



LAND USE COMMISSION
STATE OF HAWAII

2019 MAR -4 A 10: 05

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of)	DOCKET NO. A94-706
)	
KA'ONO'ULU RANCH)	ORDER AUTHORIZING THE
)	CHAIRPERSON OF THE LAND USE
To Amend The Agricultural Land Use)	COMMISSION TO ENTER INTO A
District Boundary Into The Urban Land)	SETTLEMENT CONFERENCE WITH
Use District For Approximately 88)	THE PARTIES AND TO SCHEDULE
Acres Of Land At Ka'ono'ulu,)	AN EVIDENTIARY HEARING; AND
Makawao-Wailuku, Maui, Hawai'i,)	CERTIFICATE OF SERVICE
Tax Map Key: 3-9-01: 16, 169, And)	
170 Through 174)	
_____)	

ORDER AUTHORIZING THE CHAIRPERSON OF THE LAND USE COMMISSION TO
ENTER INTO A SETTLEMENT CONFERENCE WITH THE PARTIES AND TO
SCHEDULE AN EVIDENTIARY HEARING

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.

March 4, 2019 by


Executive Officer



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LAND USE COMMISSION
STATE OF HAWAII

2019 MAR -4 A 10: 29

BEFORE THE LAND USE COMMISSION
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Tax Map Key: 3-9-01: 16, 169, And)	
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ORDER AUTHORIZING THE CHAIRPERSON OF THE LAND USE COMMISSION TO
ENTER INTO A SETTLEMENT CONFERENCE WITH THE PARTIES AND TO
SCHEDULE AN EVIDENTIARY HEARING

On February 20 and 21, 2019, the State of Hawai`i Land Use Commission ("Commission") considered the Motion to Dismiss the Order to Show Cause Proceeding ("Motion to Dismiss") filed by Pi`ilani Promenade South, LLC, and Pi`ilani Promenade North, LLC (collectively "Pi`ilani"), at the Maui Arts & Cultural Center, Alexa Higashi Meeting Room, One Cameron Way, Kahului, Maui, Hawai`i. Randall F. Sakumoto, Esq.; Lisa W. Cataldo, Esq.; and Catherine A. Taschner, Esq., appeared on behalf of Pi`ilani. Curtis T. Tabata, Esq., appeared on behalf of Honua`ula Partners, LLC.

Michael J. Hopper, Esq., and Michele McLean appeared on behalf of the County of Maui Department of Planning. Dawn T. Apuna, Esq., and Rodney Funakoshi appeared on behalf of the State of Hawai'i Office of Planning. Tom Pierce, Esq. appeared on behalf of Intervenors Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahele.

Following argument by the parties on Pi'ilani's Motion to Dismiss, the Commission voted in favor of setting an evidentiary hearing on the issues presented in the Motion to Dismiss. Upon further discussion, another motion was made and seconded to grant the chairperson of the Commission the authority to (1) enter into a settlement conference with the parties regarding Pi'ilani's Motion to Dismiss, subject to the stipulation of the parties that the chairperson of the Commission would not be foreclosed from participating in future evidentiary hearings on this matter; and (2) schedule the date, time, and location of an evidentiary hearing on the Motion to Dismiss. Upon further discussion, a vote was taken on this second motion. There being a vote tally of 8 ayes and 0 nays, the motion passed.¹

