



LAND USE COMMISSION
STATE OF HAWAII

2018 JUL -3 P 3: 21

BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

In the matter of the Petition of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use
District Boundaries into the Rural Land
Use District for Approximately 731.581
Acres in South Kohala District, Island of
Hawaii'i, Tax Map Key No. (3) 6-8-02:016
(portion)

DOCKET NO. A06-767

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

ORDER TO SHOW CAUSE; EXHIBIT "A";

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, Hawaii'i

7/3/18 by

Executive Officer



LAND USE COMMISSION
STATE OF HAWAII

2018 JUL -3 P 3: 21

BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

In the matter of the Petition of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use
District Boundaries into the Rural Land
Use District for Approximately 731.581
Acres in South Kohala District, Island of
Hawai'i, Tax Map Key No. (3) 6-8-02:016
(portion)

DOCKET NO. A06-767

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

ORDER TO SHOW CAUSE; EXHIBIT "A";

AND

CERTIFICATE OF SERVICE



LAND USE COMMISSION
STATE OF HAWAII

2018 JUL -3 P 3:21

BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

In the matter of the Petition of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use
District Boundaries into the Rural Land
Use District for Approximately 731.581
Acres in South Kohala District, Island of
Hawaii, Tax Map Key No. (3) 6-8-02:016
(portion)

DOCKET NO. A06-767

ORDER TO SHOW CAUSE; EXHIBIT
“A”; CERTIFICATE OF SERVICE

ORDER TO SHOW CAUSE

TO: WAIKOLOA MAUKA, LLC (“Petitioner”),

YOU ARE HEREBY COMMANDED, under the authority of section 205-4, Hawaii Revised Statutes (“HRS”), and section 15-15-93, Hawaii Administrative Rules (“HAR”), to appear before the Land Use Commission, State of Hawaii (“Commission”), at the Natural Energy Laboratory of Hawaii (NELHA) – Hale Iako Training Room #119, on August 22-23, 2018, at 9:00 a.m., to show cause as to why that certain land at Waikoloa, South Kohala, County of Hawaii, Tax Map Key No. (3) 6-8-02:016 (portion), covering approximately 731.581 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 Compliance With Representations to the Commission;
2. Condition 2 Completion of Project;
3. Condition 3 Reversion on Failure to Complete Project;
4. Condition 4 Water Resource Allocation;
5. Condition 6 Transportation;
6. Condition 9 Affordable Housing;
7. Condition 11 Archaeological Site 22;
8. Condition 12 Drainage;
9. Condition 13 Wastewater;
10. Condition 14 Solid Waste;
11. Condition 20 Notice of Change in Ownership; and,
12. Condition 21 Annual Reports.

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 3rd day of July,

2018, per motion on May 23, 2018.

