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**LAND USE COMMISSION**

Department of Business, Economic Development & Tourism  
State of Hawai'i

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June 2, 2021

Thomas D. Welch, Jr., Esq. and Jeff Ueoka, Esq.  
MANCINI, WELCH & GEIGER LLP  
305 E. Wākea Ave. Suite 200,  
Kahului, HI 96732

Dear Mr. Welch and Mr. Ueoka:

(Representative for the Trustees of the Raymond M. Von Tempsky Marital Trust Dated May 14, 1979, As Amended April 11, 1983 and Amended by the Declaration dated January 22, 1983, Successor Petitioner to Kula Ridge, LLC ("Petitioner")),

The Land Use Commission is sending you this letter as formal notice that an Order to Show Cause as to why the property which is set forth in Docket A11-790 Kula Ridge, LLC, and subject to that Decision and Order dated February 21, 2012, should not be reverted to its Agricultural Classification has been issued. The Petition Area comprises Tax Map Key (2) 2-3-01: Por. 23 and 174 and is shown on the attached map.

An Order to Show Cause hearing has been scheduled for 09:00 a.m. on July 14-15, 2021 via ZOOM Virtual Video Conferencing Technology. (Notice of Hearing enclosed) or depending on the status of the Governor's Emergency Proclamation, at the State of Hawai'i Department of Transportation District Office, 650 Palapala Dr., Kahului, Hawai'i, 96732. **(Interested parties should look to the LUC Meeting Notice Agenda for July 14-15, 2021 posted on the LUC website (luc.hawaii.gov) for a final determination of location)**

The Petitioner and/or their representative shall be required to appear at such hearing to state its position with regard to various perceived violations of the conditions contained in the Decision and Order and state any reasons and provide evidence it may have as to why the conditions have or have not been violated. Any party to the proceeding may retain counsel if the party so desires.

All Land Use Commission hearings of this type are quasi-judicial in nature. As such you will have the opportunity to present evidence and put on witnesses to support your case as well as to cross-examine witnesses and refute evidence put on by the Office of State Planning and the County of Hawai'i.

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 2 'Ohana Units;
3. Condition 3 Wastewater Facilities;
4. Condition 4 Traffic Impact Mitigation
5. Condition 5 Civil Defense;
6. Condition 6 Archaeological Monitoring Plan;
7. Condition 7 Unidentified Archaeological Finds;
8. Condition 8 Stormwater Management and Drainage Improvements;
9. Condition 9 Compliance with Section 205-3.5, HRD, Related to Agricultural Uses on Adjacent Agricultural Land ;
10. Condition 10 Water System Improvements;
11. Condition 11 Water Supply Plan;
12. Condition 12 BMPs
13. Condition 13 Water Conservation Measures;
14. Condition 14 Energy Conservation Measures;
15. Condition 15 Established Access Rights Protected;
16. Condition 16 Solid Waste Management Plan;
17. Condition 17 Sidewalk Improvements;
18. Condition 18 Infrastructure Deadline
19. Condition 20 Compliance with Representations to the Commission,

To ensure that proceedings are timely, I am requesting that no later than the close-of-business of June 18, 2021, each party shall submit and serve upon all the other parties, as the case may be, a list identifying all witnesses that they will be presenting to the LUC in support of the respective party's position; a list identifying all exhibits that will be submitted in support of the respective party's position; and all exhibits identified in the aforementioned exhibit list. Also, except as provided by §15-15- 57, HAR, filings or submissions which are untimely may be stricken or rejected by the LUC at the time of the hearing.

By copy of this letter, I am also requesting that no later than the close of business on June 25, 2021, the Petitioner, the Office of Planning ("OP"), and the County of Maui Planning Department ("PD"), each file with the Commission and serve upon all the other parties as appropriate a rebuttal witness list, a rebuttal exhibit list, and all rebuttal exhibits.

Please contact LUC Staff -Riley Hakoda at (808)587-3824 if you have any questions or concerns regarding this matter

Sincerely,



Daniel Orodener  
Executive Officer

Attachments

1. Notice of Publication
2. Exhibit A hearing map
3. Order to Show Cause

Cc: Mary Alice Evans, OP

Alison Kato, Deputy Attorney General

Michele McLean, Maui County Planning Department

Michael Hopper, Deputy Maui County Corporation Counsel