

DEPARTMENT OF PLANNING
COUNTY OF MAUI
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LAND USE COMMISSION
STATE OF HAWAII

2019 JAN -9 A 7:53

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of:)	Docket No. A94-706
)	
KAONOULU RANCH)	INTERVENOR'S MOTION TO CONDUCT
To Amend the Agricultural Land Use District)	PHASE II OF CONTESTED CASE PENDING
Boundary into the Urban Land Use District)	SINCE 2012, AND FOR FINAL DECISION
For approximately 88 acres at)	
Ka`ono`ulu, Makawao-Wailuku,)	
Maui, Hawai`i,)	
Tax Map Key Nos. 3-9-001: 016, 169 and)	
170 Through 174)	

**POSITION STATEMENT OF THE DEPARTMENT OF PLANNING,
COUNTY OF MAUI**

In accordance with §15-15-70 of the Hawaii Administrative Rules, the Department of Planning, County of Maui, (Department) submits its position statement on the Intervenor's Motion.

Summary of Motion

The Intervenor's are requesting that the State Land Use Commission (Commission) take the necessary steps to finalize the contested case hearing in the above matter. Specifically, the Motion requests that the Commission:

1. Lift the 2013 Stay;
2. After a non-evidentiary hearing as deemed necessary by the Commission, and after full review of the record by the Commissioners, adopt findings of fact and conclusions of law with respect to Phase I of the contested case;

3. Hold a hearing on Phase II, which will determine whether or not the Petition Area should be reverted to its former classification of Agriculture; and;
4. Issue a final decision and order.

Background Information

On July 5, 2017, the Petitioners provided a status report to the Commission and stated that the Petitioners Piilani and Honua`ula have been meeting to discuss development of the Petition Area in light of the procedural history and non-acceptance of the proposed project's Environmental Impact Statement. They further indicated that after much discussion, Piilani decided to forego both the retail and mixed use components of the project and planned to develop the Petition Area in substantial compliance with the representations made to the Commission as required by Condition 15 of the 1995 Decision and Order (D&O).


At a hearing on July 11, 2018, the Petitioners similarly informed the Commission that they would be preparing a design that would fulfill the 1995 D&O. They also informed the Commission that they would be conducting outreach with the Intervenors and with other members of the community regarding a design that would be consistent with the "Original Plan".

Position of the Planning Department

After reviewing the facts surrounding the Petition, the Department finds that the Intervenors' motion is premature at this time. The Commission does not currently have any information from the Petitioner on the status of their discussions with the community or any changes to project plans.

The Department recommends that the matter be deferred to allow the Petitioner the opportunity to provide an update to the parties and the Commission of the community meetings held and any updated project plans to see if they are in substantial compliance with the conditions of the 1995 D&O. Once the parties and Commission receive this information they can decide if the issues raised in the Intervenors' Motion warrant further discussion and/or action.

DATED: Wailuku, Hawaii, January 7, 2019.



MICHELE MCLEAN, AICP
Acting Planning Director
Department of Planning

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

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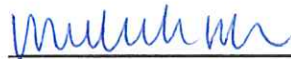
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DATED: Wailuku, Hawaii, January 8, 2019.



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