

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A10-787
	)	
MAUI R&T PARTNERS, LLC	)	AFFIDAVIT OF SERVICE RE:
	)	NOTICE OF HEARING
To Amend the Land Use District	)	
Boundary of certain lands situated at	)	
Kihei, Island of Maui, State of Hawai'i,	)	
consisting of 253.05 acres from the	)	
Agricultural District to the Urban	)	
District, Tax Map Key Nos.	)	
(2) 2-2-024:016 and 017, and	)	
(2) 2-2-002:084 (por.)	)	
_____	)	

AFFIDAVIT OF SERVICE RE: NOTICE OF HEARING

EXHIBITS "A" THROUGH "D"

AND

CERTIFICATE OF SERVICE

LAND USE COMMISSION  
STATE OF HAWAII  
2013 JUL - 1 P 2:32

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_____	)	

AFFIDAVIT OF SERVICE RE: NOTICE OF HEARING

STATE OF HAWAII	)	
	)	ss.:
CITY AND COUNTY OF HONOLULU	)	

CURTIS T. TABATA, being first duly sworn on oath, deposes and says:

1. Affiant is one of the attorneys for Petitioner MAUI R&T PARTNERS, LLC ("Petitioner") and agent of the Petitioner for a State of Hawai'i Land Use District Boundary Amendment from Agricultural Land Use District to Urban District, identified as Docket No. A10-787, for land situated at Kihei, Maui, Hawai'i and identified as Tax Map Key Nos. (2) 2-2-24:016 and 017, and (2) 2-2-002:084 (por.).

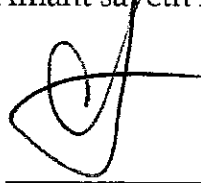
2. In compliance with §15-15-51(b) of the Hawai'i Administrative Rules ("HAR"), Affiant's office did on June 21, 2013, deposit in the United States Mail, Postage Prepaid, by Certified Mail, a copy of the Notice of Hearing (a copy true and correct copy of which is attached hereto as Exhibit "A"), to the persons identified in the Certificate Of Service, attached hereto.

3. In compliance with §15-15-51(b) of the Hawai'i Administrative Rules ("HAR"), Affiant's office did on June 21, 2013, deposit in the United States Mail, Postage Prepaid, by Regular Mail, a copy of the attached Notice of Hearing, to the persons identified in the Land Use Commission's mailing lists (a copy true and correct copy of which is attached hereto as Exhibit "B").

4. In compliance with §15-15-51(c) of the Hawai'i Administrative Rules ("HAR"), Affiant's office did on June 21, 2013, file with the Lieutenant Governor's Office a copy of the Notice of Hearing (a copy true and correct copy of which is attached hereto as Exhibit "C").

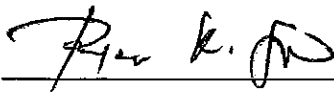
5. In compliance with §15-15-51(c) of the Hawai'i Administrative Rules ("HAR"), Affiant's office did cause on June 21, 2013, the publication of the Notice of Hearing in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News and The Garden Island, attached hereto as Exhibit "D" are true and correct copies of the Affidavits Of Publication verifying publication on June 21, 2013.

That further Affiant sayeth naught.



CURTIS T. TABATA

Subscribed and sworn to me  
this 1st day of July 2013



Name: Ryan K. Tagomori

Notary Public, State of Hawai'i

My Commission expires: 01/01/2016




NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: Affidavit of Service Re: Notice Of Hearing

Doc. Date: July 1, 2013 No. of Pages: 29

Jurisdiction: 1st Circuit

(in which notarial act is performed)



July 1, 2013

Signature of Notary

Date of Certificate

Ryan K. Tagomori

Printed Name of Notary



(Official Stamp or Seal)

## NOTICE OF HEARING

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

### DATE, TIME AND PLACE:

July 25, 2013 - 11:00 a.m.

Maui Economic Development Board  
Ke Alahele Donald G. Malcolm Center  
1305 North Holocono Street, Suite 5  
Kihei, Maui, Hawai'i 96753

Docket Number      A10-787  
and Petitioner:      Maui R&T Partners, LLC

Tax Map Keys:      (2) 2-2-024: 016 and 017 and (2) 2-2-002:084 (por.)

