

2018 JUN -4 P 2: 25



BEFORE THE LAND USE COMMISSION  
STATE OF HAWAII

In the matter of the Petition of

HALE MUA PROPERTIES, LLC

To Amend the Land Use District  
Boundary of Certain Lands Situated at  
Waiehu, Island of Maui, State of Hawai'i,  
Consisting of 240.087 Acres from the  
Agriculture and Rural Districts to the  
Urban District, Tax Map Key No. 3-3-  
002:001 (portion)

DOCKET NO. A05-755

ORDER TO SHOW CAUSE; EXHIBIT  
"A"; CERTIFICATE OF SERVICE

ORDER TO SHOW CAUSE

AND

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

6/4/18

by

Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

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**ORDER TO SHOW CAUSE**

TO: HALE MUA, LLC ("Petitioner"),

YOU ARE HEREBY COMMANDED, under the authority of section 205-4, Hawai'i Revised Statutes ("HRS"), and section 15-15-93, Hawai'i Administrative Rules ("HAR"), to appear before the Land Use Commission, State of Hawai'i ("Commission"), at the Maui Arts and Cultural Center – Haynes Room, on July 25, 2018, at 9:00 am, to show cause as to why that certain land at Waiehu, County of Maui, Tax Map Key No. 3-3-002:001 (portion), covering approximately 240.087 acres of land referred to as the Subject Area, and approximately identified on Exhibit "A", attached hereto and incorporated herein, should not revert to its former land use classification or be changed to a more appropriate classification.

The Commission has reason to believe that you have failed to perform according to the conditions imposed and to the representations and commitments made to the Commission in obtaining reclassification of the Subject Area. The conditions of the Decision and Order which may have been violated or not been met include, but may not be limited to the following:

1. Condition 1 Affordable Housing;
2. Condition 3 Public School Facilities;
3. Condition 5 Transportation Improvements;
4. Condition 19 Annual Reports;
5. Condition 21 Evidence Clear Title;
6. Condition 24 Notice of Imposition of Conditions; and,
7. Condition 25 Recordation of Conditions;

Section 205-4, HRS, authorizes the Commission to impose conditions necessary to “assure substantial compliance with representations made by the petitioner in seeking a boundary change” and that “absent substantial commencement of use of the land in accordance with such representations, the [C]ommission shall issue and serve upon the party bound by the condition an order to show cause why the property should not be revert to its former land use classification or be changed to a more appropriate classification.”

Accordingly, the Commission will conduct a hearing on this matter in accordance with the requirements of Chapter 91, HRS, and subchapters 7 and 9 of chapter 15-15, HAR. All parties in this docket shall present testimony and exhibits to the Commission as to whether Petitioner has failed to perform according to representations made in seeking the land use reclassification.

Any party may retain counsel if the party so desires.

Dated: Honolulu, Hawai'i, this 4th day of June,

2018, per motion on May 9, 2018.

APPROVED AS TO FORM

LAND USE COMMISSION  
STATE OF HAWAII

Randall S. Aishiyama  
Deputy Attorney General

By [Signature]  
ARNOLD WONG  
Chairperson and Commissioner

Filed and effective on:

