



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 PI'ILANI PROMENADE  
SOUTH, LLC, AND PI'ILANI PROMENADE  
NORTH, LLC'S, 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; AND CERTIFICATE  
OF SERVICE

ORDER DENYING PI'ILANI PROMENADE SOUTH, LLC, AND PI'ILANI PROMENADE NORTH,  
LLC'S, MOTION TO STRIKE AND OBJECTION TO INTERVENORS' SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF (1) INTERVENORS' MOTION TO CONCLUDE CONTESTED  
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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

  
for Executive Officer



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OF THE STATE OF HAWAII

LAND USE COMMISSION  
STATE OF HAWAII  
2013 JUL 12 A 10:52

In The Matter Of The Petition Of

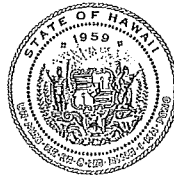
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ORDER DENYING PI`ILANI PROMENADE SOUTH, LLC, AND PI`ILANI PROMENADE NORTH, LLC'S, MOTION TO STRIKE AND OBJECTION TO INTERVENORS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF (1) INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME, 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

On June 12, 2013, Pi`ilani Promenade South, LLC, and Pi`ilani Promenade North, LLC (collectively "Pi`ilani"), filed a Motion to Strike and Objection to Intervenor's Supplemental Memorandum in Support of (1) Intervenor's Motion to Conclude Contested Case at the Earliest Practicable Time, Filed April 16, 2013, and (2) Intervenor's 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 ("Motion to Strike"), pursuant to section 15-15-70, Hawai'i Administrative Rules ("HAR").

On June 12, 2013, the County of Maui Department of Planning ("DP") filed a Reply and Joinder in Pi`ilani Promenade South, LLC and Pi`ilani Promenade North, LLC's Motion to Strike and Objection to Intervenor's Supplemental Memorandum in Support of (1) Intervenor's Motion to Conclude Contested Case at the Earliest Practicable Time, Filed April 16, 2013, and (2) Intervenor's 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.

The State of Hawai'i Land Use Commission ("Commission") considered Pi'ilani's Motion to Strike at its meeting on June 27, 2013, at Kahului, Maui, Hawai'i. Jonathan H. Steiner, Esq., and Charles Jencks were present on behalf of Pi'ilani and Honua'ula Partners, LLC. Jesse Souki and Rodney Funakoshi were present on behalf of the State of Hawai'i Office of Planning. Michael J. Hopper, Esq., and William Spence appeared on behalf of the DP. Tom Pierce, Esq., and Irene Bowie were present on behalf of Intervenors Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahele.

At the meeting, the parties provided oral argument on Pi'ilani's Motion to Strike.

Thereafter, a motion was made and seconded to deny Pi'ilani's Motion to Strike. 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.