Change Requested: Amend the State Land Use Agricultural District Boundary into the Urban Land Use District for approximately 253.05 acres of land at Kihei, Island of Maui, State of Hawai'i, for a mixed use project including knowledge industry, technology, industrial, manufacturing, retail, commercial, residential, civic facilities, park and open space.

Maps showing the proposed district boundaries and copies of the Commission Rules governing the above petition may be inspected at the offices of the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawai'i, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 South Beretania Street, Honolulu, Hawai'i, 96813, during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

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 hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of

2013 JUN 21 A 9:55  
LAND USE COMMISSION  
STATE OF HAWAII

EXHIBIT "A"

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 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.

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 July 3, 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 Commission at 587-3822 or notify the Commission in writing at P. O. Box 2359, Honolulu, Hawai'i, 96804-2359, at least 10 days before the scheduled hearing.

LAND USE COMMISSION

KYLE CHOCK, Chairperson

By DANIEL E. ORODENKER, Executive Officer

(Legal Ad - 2 columns)

(to appear by June 21, 2013)

(Honolulu Star Advertiser)

(Hawaii Tribune Herald)

(West Hawaii Today)

(The Maui News)

(Kauai Publishing Company dba The Garden Island)

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**Last Updated: 6/10/13**

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Honolulu, HI 96816-4495

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869 Punchbowl Street  
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Land Division, Coastal Lands Program  
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Executive Director  
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677 Queen Street, Suite 300  
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DAGS - Public Works Division  
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Chairman of the Board  
Dept of Agriculture  
1428 South King Street  
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Commission on Water Resource Management  
Dept. of Land & Natural Resources  
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Honolulu HI 96813

Land Management Division  
Dept. of Land & Natural Resources  
1151 Punchbowl Street, Room 131  
Honolulu, HI 96813

Dept. of Land & Natural Resources  
Chairperson's Office  
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Honolulu HI 96813

Deputy Director  
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Honolulu HI 96805

The Honorable Neil Abercrombie  
Governor, State of Hawaii  
State Capitol  
Honolulu HI 96813

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Ms. Iris Nakagawa  
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Governor's Rep. East-Hawaii  
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Kaonohi Kahele  
Constituent Services Rep. East-Hawaii  
75 Aupuni Street Hilo HI 96720

Governor's Representative, Maui  
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Kaunakakai HI 96748

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Volunteer Governor's Rep. Lanai  
P. O. Box 630806.  
Lanai City HI 96763

Dennis Esaki  
Volunteer Governor's Rep. Kauai  
3060 Eiwa Street, #106,  
Lihue, HI 96766

Duane -Shimogawa  
Pacific Business News  
737 Bishop St. Suite #1590  
Honolulu, HI 96813

Councilman Ikaika Anderson  
530 S. King St. Rm 202  
Honolulu, HI 96813

Outdoor Circle- Bob Loy  
1314 S. King St. Suite 306  
Honolulu, HI 96814

Jeannine Suki  
Watanabe Ing  
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Director of Government Relations  
General Contractors Association of Hawaii  
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Public Policy | **Office of Hawaiian Affairs**  
711 Kapi'olani Blvd., Suite 500 |  
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DAGS- Automotive Management Division  
Parking Control Office-Attn: Brian Saito  
PO Box 119  
Honolulu, HI 96819-0119

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Shannon Wood  
Koolau News  
P.O. Box 6366  
Kaneohe, Hawaii 96744

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167 S. Franklin Street  
Juneau, AK 99801

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Maui District Health Office  
54 High Street  
Wailuku, Hawaii 96793

Ms. Carolyn Mosman, President  
Kula Community Association  
P. O. Box 417  
Kula, Hawaii 96790

Lucienne de Naie  
P. O. Box 610  
Haiku, Hawaii 96708-0610

Director – Department of Water Supply  
County of Maui  
200 High Street  
Wailuku, Hawaii 96793-2155

Mary Evanson  
P. O. Box 694  
Makawao, Hawaii 96768

Kingdom of Hawaii Nation  
P. O. Box 2845  
Wailuku, Hawaii 96793

Lanai Public & School Library  
P. O. Box 550  
Lanai City, Hawaii 96763

Land Use Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Paul R. Mancini, Esq.  
Mancini, Welch & Geiger  
305 E. Wakea Avenue, Suite 200  
Kahului, HI 96732

