

NOTICE OF HEARING

LAND USE COMMISSION  
STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the hearing to be held on the Island of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

September 5, 2013, 9:30 am  
Courtyard by Marriott  
Maui Kahului Airport  
532 Keolani Place, Haleakala Room  
Kahului, HI 96732

Docket Number: A13-797

Petitioner: CMBY 2011 Investment, LLC

Tax Map Key No.: (2) 3-8-008: 019

Change Requested: To reclassify approximately 86.030 acres of land situate at Pulehunui, District of Wailuku, Island and County of Maui, State of Hawaii to allow for the development of a heavy industrial subdivision.

13 AUG 29 AM 11:19  
LIEUTENANT GOVERNOR'S  
OFFICE

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the County of Maui Planning Department, 250 S. High Street, Wailuku, Maui, Hawaii 96793, office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday; and at the Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813, office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday. In addition, the Petition and related filings can be viewed at the Land Use Commission's website at <http://luc.hawaii.gov>

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearing officer, if one is appointed, may deny an application to intervene when in the Commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the Commission within fifteen (15) days after the publication of this Notice of Hearing.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission no later than August 28, 2013.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION  
RONALD I. HELLER, Chairperson  
By DANIEL E. ORODENKER, Executive Officer

(Legal Ad - 2 columns)  
(to appear by the date shown below)  
(Honolulu Star Advertiser: July 29, 2013)  
(West Hawaii Today: July 29, 2013)  
(Hawaii Tribune-Herald: July 31, 2013)  
(The Maui News: July 29, 2013)  
(Kauai Publishing Company dba The Garden Island: July 29, 2013)