



LAND USE COMMISSION
STATE OF HAWAII

2021 JUL -6 A 7:02

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. A07-772
)	
A & B PROPERTIES, INC.	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, AND
To Amend The Agricultural Land Use	)	DECISION AND ORDER
District Boundary Into The Urban Land Use	)	GRANTING PETITIONER'S
District For Approximately 94.352 Acres Of	)	MOTION FOR ORDER
Land At Waiakoa, Island of Maui, State of	)	GRANTING TIME EXTENSION;
Hawai'i, Tax Map Key3-8-04: portion of	)	AND CERTIFICATE OF
2, portion of 22 and portion of 30	)	SERVICE
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER GRANTING PETITIONER'S
MOTION FOR ORDER GRANTING TIME EXTENSION
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.

July 6, 2021 by

Executive Officer

2021 JUL -6 A 7:02



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A07-772
)	
A & B PROPERTIES, INC.	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, AND
To Amend The Agricultural Land Use	)	DECISION AND ORDER
District Boundary Into The Urban Land Use	)	GRANTING PETITIONER'S
District For Approximately 94.352 Acres Of	)	MOTION FOR ORDER
Land At Waiakoa, Island of Maui, State of	)	GRANTING TIME EXTENSION;
Hawai'i, Tax Map Key3-8-04: portion of	)	AND CERTIFICATE OF
2, portion of 22 and portion of 30	)	SERVICE
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER GRANTING PETITIONER'S
MOTION FOR ORDER GRANTING TIME EXTENSION
AND
CERTIFICATE OF SERVICE



LAND USE COMMISSION
STATE OF HAWAII

2021 JUL -6 A 7:02

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A07-772
)	
A & B PROPERTIES, INC.	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, AND
To Amend The Agricultural Land Use	)	DECISION AND ORDER
District Boundary Into The Urban Land Use	)	GRANTING PETITIONER'S
District For Approximately 94.352 Acres Of	)	MOTION FOR ORDER
Land At Waiakoa, Island of Maui, State of	)	GRANTING TIME EXTENSION
Hawai'i, Tax Map Key3-8-04: portion of)	
2, portion of 22 and portion of 30)	
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER GRANTING
PETITIONER'S MOTION FOR ORDER GRANTING TIME EXTENSION

On November 17, 2020, Petitioner A&B Properties Hawaii, LLC, Series T ("Petitioner") filed its Motion for Order Granting Time Extension ("Motion") to request: 1) recognizing A&B Properties Hawaii, LLC, Series T's standing to seek relief requested herein as successor Petitioner; and 2) granting a time extension for Conditions 22 and 23 in the Decision and Order, pursuant to Hawai'i Revised Statutes ("HRS") Chapter 205 and Chapter 15-15 of the Hawai'i Administrative Rules ("HAR") §§ 15-15-70 (c) and 15-15-94 (b). As of the filing date of the Motion, Petitioner has built and sold 170 units in the Project. The 170 units have met the requisite affordable home requirement for the entire Project.

On January 21, 2021, Petitioner filed its First Amendment to Motion for Order Granting Time Extension to include Exhibit 9 to the Motion.

In the Extension Motion, Petitioner requested that the LUC issue an order modifying the Commission's Findings of Fact, Conclusions of Law and Decision and Order, filed February 20, 2009 to allow for a ten-year extension of time, from February 20, 2019 to February 20, 2029 to complete A & B's project.

The Commission, having examined the testimony, evidence, and arguments of counsel presented during the hearing, along with the pleadings filed by all parties herein, hereby makes the following findings of fact, conclusions of law and decision and order.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On February 20, 2009, the Commission issued its Findings of Fact, Conclusions of Law and Decision and Order ("Decision and Order"), approving the Kamalani Project, then known as Kihei Residential, to reclassify approximately 94.352 acres from the Agricultural Land Use District to the Urban Land Use District for the development of approximately 600 market and affordable residential units ("Project") TMK No. (2) 3-8-004, portion of 22 and portion of 30.
2. Also on February 20, 2009, pursuant to HRS section 205 and the Commission Rules under HAR chapter 15-15, and upon consideration of the Commission decision-making criteria under HRS section 205-17, the Commission found upon the clear preponderance of the evidence that the reclassification of the Petition Area, consisting of approximately 94.352 acres of land in the state Land Use Agricultural District at Waiakoa, Island of Maui, Tax Map Key Nos. 3-8-04: portion of 2, portion of 22 and portion of 30 to the state Land Use Urban District, and subject to the conditions stated in the Order, conformed to the standards for establishing the boundaries of the state Land Use Urban District, is reasonable, not violative of HRS

section 205-2 and is consistent with the policies and criteria established pursuant to HRS sections 205-16, 205-17, and 205A-2.