James Sato  
132 Ikea Place  
Pukalani, Hawaii 96788

Maui Civil Defense Agency  
200 South High Street  
Wailuku, Hawaii 96793

Chairman  
Maui County Planning Commission  
250 South High Street  
Wailuku, Hawaii 96793

Fairfax Reilly  
P. O. Box 630111  
Lanai City, Hawaii 96763

Mr. Richard Mayer  
1111 Lower Kimo Drive  
Kula, Hawaii 96790

Mr. Brian McCafferty  
P. O. Box 792048  
Paia, Hawaii 96779-2048

Mr. Ron McComber  
P. O. Box 630646  
Lanai City, Hawaii 96763

Darlens Valencia  
142 Ikea Place  
Makawao, Hawaii 96768

Molokai Legal Aid Society  
P. O. Box 427  
Kaunakakai, Hawaii 96748

Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Ms. Barbara Long  
P. O. Box 523  
Kula, Hawaii 96790

Mr. David Nobriga, Chairman  
West Maui Soil & Water Conservation  
District  
P. O. Box 1170  
Wailuku, Hawaii 96793

Director  
Public Works & Environmental  
Management  
200 South High Street  
Wailuku, Hawaii 96793

Operating Engineers  
Local Union #3  
95 Lono Avenue, #104  
Kahului, Hawaii 96732

Bud Pikrone, General Manager  
Wailea Community Association  
555 Kaunakahi Street, #214  
Wailea, Hawaii 96753

Marcial Basbas  
P.O. Box 3021  
Wailuku, Hawaii 96793

Mr. Brian Perry  
The Maui News  
100 Mahalani Street  
Wailuku, Hawaii 96793-0550

Bill Medeiros, GIS Coordinator  
2145 Kaohu Street, Room 104  
Wailuku, Hawaii 96793

Real Property Tax Div – County of Maui  
Service Center, Suite A-16  
70 Kaahumanu Avenue  
Kahului, Hawaii 96732

**MAUI MAILING LIST**  
**Updated: 5/13/13**

Nadine Chase  
38 Kealahilani St.  
Kahului, Hawaii 96732

Councilwoman JoAnne Johnson  
County Council  
200 S. High Street  
Wailuku, Hawaii 96793

David M. Johnston  
P. O. Box 388  
Puunene, HI 96784

Dustin Caserta  
104 Ikaika Place  
Lahaina, Hawaii 96761

Kula Community Assn:  
attn:Ron Montgomery/Richard Mayer  
P.O. Box 417  
Kula, HI, 96790

Mr. James Williamson  
12501 Greenwood Ave. N. Apt C111  
Seattle WA 98133-8000

USDA Natural Resources  
Conservation Service  
77 Hookele Street, Suite 202  
Kahului, Hawaii 96732-3516

Edwin Tanji  
The Maui News  
P. O. Box 550  
Wailuku, Hawaii 96793

Maui District Land Office  
DLNR  
54 South High Street, Room 101  
Wailuku, Hawaii 96793

Gabija McLauchlin  
1431 Riverplace Blvd. #1610  
Jacksonville Beach, Florida 32207

Mr. Norman Stubbs  
#1 Uapoko Place  
Haiku, Hawaii 96708

Claire Apana  
260 Hale Nani Drive  
Wailuku, Hawaii 96793

Mr. Warren Watanabe, President  
Maui County Farm Bureau  
P. O Box 148  
Kula, Hawaii 96790

Haleakala Ranch Company  
529 Kealahoa Avenue  
Makawao, Hawaii 96768

Irene Bowie, Executive Director  
Maui Tomorrow Foundation, Inc.  
55 North Church Street, Suite 6  
Wailuku, Maui 96793

Teresa Adams  
632 Luakini Street  
Lahaina, Hawaii 96761

Stephen M. Gelber  
Gelber, Gelber, Ingersoll & Klevansky  
Fort Street Tower, Suite 1400  
745 Fort Street  
Honolulu, Hawaii 96813

