BEFORE THE LAND USE COMMISSION
STATE OF HAWAI‘I

In The Matter Of The Petition Of
PUKALANI ASSOCIATES, LLC

To Amend The Agricultural Land Use District Boundary for approximately 87.702 acres Into The Urban Land Use District at Kula, Makawao, Maui, State of Hawai‘i, Tax Map Key Nos.: 2-3-09: 007 and 064

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

CERTIFICATE OF SERVICE

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, HAWAI‘I.

By

Executive Officer
Date
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STATE OF HAWAI‘I

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DOCKET NO. A05-760

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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 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
BEFORE THE LAND USE COMMISSION
STATE OF HAWAIʻI

In The Matter Of The Petition Of

PUKALANI ASSOCIATES, LLC

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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:

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ATTORNEY FOR THE COUNTY OF MAUI,
DEPARTMENT OF PLANNING

Dated: Honolulu, Hawai‘i, 10/12/17.

[Signature]
DANIEL E. ORODENKER
Executive Officer