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 WITHOUT
PREJUDICE THE DEPARTMENT OF
PLANNING, COUNTY OF MAUI'S
MOTION TO EXCLUDE EVIDENCE
RELATED TO THE 1998 KĪHEI-
MĀKENA COMMUNITY PLAN AND
DETERMINATION OF THE SCOPE OF
REVIEW; CERTIFICATE OF SERVICE

ORDER DENYING WITHOUT PREJUDICE THE DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE EVIDENCE RELATED TO THE 1998 KĪHEI-MĀKENA COMMUNITY PLAN AND DETERMINATION OF THE SCOPE OF REVIEW

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, HAWAI'I

Date 11/9/2012

Executive Officer
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On October 29, 2012, Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahele (collectively “Intervenors”) filed
a Memorandum in Opposition to Department of Planning, County of Maui’s Motion to Exclude Evidence Related to the 1998 Kīhei-Mākena Community Plan and Determination of Scope of Review.

On October 30, 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 Evidence Related to the 1998 Kīhei-Mākena Community Plan.

On October 30, 2012, Honua’ula Partners, LLC (“Honua’ula”), filed a Joinder in Department of Planning, County of Maui’s Motion to Exclude Evidence Related to the 1998 Kīhei-Mākena Community Plan.

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.1 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 the State of Hawai’i Office of Planning (“OP”). Tom Pierce, Esq., and Mark Hyde were present on behalf of the Intervenors.

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

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1 The Commission amended its November 1, 2012, agenda to consider the DP’s Motion pursuant to section 92-7(d), Hawai’i Revised Statutes.
Thereafter, a motion was made and seconded to deny the DP’s Motion without prejudice. Following discussion by the commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes, 0 nays, and 3 excused, the motion carried.
ORDER

This Commission, having duly considered the DP’s Motion, the oral and written arguments of the parties in the proceeding, and a motion having been made at a meeting on November 1, 2012, in Kahului, Maui, Hawai‘i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the DP’s Motion be DENIED WITHOUT PREJUDICE.

Accordingly, the DP is free to raise objections to any specific evidence related to the 1998 Kihei-Mākena Community Plan that may be presented by the other parties during the course of this Commission’s Order to Show Cause hearing.

Dated: Honolulu, Hawaii, November 9, 2012

Approved as to Form:

LAND USE COMMISSION
STATE OF HAWAII

Deputy Attorney General

By Kyle Chock
Chairperson and Commissioner

Certified by:

Executive Officer

Docket No. A94-706 Ka‘ono‘ulu Ranch
Order Denying Without Prejudice The Department Of Planning, County Of Maui’s Motion To Exclude Evidence Related To The 1998 Kihei-Mākena Community Plan And Determination Of The Scope Of Review
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 WITHOUT PREJUDICE THE DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE EVIDENCE RELATED TO THE 1998 KĪHEI-MĀKENA COMMUNITY PLAN AND DETERMINATION OF THE SCOPE OF REVIEW 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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Honolulu, Hawai‘i, November 9, 2012.

[Signature]

DANIEL ORODENKER
Executive Officer