3. On February 27, 2009, the Commission received Notice of Imposition of Conditions by the Land Use Commission.
4. On April 6, 2009 the Commission received the Declaration of Conditions from Petitioner.
5. The original petitioner, A&B Properties, Inc., was converted to A & B Properties Hawaii, LLC, Series T effective December 21, 2016, with Series T being established effective December 31, 2016. The landowner of the Petition Area when the Decision and Order was entered was Alexander & Baldwin, Inc. Alexander & Baldwin, Inc. has since converted to Alexander & Baldwin, LLC, and the Petition Area has been conveyed to Kamalani Ventures LLC.
6. The current landowner of the Petition Area, Kamalani Ventures LLC, has authorized its Manager, A & B Properties Hawaii, LLC, Series T, to seek approval of the Motion.
7. On November 17, 2020, the Commission received Petitioner's Motion for Order Granting Time Extension to request: 1) recognizing A&B Properties Hawaii, LLC Series T's standing to seek relief requested herein as successor Petitioner; and 2) granting a time extension for Conditions 22 and 23 in the Decision and Order and Exhibits "1"- "8" ("Motion").
8. On November 24, 2020, the Commission received State Office of Planning (OP)'s Request for Extension of Time to Respond to Petitioner's Motion. On November 30, 2020 the LUC responded to OP's request.

9. On December 3, 2020, the Commission received OP's second Request for Extension of Time to Respond to Petitioner's Motion. On December 8, 2020, the LUC responded to OP's request.
10. On January 11, 2021, Petitioner filed a request for hearing date.
11. On January 21, 2021, Petitioner filed its First Amendment to its Motion for Order Granting Time Extension to include Exhibit "9" to the Motion.
12. On April 13, 2021, Petitioner filed Petitioner A & B Properties Hawaii, LLC Series T's 1) List of Witnesses; 2) List of Exhibits; and 3) Exhibit "10".
13. On April 15, 2021, the Commission received OP's response to Petitioner's Motion.
14. On April 20, 2021, the Commission received County of Maui's Department of Planning's Position Statement on Motion for Order Granting Time Extension and mailed the notice of agenda to the Parties, the Statewide, Oahu and Maui email/ mailing lists.
15. On April 23, 2021, the Commission had its hearing and considered Petitioner's Motion via the ZOOM videoconference meeting platform.
16. Benjamin M. Matsubara, Esq. and Curtis Tabata, Esq., appeared on behalf of A & B Properties Hawaii, LLC, Series T. Michael Hopper Esq., Deputy Corporation Counsel, was present representing the County together with Department of Planning Director Michele McLean and Deputy Director Jordan Hart. Deputies Attorneys General, Bryan Yee, Esq, and Alison Kato, Esq., and Rodney Funakoshi appeared on behalf of OP.
17. Commissioners Scheuer, Cabral, Okuda, Aczon, Ohigashi, Chang, Giovanni and Wong were present.

18. In support of the Motion for Extension, Petitioner provided oral testimony from Nancy I. Kiehm, Vice President, A & B Properties Hawaii, LLC and Michael Y. Hamasu, Director of Consulting and Research. Collier's Consulting.
19. The County recommended approval of the request of the Petition to amend the State Land Use Commission District Boundary Decision and Order in Docket No. A02-772 relating to Condition 22.
20. The County was not opposed to Petitioner's proposed language, but it did not stipulate to said language as offered in the Petition.
21. OP had no objection to Petitioner's Motion for Order Granting Time Extension, agreed with the proposed wording for Condition 22 and recommended different wording for Condition 23 without prejudice to any rights, remedies, or privileges of Petitioner.
22. OP recognized that Petitioner proceeded in good faith with the development of the project and acknowledged that Petitioner was only able to secure zoning approval in August 2014, began work in March 2016, began vertical construction in February 2017 and delivered the first homes in October 2017.
23. OP also recognized the current state of the economy due to the pandemic and the good faith development of a substantial portion of the project and supported the Motion for Extension to change the deadline from ten years after the date of the decision and order to February 20, 2029, effectively extending the deadline an additional ten years and had no objections to the requested amendment to Condition 22.
24. OP argued that it was neither necessary nor advisable to change the wording of Condition 23 and argued that Condition 23 was essentially a notice condition

which informed the Petitioner and any subsequent landowner that the failure to comply with Condition 22 may subject them to an order to show cause case.