Patricia Nishiyama  
320 Kaao Place  
Lahaina, HI 96761

Mike Moran  
167 Ahaaina Way  
Kihei , HI 96753

Judy Dando  
85 East Kanamele Loop  
Wailuku, Hawaii 96793

Jan and Rich Ehrenkrook  
P.O. Box 12347  
Lahaina, Hawaii 96761

Irene Bowie  
Maui Tomorrow  
55 N. Church St. Ste. A5,  
Wailuku, HI. 96732

Robin Knox  
28 Waikalani Pl.  
Kihei, Hawaii 96753-7369

English Mountain Estates  
R.M. Hughes, Vice President  
P.O. Box 1203  
Lahaina, HI, 96767

Johan and Erin Crinion  
P.O. Box 187  
Lahaina, HI, 96767

Randy D. Ragon  
713-A Front St.  
Lahaina, HI, 96767

Henry Vandervelde  
P.O. Box 792106  
Paia, HI, 96767

Derek and Amy Driver  
4401 Edmonson Avenue  
Dallas, Texas 752095-2603

Bruce Curtis  
P.O. Box 10541  
Lahaina, HI, 96767

Michele Lincon  
452 Aki Street  
Lahaina, HI 96761

Nanea Kalani  
The Maui News  
100 Mahalani St.  
Wailuku, HI 96793

Susan Halas  
1939A Vineyard St.  
Wailuku, HI 96793

C.K. Spellman  
224 Kanui Circle  
Lahaina, HI  
96761



## NOTICE OF HEARING

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

### DATE, TIME AND PLACE:

July 25, 2013 - 11:00 a.m.

Maui Economic Development Board  
Ke Alahele Donald G. Malcolm Center  
1305 North Holocono Street, Suite 5  
Kihei, Maui, Hawai'i 96753

Docket Number      A10-787  
and Petitioner:      Maui R&T Partners, LLC

Tax Map Keys:      (2) 2-2-024: 016 and 017 and (2) 2-2-002:084 (por.)

Change Requested: Amend the State Land Use Agricultural District Boundary into the Urban Land Use District for approximately 253.05 acres of land at Kihei, Island of Maui, State of Hawai'i, for a mixed use project including knowledge industry, technology, industrial, manufacturing, retail, commercial, residential, civic facilities, park and open space.

Maps showing the proposed district boundaries and copies of the Commission Rules governing the above petition may be inspected at the offices of the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawai'i, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 South Beretania Street, Honolulu, Hawai'i, 96813, during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

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 hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of

13 JUN 21 19 49  
LIEUTENANT GOVERNOR'S  
OFFICE

EXHIBIT "C"

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 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.

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 July 3, 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 Commission at 587-3822 or notify the Commission in writing at P. O. Box 2359, Honolulu, Hawai'i, 96804-2359, at least 10 days before the scheduled hearing.

LAND USE COMMISSION

KYLE CHOCK, Chairperson

By DANIEL E. ORODENKER, Executive Officer

(Legal Ad - 2 columns)

(to appear by June 21, 2013)

(Honolulu Star Advertiser)

(Hawaii Tribune Herald)

(West Hawaii Today)

(The Maui News)

(Kauai Publishing Company dba The Garden Island)

**AFFIDAVIT OF PUBLICATION**

**IN THE MATTER OF  
NOTICE OF HEARING**

STATE OF HAWAII

City and County of Honolulu

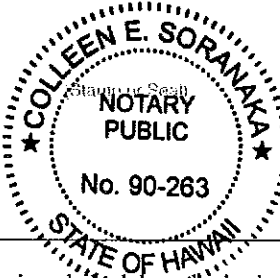
}  
} SS.  
}

Doc. Date: 06/21/13 # Pages: 1

Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of  
Publication

[Signature] 06/21/13  
Notary Signature Date



Rose Rosales being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser and MidWeek, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

Honolulu Star-Advertiser 1 times on:

06/21/2013

Midweek Wed. 0 times on:

           times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]  
Rose Rosales

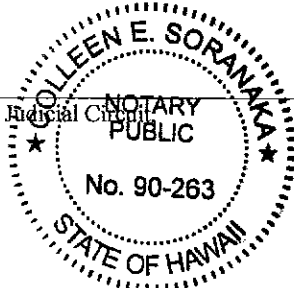
Subscribed to and sworn before me this 21<sup>st</sup> day

of [Signature] A.D. 20 13

[Signature]  
Colleen E. Soranaka, Notary Public of the First Judicial Circuit  
State of Hawaii

My commission expires: Jan 06 2016

Ad # 0000531941



**NOTICE OF HEARING**

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 205-41, Hawaii Revised Statutes, as amended.