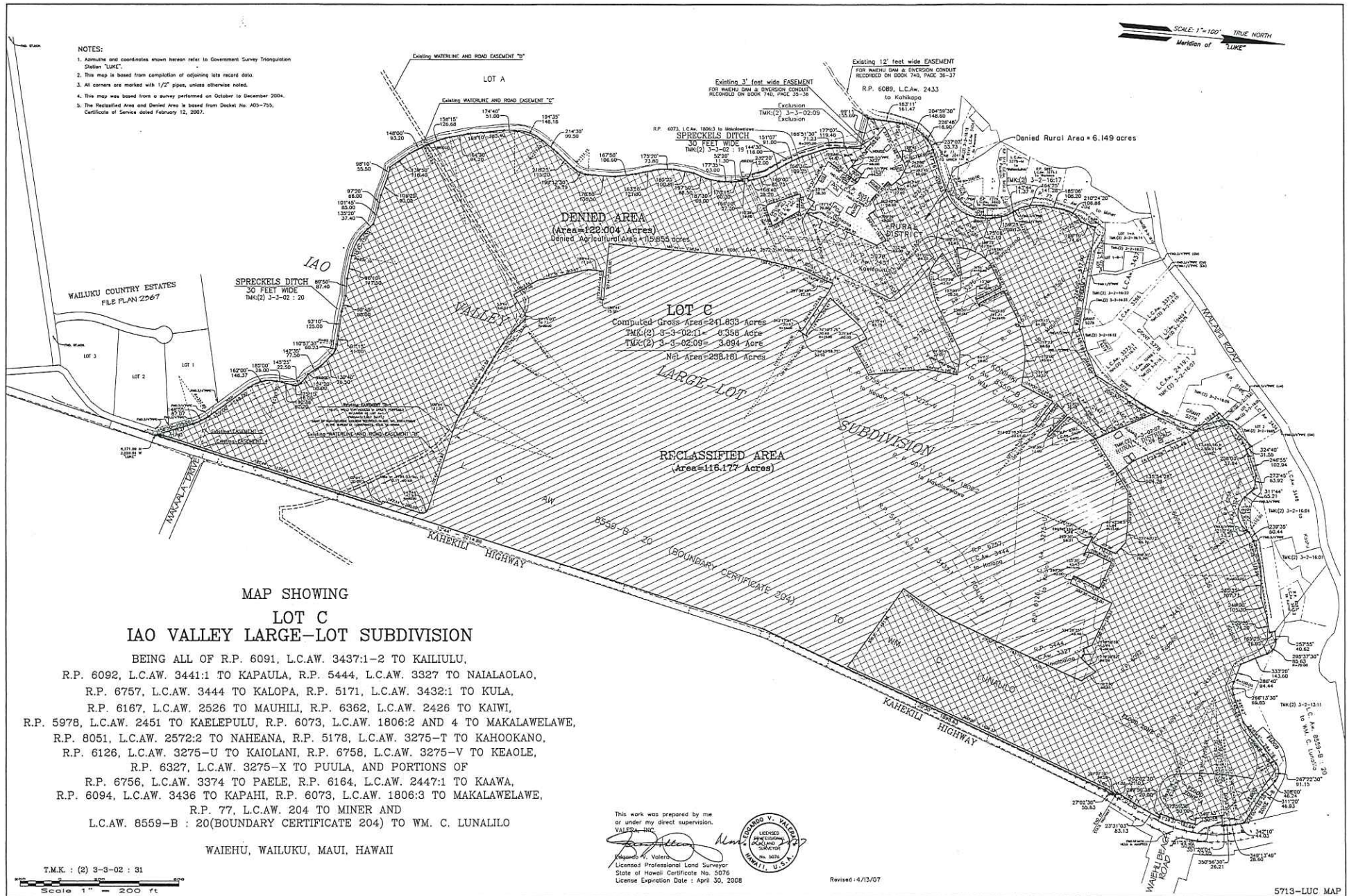
6/4/2018

Certified by:

[Signature]  
DANIEL E. ORODENKER  
Executive Officer

SCALE: 1"=100' TRUE NORTH  
Meridian of "LINE"

- NOTES:
1. Azimuths and coordinates shown herein refer to Government Survey Triangulation Station "LUC".
  2. This map is based on compilation of adjoining lots record data.
  3. All corners are marked with 1/2" pipes, unless otherwise noted.
  4. The map was based from a survey performed on October to December 2004.
  5. The Reclassified Area and Denied Area is based from Deed No. A05-755, Certificate of Service dated February 12, 2007.



