



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2012 NOV -9 P 2:23

LAND USE COMMISSION
STATE OF HAWAII

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 INTERVENORS' PRE-
HEARING MOTION IN LIMINE
REGARDING SCOPE OF EVIDENCE;
CERTIFICATE OF SERVICE

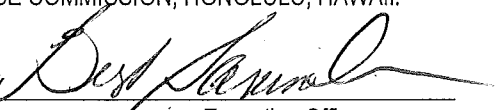
ORDER DENYING WITHOUT PREJUDICE INTERVENORS' PRE-HEARING
MOTION IN LIMINE REGARDING SCOPE OF EVIDENCE

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


for Executive Officer



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On October 29, 2012, Maui Tomorrow Foundation, Inc.; South Maui
Citizens for Responsible Growth; and Daniel Kanahela (collectively "Intervenors") filed
a Pre-Hearing Motion in Limine Regarding Scope of Evidence ("Motion"), pursuant to
section 15-15-70, Hawai`i Administrative Rules ("HAR").

On October 29, 2012, the Department of Planning, County of Maui ("DP"),
filed a Memorandum in Opposition to Intervenors' Motion in Limine Regarding Scope
of Evidence.

On October 30, 2012, Pi'ilani Promenade South, LLC, and Pi'ilani Promenade North, LLC (collectively "Pi'ilani"), filed a Memorandum in Opposition to Maui Tomorrow Foundation, Inc., South Maui Citizens for Responsible Growth, and Daniel Kanahele's Pre-Hearing Motion in Limine Regarding Scope of Evidence.

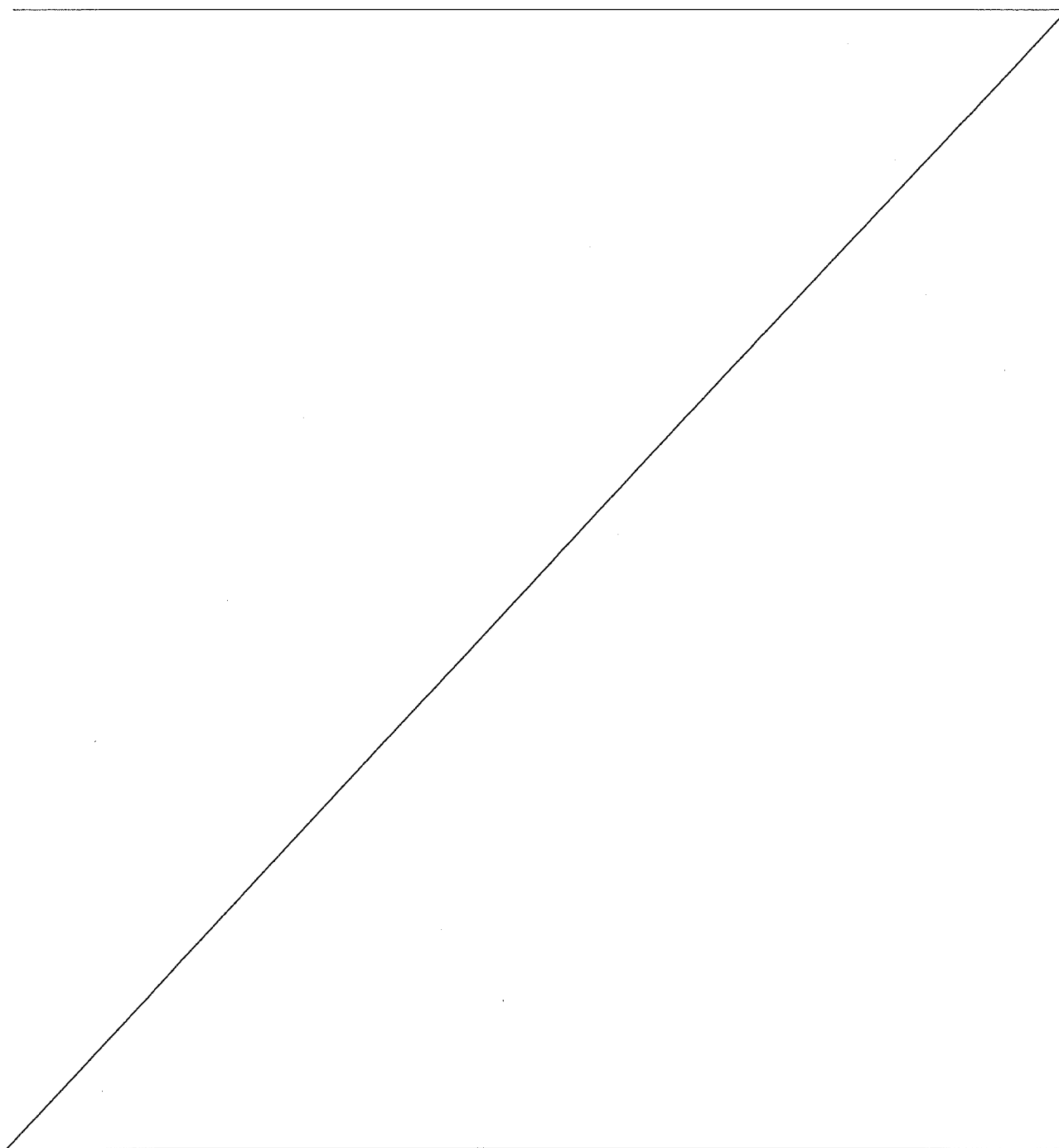
On October 30, 2012, Honua`ula Partners, LLC ("Honua`ula"), filed a Memorandum in Opposition to Maui Tomorrow Foundation, Inc., South Maui Citizens for Responsible Growth, and Daniel Kanahele's Pre-Hearing Motion in Limine Regarding Scope of Evidence.

The State of Hawai'i Land Use Commission ("Commission") considered Intervenors' Motion at its meeting on November 1, 2012, at Kahului, Maui, Hawai'i. Tom Pierce, Esq., and Mark Hyde were present on behalf of the Intervenors. Jonathan H. Steiner, Esq., and Joel D. Kam, Esq., were present on behalf of Pi'ilani and Honua`ula. Jane E. Lovell, Esq.; Michael J. Hopper, Esq.; and William Spence appeared on behalf of the DP. Jesse Souki and Rodney Funakoshi were present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, the parties provided oral argument on Intervenors' Motion.

Thereafter, a motion was made and seconded to deny Intervenors' Motion. The motion was subsequently amended and seconded to deny Intervenors' Motion without prejudice.

Following discussion by the commissioners, a vote was taken on this amended motion. There being a vote tally of 6 ayes, 0 nays, and 3 excused, the amended motion carried.



ORDER

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

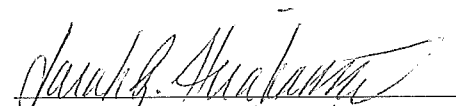
HEREBY ORDERS that Intervenors' Motion be DENIED WITHOUT PREJUDICE.


Accordingly, Intervenors are free to raise objections to any specific evidence 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:

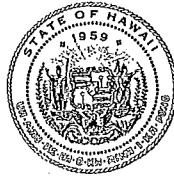
LAND USE COMMISSION
STATE OF HAWAII


Deputy Attorney General

By 
for Kyle Chock
Chairperson and Commissioner

Certified by:


Executive Officer



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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the ORDER DENYING WITHOUT PREJUDICE INTERVENORS' PRE-HEARING MOTION IN LIMINE REGARDING SCOPE OF EVIDENCE 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