**DATE, TIME AND PLACE**

July 25, 2013 - 11:00 a.m.  
Maui Economic Development Board  
Ke Ala He Donald G. Malcolm Center  
1905 North Honoana Street, Suite 105  
Kihei, Maui, Hawaii 96753

Docket Number: A10787  
and Petitioner: Maui Regional Office

for Map Key: (2) 2-2024-016 and (0) 7 and (2) 2-2002-034 (part)

Change Requested: Amend the State Land Use Agricultural District Boundary to include the Urban Land Use District for approximately 253.05 acres of land at Kihei, Island of Maui, State of Hawaii, for an Urban Land Use District, including knowledge industry, technology, industrial manufacturing, retail, commercial, residential, civic facilities, park and open space.

Persons showing the proposed district boundaries and copies of the Commission Rules governing the above petition may be inspected at the offices of the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawaii (96793), and the Land Use Commission, Room 406, Loloapapa, Aiea, Hawaii (96813), Building 235, South Beretani Street, Honolulu, Hawaii (96813), during office hours from 7:45 a.m. to 4:30 p.m. Monday through Friday.

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 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 proceeding 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 15-1452 of the 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.

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 July 3, 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 Commission at 597-3822 or notify the Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 days before the scheduled hearing.

LAND USE COMMISSION  
KYLE CHOCK, Chairperson  
By DANIEL GRODENKES, Executive Officer

## AFFIDAVIT OF PUBLICATION

State of Hawaii )

) SS:

County of Hawaii )

LEILANI K. R. HIGAKI

, being first  
duly sworn, deposes and says:

1. That she is the BUSINESS MANAGER of  
HAWAII TRIBUNE-HERALD, a  
newspaper published in the City of HILO,  
State of Hawaii.

2. That the "NOTICE OF HEARING...on the island of Maui...  
July 25, 2013...etc.

of which a clipping from the newspaper as published is attached hereto, was pub-  
lished in said newspaper on the following date(s) \_\_\_\_\_

June 21, 2013, (etc.).  
58285r1

Leilani KR Higaki

Subscribed and sworn to before me

this 26th day of June, 2013.

SHARON H. P. OGATA

SHARON H. P. OGATA

Notary Public, Third Circuit, State of Hawaii

My commission expires October 1, 2016

Page(s): 1

### NOTICE OF HEARING

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

July 25, 2013, 11:00 a.m.  
Maui Economic Development Board  
Ke Aieaie Donald G. Malcolm Center  
1305 North Holoopono Street, Suite C  
Kihei, Maui, Hawaii 96751

Docket Number A10-787

and Petitioner: Maui Planning LLC

Map Keys: (1) 2-2-024-016 and 017 and (2) 2-2-002-034 (por)

Change Requested: Amend the State Land Use Agricultural District boundary into the Urban Land Use District for approximately 253.05 acres of land at Kihei Island on Maui, State of Hawaii, for mixed use project including knowledge, industry, technology, industrial, manufacturing, retail, commercial, residential, civic facilities, park and open space.

Maps showing the proposed district boundaries and copies of the Commission Rules governing the above petition may be inspected at the offices of the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793 and the Land Use Commission, Room 405, Iolopapa A, Kamehameha Building, 235 South Beretania Street, Honolulu, Hawaii 96813, during office hours from 7:45 a.m. to 4:30 p.m. Monday through Friday.

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 hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (a) 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 16-45.52 of the 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.

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 or 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 or authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission no later than July 3, 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 Commission at 587-3822 or notify the Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 days before the scheduled hearing.

