

DEPARTMENT OF THE CORPORATION COUNSEL

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COUNTY OF MAUI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

LANA'I RESORT PARTNERS

To consider further matters related to an Order To Show Cause as to whether certain land located at Manele, Lana'i, should revert to its former Agricultural and/or Rural land use classification due to Petitioner's failure to comply with Condition No. 10 of the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order filed April 16, 1991, Tax Map Key No. 4-9-002:049 (por.), formerly Tax Map Key No. 4-9-002:001)por.)

DOCKET NO.: A89-649

RESPONDENT COUNTY OF MAUI,
DEPARTMENT OF PLANNING'S
RESPONSE TO INTERVENORS
LANA'IANS FOR SENSIBLE GROWTH'S
EXCEPTIONS TO HEARING OFFICER'S
RECOMMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION AND ORDER DATED APRIL
18, 2017; CERTIFICATE OF SERVICE

**RESPONDENT COUNTY OF MAUI DEPARTMENT OF PLANNING'S RESPONSE TO
INTERVENORS LANA'IANS FOR SENSIBLE GROWTH'S EXCEPTIONS TO THE
HEARING OFFICER'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION AND ORDER DATED APRIL 18, 2017**

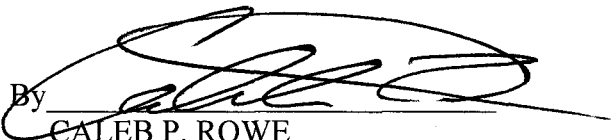
COMES NOW, Respondent COUNTY OF MAUI, DEPARTMENT OF PLANNING
("County") by and through its attorneys, Patrick K. Wong, Corporation Counsel, Caleb P. Rowe
and Michael J. Hopper, Deputies Corporation Counsel, and hereby responds to LANA'IANS
FOR SENSIBLE GROWTH's ("Intervenors) exceptions to the Hearing Officer's

Recommended Findings of Fact, Conclusions of Law, and Decision and Order dated April 18, 2017.

The County joins in the Response to Intervenor Lana'ians for Sensible Growth's Exceptions, filed by Petitioner Lana'i Resorts, LLC on April 25, 2017. In addition, the County specifically contests the representation made by intervenors that the water being used by Petitioners for golf course irrigation "meets the County of Maui definition for potable water in the context of golf course irrigation." *Intervenor's Exceptions*, p. 2. As stated in the County's Responses and Objections to Intervenor Lana'ians for Sensible Growth's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, the Maui County Code ("MCC") provision presumably referenced by Intervenor in making this statement, Chapter 14.08, only applies to golf courses which came into operation after the effective date of the ordinance in 2009, and contains no restrictions on golf courses in operation prior to its effective date.

DATED: Wailuku, Maui, Hawaii, April 25, 2017.

PATRICK K. WONG
Corporation Counsel
Attorney for Respondent
COUNTY OF MAUI
DEPARTMENT OF WATER SUPPLY

By 

CALEB P. ROWE
MICHAEL J. HOPPER
Deputies Corporation Counsel

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
LANA'I RESORT PARTNERS

To consider further matters related to an Order To Show Cause as to whether certain land located at Manele, Lana'i, should revert to its former Agricultural and/or Rural land use classification due to Petitioner's failure to comply with Condition No. 10 of the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order filed April 16, 1991, Tax Map Key No. 4-9-002:049 (por.), formerly Tax Map Key No. 4-9-002:001)por.)

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing document was served upon the following by depositing same via email and U.S. Mail, postage pre-paid on:

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DATED: Wailuku, Maui, Hawaii, April 25, 2017.

PATRICK K. WONG
Corporation Counsel
Attorney for Respondent
COUNTY OF MAUI

By 

CALEB P. ROWE
Deputy Corporation Counsel