MAP SHOWING  
LOT C  
IAO VALLEY LARGE-LOT SUBDIVISION

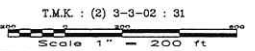
BEING ALL OF R.P. 6091, L.C.A.W. 3437:1-2 TO KAILIULU,  
 R.P. 6092, L.C.A.W. 3441:1 TO KAPAULA, R.P. 5444, L.C.A.W. 3327 TO NAIALAOLAO,  
 R.P. 6757, L.C.A.W. 3444 TO KALOPA, R.P. 5171, L.C.A.W. 3432:1 TO KULA,  
 R.P. 6167, L.C.A.W. 2526 TO MAUHILI, R.P. 6362, L.C.A.W. 2426 TO KAIWI,  
 R.P. 5978, L.C.A.W. 2451 TO KAELEPULU, R.P. 6073, L.C.A.W. 1806:2 AND 4 TO MAKALAWELAWE,  
 R.P. 8051, L.C.A.W. 2572:2 TO NAHEANA, R.P. 5178, L.C.A.W. 3275-T TO KAHOOKANO,  
 R.P. 6126, L.C.A.W. 3275-U TO KAIOLANI, R.P. 6758, L.C.A.W. 3275-V TO KEAOLE,  
 R.P. 6327, L.C.A.W. 3275-X TO PUULA, AND PORTIONS OF  
 R.P. 6756, L.C.A.W. 3374 TO PAELE, R.P. 6164, L.C.A.W. 2447:1 TO KAAWA,  
 R.P. 6094, L.C.A.W. 3436 TO KAPAHU, R.P. 6073, L.C.A.W. 1806:3 TO MAKALAWELAWE,  
 R.P. 77, L.C.A.W. 204 TO MINER AND  
 L.C.A.W. 8559-B : 20(BOUNDARY CERTIFICATE 204) TO WM. C. LUNALILO

WAIHĪ, WAILUKU, MAUI, HAWAII

This work was prepared by me  
 or under my direct supervision,  
 VALERIO INC.  
 Valerio V. Valerio  
 Licensed Professional Land Surveyor  
 State of Hawaii Certificate No. 5076  
 License Expiration Date : April 30, 2008



Revised: 4/13/07



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HALE MUA PROPERTIES, LLC

CERTIFICATE OF SERVICE

To Amend the Land Use District Boundary  
of Certain Lands Situated at Waiehu, Island  
of Maui, State of Hawai'i, Consisting of  
240.087 Acres from the Agriculture and  
Rural Districts to the Urban District, Tax  
Map Key No. 3-3-002:001 (portion)

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the ORDER TO SHOW CAUSE, was served upon the following by depositing the same in the U. S. Postal Service by registered or certified mail as noted:

DEL. LEO ASUNCION, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawai'i 96804-2359

DEL. DAWN TAKEUCHI APUNA, Esq.  
Deputy Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813  
Attorney for State Office of Planning

MAIL. WIL SPENCE, Director  
County of Maui  
Planning Department  
2200 Main Street  
One Main Plaza, Suite 315  
Wailuku, Hawai'i 96793

MAIL. PATRICK K. WONG, Esq.  
Department of Corporation Counsel  
200 South High Street, room 322  
Wailuku, Hawai'i 96793  
Attorney for County of Maui  
DEPARTMENT OF PLANNING

CERT. RANDALL SAKUMOTO, Esq.  
McCorriston Miller Mukai MacKinnon LLP  
P.O. Box 2800  
Honolulu, Hawai'i 96803-2800  
Attorney for Petitioner  
HALE MUA, LLC

CERT. MURRAY M. SMITH, P.E.  
CHRIS BROWN  
JLP & Associates/Southwest 7 LLC  
P.O. Box 11255  
Lāhainā, Hawai'i 96761  
Designated Representatives of Southwest 7, LLC

CERT. THOMAS E.D. MILLSPAUGH, Venable LLP  
750 E. Pratt Street, Suite 900  
Baltimore, MD 21202  
Representative of Southwest 7, LLC and Estate of Robert Cooper

MAIL. JOHN L. PUND, Jr.  
JLP & Associates LLC  
The Ellis House  
3837 West Chester Pike  
Newtown Square, PA 19073

Dated: Honolulu, Hawai'i, 6/4/2018

  
\_\_\_\_\_  
DANIEL E. ORODENKER  
Executive Officer