



BEFORE THE LAND USE COMMISSION
OF THE 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 INTERVENORS'
MOTION TO CONCLUDE
CONTESTED CASE AT THE EARLIEST
PRACTICABLE TIME; AND
CERTIFICATE OF SERVICE

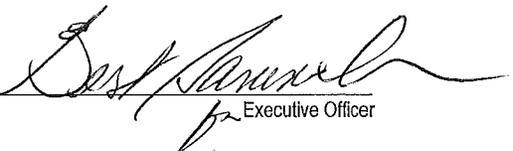
ORDER DENYING INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE
AT THE EARLIEST PRACTICABLE TIME

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.

7/12/13 BY
Date


Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII

2013 JUL 12 A 10:51

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 INTERVENORS'
MOTION TO CONCLUDE
CONTESTED CASE AT THE EARLIEST
PRACTICABLE TIME; AND
CERTIFICATE OF SERVICE

ORDER DENYING INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE
AT THE EARLIEST PRACTICABLE TIME

AND

CERTIFICATE OF SERVICE



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2013 JUL 12 A 10:51
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 INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME

ORDER DENYING INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME

On April 16, 2013, Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahele (collectively "Intervenors") filed a Motion to Conclude Contested Case at the Earliest Practicable Time ("Motion to Conclude"), pursuant to section 15-15-70, Hawai`i Administrative Rules ("HAR").

On April 23, 2013, Pi`ilani Promenade South, LLC, and Pi`ilani Promenade North, LLC (collectively "Pi`ilani"), filed a Memorandum in Opposition to Intervenors' Motion to Conclude Contested Case at the Earliest Practicable Time.

On April 23, 2013, the County of Maui Department of Planning (“DP”) filed a Joinder in Pi`ilani Promenade South, LLC and Pi`ilani Promenade North, LLC’s Memorandum in Opposition to Intervenors’ Motion to Conclude Contested Case at the Earliest Practicable Time.

On April 24, 2013, the State of Hawai`i Office of Planning (“OP”) filed a Joinder to Pi`ilani Promenade South, LLC and Pi`ilani Promenade North, LLC’s Memorandum in Opposition to Intervenors’ Motion to Conclude Contested Case at the Earliest Practicable Time.

On June 3, 2013, Intervenors filed a Supplemental Memorandum in Support of (1) Intervenors’ Motion to Conclude Contested Case at the Earliest Practicable Time, Filed April 16, 2013, and (2) Intervenors’ Memorandum in Opposition to Pi`ilani Promenade South, LLC’s Motion to Stay Phase II of the Order to Show Cause Proceeding, Filed April 16, 2013.¹

The State of Hawai`i Land Use Commission (“Commission”) considered Intervenors’ Motion to Conclude at its meeting on June 27, 2013, at Kahului, Maui, Hawai`i. Tom Pierce, Esq., and Irene Bowie were present on behalf of Intervenors. Jonathan H. Steiner, Esq., and Charles Jencks were present on behalf of Pi`ilani and

¹ On June 12, 2013, Pi`ilani filed a Motion to Strike and Objection to Intervenors’ Supplemental Memorandum in Support of (1) Intervenors’ Motion to Conclude Contested Case at the Earliest Practicable Time, Filed April 16, 2013, and (2) Intervenors’ Memorandum in Opposition to Pi`ilani Promenade South, LLC’s Motion to Stay Phase II of the Order to Show Cause Proceedings, Filed April 16, 2013.

Honua`ula Partners, LLC. Jesse Souki and Rodney Funakoshi were present on behalf of OP. Michael J. Hopper, Esq., and William Spence appeared on behalf of the DP.

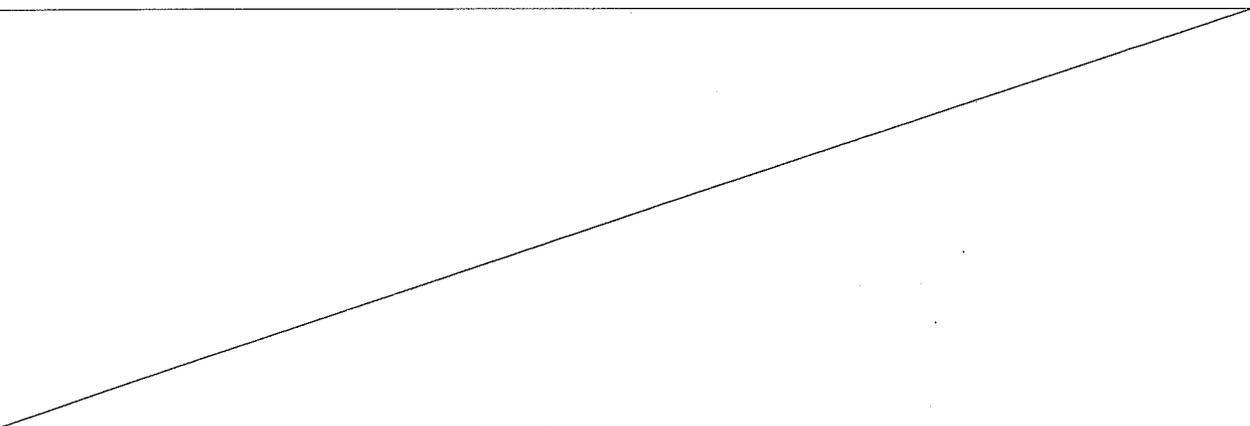
At the meeting, the parties provided oral argument on Intervenors' Motion to Conclude.

Thereafter, a motion was made and seconded to deny Intervenors' Motion to Conclude. Following discussion by the commissioners, a vote was taken on this motion. There being a vote tally of 7 ayes, 0 nays, and 2 excused, the motion carried.

ORDER

This Commission, having duly considered Intervenors' Motion to Conclude and the oral and written arguments of the parties in the proceeding, and a motion having been made at a meeting on June 27, 2013, 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 Intervenors' Motion to Conclude be DENIED.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified
by this Commission.

Done at Honolulu, Hawai'i, this 12th day of July, 2013, per
motion on June 27, 2013.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII


Deputy Attorney General

By 
RONALD HELLER
Chairperson and Commissioner

Filed and effective on:

7/12/13

Certified by:


DANIEL ORODENKER
Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE 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

CERTIFICATE OF SERVICE

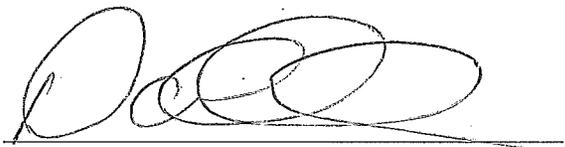
CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DENYING INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME 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, July 12 , 2013.



DANIEL ORODENKER
Executive Officer