APPROVED AS TO FORM

Randall S. Kishiyama
Deputy Attorney General

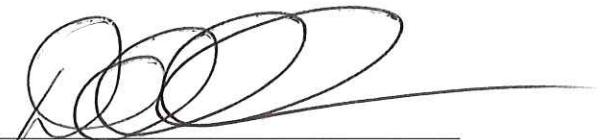
LAND USE COMMISSION
STATE OF HAWAII

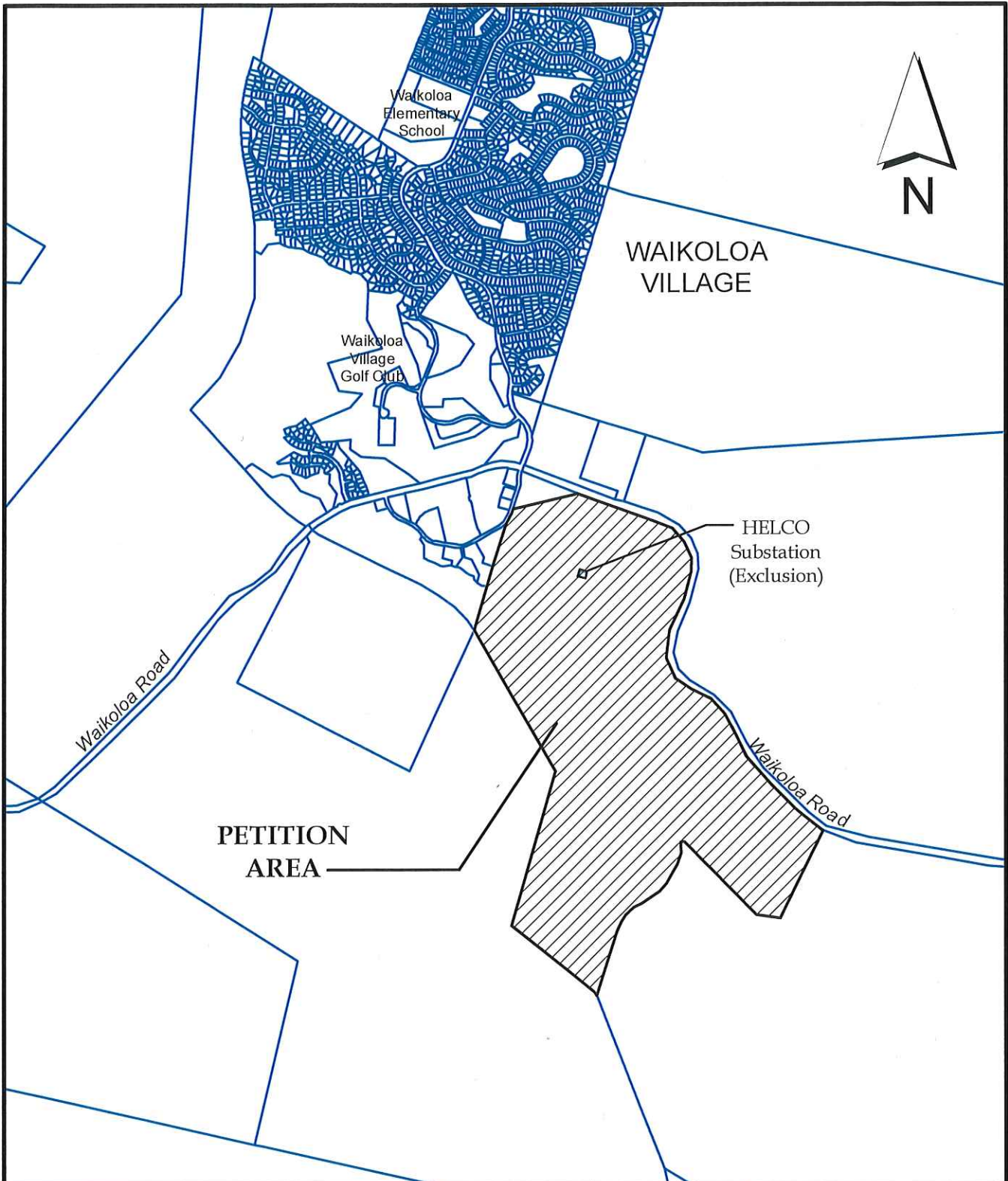
By 
JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

7/3/2018

Certified by:

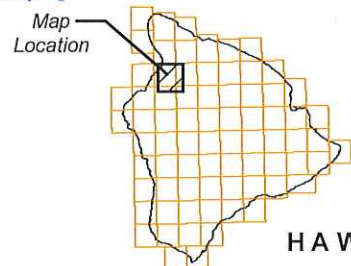

DANIEL E. ORODENKER
Executive Officer



**A06-767 WAIKOLOA MAUKA, LLC,
a Delaware limited liability company**

Location Map
 Tax Map Key: 6-8-02: por. 16
 Waikoloa Village, South Kohala, Hawai'i
 Scale: 1" = 2640 ft.

Exhibit "A"



HAWAII

BEFORE THE LAND USE COMMISSION
STATE OF HAWAI'I

In the matter of the Petition of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use
District Boundaries into the Rural Land
Use District for Approximately 731.581
Acres in South Kohala District, Island of
Hawai'i, Tax Map Key No. (3) 6-8-02:016
(portion)

DOCKET NO. A06-767

CERTIFICATE OF SERVICE

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

CERT. STEVEN S.C. LIM, Esq.
 Carlsmith Ball LLP
 121 Waiuanue Avenue
 P.O. Box 686
 Hilo, Hawai'i 96721-0686
 Attorney for Petitioner
 WAIKOLOA MAUKA, LLC

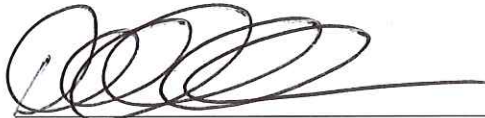
CERT. MICHAEL LEE, Director
County of Hawai'i, Planning Department
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

CERT. JOSEPH K. KAMELAMELA, Esq.
Department of the Corporation Counsel
Hilo Lagoon Center
101 Pauahi Street, Suite 325
Hilo, Hawai'i 96720
Attorney for County of Hawai'i
Department of Planning

CERT. Fee Owner
Waikoloa Highlands, Inc.
1200 South Brand Blvd. #202
Glendale, CA 91204-2641

Email Natalia <natalia@vitoilinc.com>

Dated: Honolulu, Hawai'i, 7/3/18.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

DANIEL E. ORODENKER
Executive Officer