

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-585
)	
MAUI ECONOMIC DEVELOPMENT)	MOTION FOR ORDER AMENDING
BOARD, INC.)	THE AMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF LAW
To Reclassify Approximately 300)	AND DECISION AND ORDER FILED
Acres of Land Currently in the)	FEBRUARY 25, 1986
Agricultural District into the)	
Urban District at Kihei, Maui,)	
Hawaii, Tax Map Key: 2-2-02:)	
Portion of Parcel 42)	
_____)	

**MOTION FOR ORDER AMENDING THE AMENDED
FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER FILED FEBRUARY 25, 1986**

AND

CERTIFICATE OF SERVICE

2013 JUN 19 A 9:07
LAND USE COMMISSION
STATE OF HAWAII

BENJAMIN M. MATSUBARA, #993-0
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Attorneys for Petitioner
MAUI R&T PARTNERS, LLC

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TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAI'I:

MAUI R&T PARTNERS, LLC, ("Petitioner") by and through its attorneys, MATSUBARA - KOTAKE, respectfully moves the Land Use Commission of the State of Hawai'i ("Commission") pursuant to § 15-15-70 and § 15-15-94 of the Commission's Rules for an Order: 1) recognizing Maui R&T Partners, LLC's standing to seek and obtain the relief requested herein; and 2) amending the Amended Findings of Fact, Conclusions of Law and Decision and Order filed February 25, 1986 ("1986 Decision and Order") providing that a portion of the Petition Area, that portion being identified as Tax Map Key Nos. (2) 2-2-24: 1 to 9, 15, 31, 32, 34, and 37 to 46 and (2) 2-2-24: 14 and 36, comprising approximately 150.032 acres of land ("Petition Area B" or the "Subject

Property”), shall be subject to a new decision and order that is specific to Petition Area B and that said Petition Area B shall not be subject to the 1986 Decision and Order, for the purpose of establishing appropriate findings of fact, conclusions of law and decision and order that are specifically applicable to Petitioner’s proposed Maui Research & Technology Park Master Plan Update (“Project”) and limited to Petition Area B.

In support of this Motion For Order Amending The Findings Of Fact, Conclusions Of Law And Decision And Order dated February 25, 1986 (“Motion”), Petitioner alleges as follows:

I. INTRODUCTION

There are two (2) separate Land Use Commission (“Commission” or “LUC”) dockets that encompass the Maui Research and Technology Park Master Plan Update (“Project”): **A84-585** and **A10-787**. The following is a description of the two (2) dockets.

The Maui Research and Technology Park (“Project”) is an existing, operational technology industrial park that sits on 150.032 acres of Urban District lands. The 150.032 acres were reclassified by the Commission in LUC Docket No. **A84-585** for the development of an industrial high technology park. An additional 150 acres were also incrementally approved for the same use, however, Petitioner is not seeking incremental districting pursuant to § 15-15-78(d) of the *Hawai`i Administrative Rules* (“HAR”) because the Project being proposed today is different from the project that was proposed in 1984.

Petitioner now seeks to expand the park and to diversify the uses by reclassifying an additional 253.05 acres of adjacent lands in LUC Docket No. **A10-787**. Petitioner has updated the master plan for the project and seeks to transform the project from an industrial park to a multi-use project that will take an existing employment center and create a sustainable and walkable community where people can live, work and play.

To update the master plan, Petitioner is hereby seeking to amend the Amended Findings of Fact, Conclusions of Law and Decision and Order dated February 25, 1986 in Docket No. **A84-585** to allow for the change in uses that will include a village center and housing, as well as an expansion of the industrial and employment component.

Accordingly, Petitioner proposes to bring both dockets before the Commission at the same time so that the Commission may have an opportunity to evaluate the Project as a whole.

On April 4, 2013, the Commission voted to accept the Final Environmental Impact Statement ("FEIS") for Petitioner's Maui Research & Technology Park Master Plan Update. The FEIS covers the entire 403.082 acres (150.032 under **A84-585** plus 253.05 acres under **A10-787**) of the proposed Project. The FEIS discusses the impacts and mitigation measures for the entire project and was prepared to address the needs of both Docket No. **A10-787** and Docket No. **A84-585**.

II. DISCUSSION

The description of the Project and related impacts are discussed in the Petition For District Boundary Amendment filed June 23, 2010 in Docket No. A10-787 and the First Amendment To Petition For District Boundary Amendment filed May 8, 2013 in Docket No. A10-787, both of which are incorporated herein by reference.

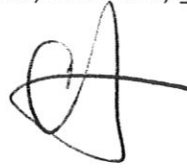
Petition Area B, comprising of 150.032 acres of land, is currently in the Urban Land Use District. The remaining 150 acres of the Petition Area was incrementally approved and remain in the Agricultural Land Use District. Approximately 129 acres of the remaining Petition Area comprises a portion of the petition area in A10-787. The residual 21 acres of the Petition Area is owned by an unrelated third-party, Mr. David Warren Dwelle.

Petition Area B is subject to the 1986 Decision and Order. The 1986 Decision and Order provides for the development of an industrial high technology park. Petitioner is seeking a new docket number and new decision and order specifically for only the 150.032 acres comprising Petition Area B. Procedurally, Petitioner is seeking relief similar to that granted to the Department of Hawaiian Home Lands, The Salvation Army and UH West Oahu in Docket No. A99-728.

III. CONCLUSION

Based upon the foregoing, Petitioner respectfully requests that the Commission grant this motion after a hearing which Petitioner hereby requests pursuant to HAR § 15-15-70(i).

DATED: Honolulu, Hawai'i, June 19, 2013.



Of Counsel:
MATSUBARA - KOTAKE
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following by depositing the same in the AS INDICATED BELOW on June 19, 2013:

JESSE SOUKI, Director	(HAND DELIVERY)
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RECEIPT REQUESTED)**

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RECEIPT REQUESTED)**

DATED: Honolulu, Hawai`i, June 19, 2013.



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