



BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

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STATE OF HAWAII
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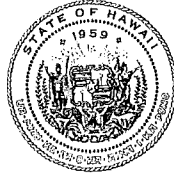
In The Matter Of The Petition Of)	DOCKET NO. A05-760
)	
PUKALANI ASSOCIATES, LLC)	
)	ORDER GRANTING MOTION FOR
To Amend The Agricultural Land Use)	EXTENSION OF TIME TO COMPLETE
District Boundary for approximately)	CONSTRUCTION OF INFRASTRUCTURE
87.702 acres Into The Urban Land Use)	IMPROVEMENTS
District at Kula, Makawao, Maui, State of)	
Hawai'i, Tax Map Key Nos.: 2-3-09: 007)	
and 064)	CERTIFICATE OF SERVICE
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ORDER GRANTING MOTION FOR EXTENSION OF TIME TO COMPLETE
CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS

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.

By  _____ 10/12/2017
Executive Officer Date



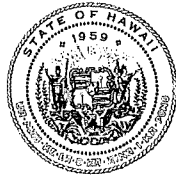
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ORDER GRANTING MOTION FOR EXTENSION OF TIME TO COMPLETE
CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS

On June 1, 2017, Pukalani Associates, LLC (“Movant”) filed a Motion for Extension of Time to Complete Construction of Infrastructure Improvements (“Motion”), Memorandum in Support of Motion, Declaration of Jordan E. Hart, Declaration of Mark Lane, and a Certificate of Service in this proceeding, pursuant to sections 15-15-70, 15-15-79, and 15-15-94, Hawai‘i Administrative Rules (“HAR”).

On June 9, 2017, the State Office of Planning (“OP”) requested a 30-day time extension for filing responses on the Motion.

On June 9, 2017, the Executive Officer of the Land Use Commission granted the requested time extension for the filing of responses to the Motion after conferring with each of the other parties.

On June 15, 2017, Movant filed a letter stating “no objection” to the extension requests.

On June 26, 2017, the County of Maui, Planning Department (“County”) filed its Statement of No Opposition to Petitioner’s Motion for Extension of Time to Complete Construction of Infrastructure Improvements.

On July 7, 2017, OP filed Office of Planning’s Response to Petitioner’s Motion for Extension of Time to Complete Construction of Infrastructure Improvements.

On August 4, 2017, OP filed OP’s Amended Response to Petitioner’s Motion for Extension of Time to Complete Construction of Infrastructure Improvements.

On August 15, 2017, the Commission mailed the August 23, 2017 meeting notice and agenda to all Parties and the Statewide and Maui mailing lists.

The Motion was heard in Kahului, Maui, Hawai‘i, on August 23, 2017. William Yuen, Esq., Sarah Chadwick Cocke, Esq., and Jordan Hart appeared on behalf of Movant – Pukalani Associates, LLC; Dawn Takeuchi-Apuna, Esq., Rodney Funakoshi, and Lorene Maki appeared on behalf of OP; and Michael Hopper, Esq., and William Spence appeared on behalf of the County.

There was no public testimony.

At the hearing, Movant presented information, describing past difficulties in securing financing and requirements by the County for updated studies for a new change in zoning request, in support of extending the time to complete construction of the backbone infrastructure improvements. The County had no opposition to the Motion. OP had no objection to the Motion and believed Movant had shown good cause to justify the extension request.

After hearing argument of the parties, discussion, questioning, and deliberation by the Commissioners, a motion was made and seconded to grant Movant's Motion for Extension of Time to Complete Construction of Infrastructure Improvements by amending Condition No. 18 and Condition No. 19 to allow an additional five years until June 29, 2024 from the date of the original Decision and Order dated June 29, 2009. There being a vote tally of 6 ayes, 0 nays and 3 excused, the motion carried.

This Commission, having duly considered the Motion for Extension of Time to Complete Construction of Infrastructure Improvements filed by Pukalani Associates, LLC, the arguments and representations by the parties, and the record in this docket, hereby finds and concludes that Pukalani Associates, LLC, has supported its position for an extension of time to complete construction of infrastructure improvements. Therefore, for good cause shown,

IT IS HEREBY ORDERED that the Motion for Extension of Time to Complete Construction of Infrastructure Improvements be GRANTED and that Conditions No. 18 and No. 19 of the Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on June 29, 2009, be amended to allow an additional five years, until June 29, 2024, for the completion of infrastructure improvements.

ADOPTION OF ORDER

The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

DONE at Honolulu, Hawai'i, this 12th day of October, 2017, per motion on August 23, 2017.

APPROVED AS TO FORM



Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 

JONATHAN SCHEUER
Acting Chair and Commissioner

Filed and effective on:

10/12/17

Certified by:



DANIEL E. ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING MOTION FOR EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS 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:

CERTIFIED MAIL: WILLIAM W.L. YUEN, Esq.
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MAIL: Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
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Wailuku, Hawai'i 96793
ATTORNEY FOR THE COUNTY OF MAUI,
DEPARTMENT OF PLANNING

Dated: Honolulu, Hawai'i, 10/12/17.



DANIEL E. ORODENKER
Executive Officer