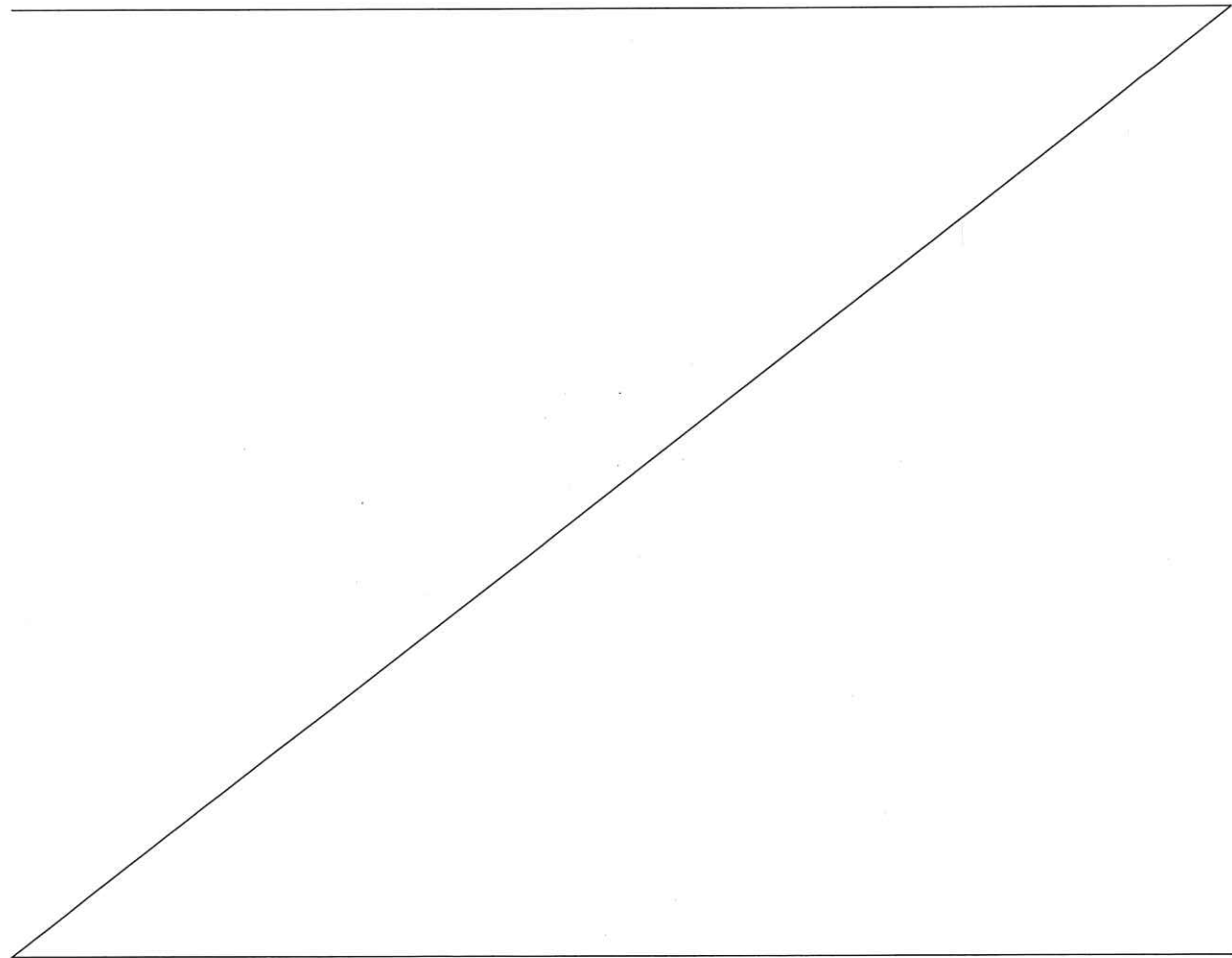
ORDER

This Commission, having duly considered Pi'ilani's Motion to Dismiss, the oral and written arguments of the parties in the proceeding, and a motion having been made and seconded at a meeting on February 21, 2019, in Kahului, Maui, Hawai'i,

¹ There are currently eight sitting members on the Commission. The Kaua'i seat is vacant.
Docket No. A94-706 Ka'ono'ulu Ranch
Order Authorizing The Chairperson Of The Land Use Commission To Enter Into A Settlement Conference With The Parties And To Schedule An Evidentiary Hearing

and the motion having received the affirmative votes required by Hawai'i Administrative Rules §15-15-13, and there being good cause for the motion,

HEREBY ORDERS that the chairperson of the Commission is granted the authority to (1) enter into a settlement conference with the parties in this proceeding regarding Pi'ilani's Motion to Dismiss, subject to the stipulation of the parties that the chairperson of the Commission would not be foreclosed from participating in future evidentiary hearings on this matter; and (2) schedule the date, time, and location of an evidentiary hearing on the Motion to Dismiss.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

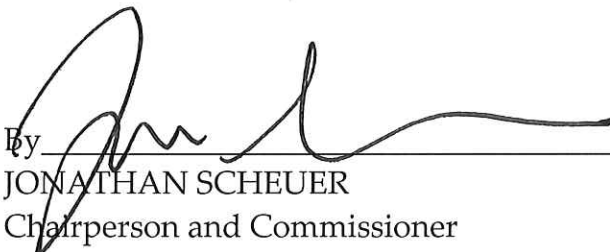
Done at Wailuku, Hawai'i, this 4th, day of March, 2019, per motion on February 20, 2019.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Randall S. Aishiyama
Deputy Attorney General

By 
JONATHAN SCHEUER
Chairperson and Commissioner

Filed and effective on:

03/04/2019

Certified by:


DANIEL ORODENKER
Executive Officer



LAND USE COMMISSION
STATE OF HAWAII
2019 MAR -4 A 10:29

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

KA'ONO'ULU RANCH

To Amend The Agricultural Land Use District Boundary Into The Urban Land Use District For Approximately 88 Acres Of Land At Ka'ono'ulu, Makawao-Wailuku, Maui, Hawai'i, Tax Map Key: 3-9-01: 16, 169, And 170 Through 174

DOCKET NO. A94-706

CERTIFICATE OF SERVICE

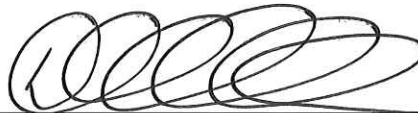
CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER AUTHORIZING THE CHAIRPERSON OF THE LAND USE COMMISSION TO ENTER INTO A SETTLEMENT CONFERENCE WITH THE PARTIES AND TO SCHEDULE AN EVIDENTIARY HEARING AND CERTIFICATE OF SERVICE was served upon the following by either by hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		
DAWN TAKEUCHI-APUNA, ESQ. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
TOM PIERCE PO Box 798 Makawao, Hawaii 96768			X
MICHELE MCLEAN Director, County of Maui Planning Department 250 S. High St Kalana Pakui Bldg Ste 200 Wailuku, HI 96793		X	
MICHAEL HOPPER, Esq. Deputy Corporation Counsel 200 S. High St. Kalana O Maui Bldg 3rd Flr Wailuku, HI 96793			X
McCorriston Miller Mukai MacKinnon LLP RANDALL SAKUMOTO, Esq Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawai'i 96813			X
BENJAMIN M. MATSUBARA, #993-0 CURTIS T. TABATA, #5607-0 Matsubara-Kotake 888 Mililani Street, Suite 308 Honolulu, Hawaii 96813			X

Honolulu, Hawai'i, March 4, 2019.



DANIEL ORODENKER
Executive Officer