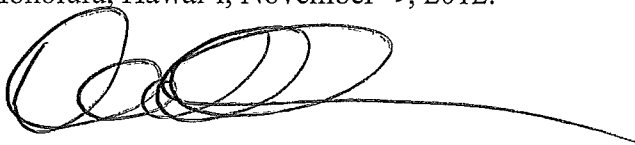
CERTIFICATE OF SERVICE

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:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
JESSE SOUKI, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		
BRYAN YEE, ESQ. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
TOM PIERCE PO Box 798 Makawao, Hawaii 96768			X
William Spence Director, County of Maui Planning Department 250 S. High St Kalana Pakui Bldg Ste 200 Wailuku, HI 96793		X	
JANE LOVELL, Esq./MICHAEL HOPPER, Esq. Corporation Counsel 200 S. High St. Kalana O Maui Bldg 3rd Flr Wailuku, HI 96793			X
McCorriston Miller Mukai MacKinnon LLP JONATHAN H. STEINER, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X
McCorriston Miller Mukai MacKinnon LLP JOEL KAM, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X

Honolulu, Hawai'i, November 9, 2012.



DANIEL ORODENKER
Executive Officer