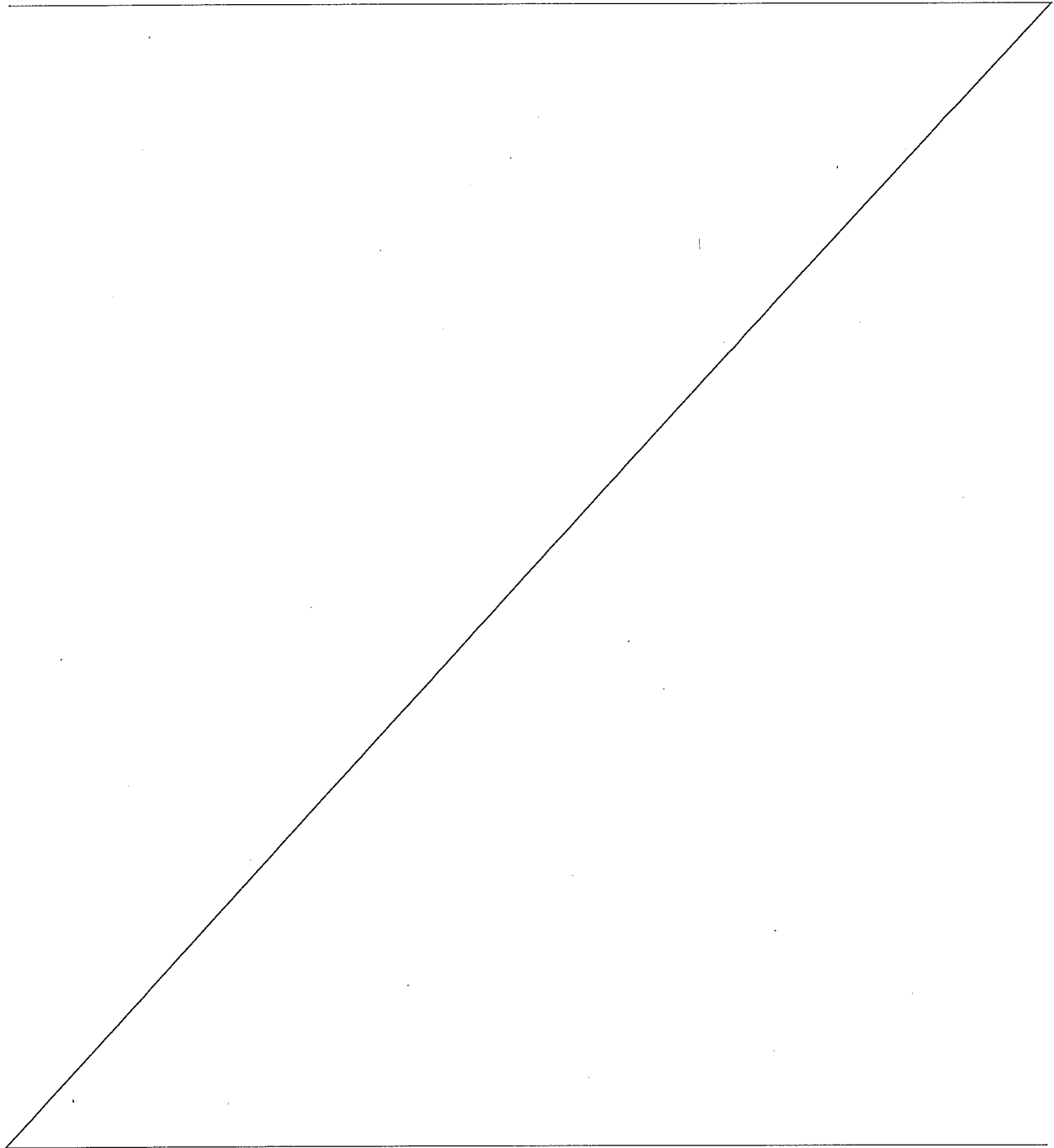
#### ORDER

This Commission, having duly considered Pi'ilani's Motion to Strike 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,

Docket No. A94-706 Ka'ono'ulu Ranch

Order Denying Pi'ilani Promenade South, LLC, And Pi'ilani Promenade North, LLC's, 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

HEREBY ORDERS that Pi'ilani's Motion to Strike 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



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CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

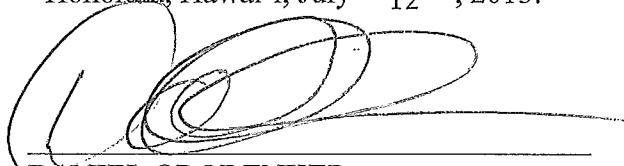
I hereby certify that a copy of the ORDER DENYING P'ILANI PROMENADE SOUTH, LLC, AND P'ILANI PROMENADE NORTH, LLC'S, MOTION TO STRIKE AND OBJECTION TO INTERVENORS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF (1) INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME, FILED APRIL 16, 2013, AND (2) INTERVENORS' MEMORANDUM IN OPPOSITION TO P'ILANI PROMENADE SOUTH, LLC'S MOTION TO STAY PHASE II OF THE ORDER TO SHOW CAUSE PROCEEDINGS, FILED APRIL 16, 2013 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:

	<b>HAND DELIVERED</b>	<b>REGULAR MAIL</b>	<b>CERTIFIED MAIL</b>
JESSE SOUKI, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		



	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
BRYAN YEE, ESQ. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	
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
<b>McCorrison Miller Mukai MacKinnon LLP</b> JONATHAN H. STEINER, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X
<b>McCorrison Miller Mukai MacKinnon LLP</b> 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