LAND USE COMMISSION

KYLE CHOCK, Chairperson

BY DANIEL E. ORODNER, Executive Officer

58285-1 Hawaii Tribune Herald, June 21, 2013

## AFFIDAVIT OF PUBLICATION

State of Hawaii            )  
                                      ) SS:  
County of Hawaii         )

M. R. Chavez, being first duly sworn, deposes and says:

1. That she is the Classified Accountant of WEST HAWAII TODAY, a newspaper published in the City of Kailua Kona, State of Hawaii.

2. That "NOTICE OF HEARING NOTICE IS HEREBY GIVEN of the hearing to be held on the island of Maui by the Land Use Commission" of which a clipping from the newspaper is attached hereto, was published in said newspaper on the following date(s) June 21, 2013 (etc.)

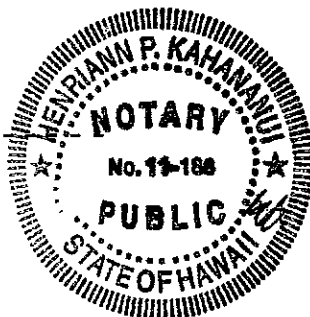
M. R. Chavez

Subscribed and sworn to before me  
This 21st day of June, 2013

Henriann P. Kahananui

Notary Public, Third Circuit,  
State of Hawaii

Henriann P. Kahananui



My Commission expires: June 6, 2015

# Page(s): 1

### NOTICE OF HEARING

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

July 25, 2013 - 11:00 a.m.

Maui Economic Development Board  
Ke Alahele Donald C. Malcolm Center  
1305 North Holopono Street, Suite 5  
Kihei, Maui, Hawaii 96753

Docket Number: A10-787  
and Petitioner: Maui R/T Partners, LLC

Tax Map Key: (2)2-2-024-016 and 017  
and (2)2-2-002-084 (port)

Change Requested: Amend the State Land Use Agricultural District Boundary into the Urban and Use District for approximately 258.05 acres of land at Kihei, Island of Maui, State of Hawaii for a mixed use project including knowledge industry technology industrial manufacturing retail commercial residential civic facilities park and open space.

Maps showing the proposed district boundaries and copies of the Commission Rules governing the above petition may be inspected at the offices of the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793, and the Land Use Commission Room, 406, Lohiapa, A, Kamahāhaha Building, 235 South Beretani Street, Honolulu, Hawaii 96813, during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

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 91-12, HRS.

Petitions to intervene shall be in conformity with Section 16-15-52 of the 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.

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 July 3, 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 Commission at 637-3822 or notify the Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 days before the scheduled hearing.

#### LAND USE COMMISSION

Kym H. CHOCK, Chairman

By DANIEL D. ORODENKER, Executive Officer

(No. 77199, West Hawaii Today, June 21, 2013)



# AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }  
County of Maui. } ss.

Rhonda M. Kurohara being duly sworn  
deposes and says, that she is in Advertising Sales of  
the Maui Publishing Co., Ltd., publishers of THE MAUI NEWS, a  
newspaper published in Wailuku, County of Maui, State of Hawaii;  
that the ordered publication as to \_\_\_\_\_

## NOTICE OF HEARING

of which the annexed is a true and correct printed notice, was  
published 1 times in THE MAUI NEWS, aforesaid, commencing  
on the 21st day of June, 2013, and ending  
on the 21st day of June, 2013, (both days  
inclusive), to-wit: on \_\_\_\_\_

June 21, 2013

and that affiant is not a party to or in any way interested in the above  
entitled matter.

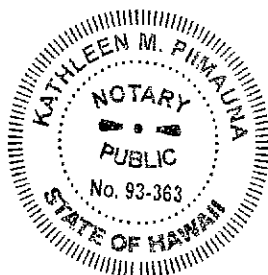
This 1 page Notice of Hearing, dated  
June 21, 2013,

was subscribed and sworn to before me this 21st day of  
June, 2013, in the Second Circuit of the State of Hawaii,

by Rhonda M. Kurohara.

Kathleen M. Piimauna  
Notary Public, Second Judicial  
Circuit, State of Hawaii

KATHLEEN M. PIIMAUNA  
My commission expires 7/5/13



## NOTICE OF HEARING

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  
provided for in Section 205-4, Hawaii Revised Statutes, as  
amended.

### DATE, TIME AND PLACE

July 25, 2013, 10:00 am

Main Economic Development Board  
K. Alameda, Donald G. Milne, Jr. Center  
1305 North Honoapiʻi Road, Suite 200  
Kihei, Maui, Hawaii 96751

Docket Number: 102-187

and Petitioner: Maui Real Partners, LLC

Law Firm: Keyes

Case No. 102-187-016 and 017

and 018, 102-187-019

Change Request: Amending State Land Use

Ordinance, District Boundary

into the Lahaina and Kula Districts

to approximately 97,500 acres of

land in the Kula District of Maui

State of Hawaii for various

purposes, including knowledge

of the proposed change of

land use, and the proposed

change of district boundary

and open space.

As maps showing the proposed change of district boundary

and the proposed change of district boundary

are on file in the office of the Maui County Planning

Department, 100 South Honoapiʻi Road, Wailuku, Hawaii

96793, and the Land Use Commission Room, 1305 North

Honoapiʻi Road, Wailuku, Hawaii 96793, the public

may examine the same during the hours of 9:00 a.m. to 5:00 p.m.

Monday through Friday.

Any person who may have a direct or indirect interest in the

proposed change of district boundary or who otherwise can

demonstrate that they will be directly and immediately

affected by the proposed change of district boundary or the

proposed change of district boundary from that of the general

public should submit a written application for

intervention.

All other persons may apply to the Commission for leave to

intervene as parties to the proposed change of district boundary

and the proposed change of district boundary. The Commission

may, on its own motion, grant or deny such application and

may, in its discretion, limit the scope of the intervention.

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**IN THE MATTER OF**  
**NOTICE OF HEARING**

City and County of Honolulu


**} \$5.**

Doc. Date: 06/21/13 # Pages: 1


Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of

Publication: \_\_\_\_\_

 06/21/13

Notary Signature \_\_\_\_\_ Date \_\_\_\_\_

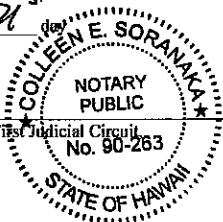


The Garden 1 times on: 06/21/13  
Island

**Rose Rosales**

of June A.D. 2013

Ad # 0000531944

[illegible]

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A10-787
	)	
MAUI R&T PARTNERS, LLC	)	CERTIFICATE OF SERVICE
	)	
To Amend the Land Use District	)	
Boundary of certain lands situated at	)	
Kihei, Island of Maui, State of Hawai'i,	)	
consisting of 253.05 acres from the	)	
Agricultural District to the Urban	)	
District, Tax Map Key Nos.	)	
(2) 2-2-024:016 and 017, and	)	
(2) 2-2-002:084 (por.)	)	
_____	)	

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 July 1, 2013:

JESSE SOUKI, Director	(HAND DELIVERY)
Office of Planning, State of Hawai'i	
235 Beretania Street, 6 <sup>th</sup> Floor	
Honolulu, Hawai'i 96813	

BRIAN C. YEE, ESQ.	(HAND DELIVERY)
Deputy Attorney General	
Department of the Attorney General	
425 Queen Street	
Honolulu, Hawai'i 96813	

WILLIAM SPENCE, Director  
Maui County Planning Department  
County of Maui, State of Hawai'i  
250 South High Street, Suite 200  
Wailuku, Maui, Hawai'i 96793

(CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED)

Planning Commission  
County of Maui, State of Hawai'i  
250 South High Street, Suite 200  
Wailuku, Maui, Hawai'i 96793

(CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED)

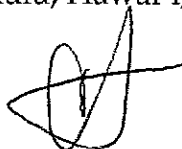
JAMES A. Q. GIROUX, ESQ.  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
200 South High Street, 3<sup>rd</sup> Floor  
Wailuku, Maui, Hawai'i 96793

(CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED)

DAVID WARREN DWELLE  
12970 Earhart Avenue  
Auburn, California 95602

(CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED)

DATED: Honolulu, Hawai'i, July 1, 2013.



Of Counsel:

MATSUBARA - KOTAKE  
A Law Corporation

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BENJAMIN M. MATSUBARA  
CURTIS T. TABATA  
WYETH M. MATSUBARA  
Attorneys for Petitioner  
MAUI R&T PARTNERS, LLC