25. OP stated that since Condition 23 was a notice condition, it did not create obligations or place requirements upon Petitioner, so the need by Petitioner to change the wording was minimal, and the changes to Condition 23 be just those changes necessary to meet the changing circumstances of Petitioner's ability to meet the 10-year infrastructure deadline.

26. Commissioner Ohigashi moved to grant Petitioner's Motion to authorize the substitution of parties as requested by Petitioner, to grant the time extension to April 28, 2031, to amend Condition 23 as proposed by OP, to authorize LUC staff to make non-substantive changes to the order as needed and to authorize Chair to sign the order. Commissioner Cabral seconded the motion.

27. There being a vote tally of 8 ayes and no nays, the motion passed.¹

DESCRIPTION OF THE PETITION AREA

28. The Petitioner Area is located Waiakoa, Island of Maui, Hawai'i and consists of approximately 94.352 acres of land identified by Tax Map Key No. (2) 3-8-04: portion of 2, portion of 22 and portion of 30.

29. The current landowner of the Petition Area is Kamalani Ventures LLC and has authorized its Manager, A & B Properties Hawaii LLC, Series T to seek approval of its Motion before the Commission.

¹ There are currently 8 sitting members on the Commission.

DESCRIPTION OF THE PROJECT APPROVED UNDER THE 2009 D&O

30. The Petitioner proposed to develop the Petition Area into a residential community now known as Kamalani (“the Project”) consisting of a mix of single-family residential units, a small commercial site, parks and open space.
31. Construction of the proposed backbone infrastructure, including primary roadways and access points, residential internal roadways, and water supply, sewage and electrical infrastructure was to be completed within ten years from the date of the decision and order of the docket.
32. Site construction was estimated to be initiated in 2011 with buildout of the Project estimated over a five-year period until approximately 2016.

UPDATED PROJECT DEVELOPMENT

33. On August 1, 2014, the County of Maui approved the community plan amendment and change in zoning required for Kamalani.
34. Construction of Kamalani commenced in March 2016, with site grading and infrastructure improvements.
35. Vertical construction of the initial increment commenced in February 2017 and the first 170 home deliveries occurred in October 2017
36. Due to the configuration of the site, Petitioner felt the completion of the remaining backbone infrastructure at Kamalani was essentially tied to the development of the remaining approximately 460 homes planned within Kamalani. The timing of the development of these homes is are in turn dependent upon the demand for and speed of sale of these homes over time. A key factor cited was the financial capability of the buyers to purchase the homes.
37. Additional land use approvals, including a community plan amendment and change in zoning from the County of Maui were required for the Project. In

deference to the County of Maui Planning Department's January 10, 2009 policy of not supporting applications for community plan amendment while the Maui General Plan Update process was ongoing, Petitioner withheld the filing of County land use applications after the Commission's approval in February, 2009.

38. On November 24, 2009, the Planning Department rescinded this policy. As a result of this change, Project applications for community plan amendment and change in zoning were filed with the County of Maui in April 2010. The applications were subsequently processed for agency and public review and received the support of the Maui Planning Commission.
39. On December 14, 2010, the Maui Planning Commission conducted a public hearing on the applications and voted to recommend the Maui County Council's approval of the community plan amendment and change in zoning applications. The applications and recommendations of the Maui Planning Commission were forwarded to the Maui County Council by the Planning Commission in March 2011.
40. In December 2012, the County of Maui adopted the Maui Island Plan which resulted in the subject property being appropriately situated within the Maui Island Plan's designated urban growth boundary.
41. Public hearings on the applications were conducted by the Maui County Council's Land Use Commission on December 18, 2013, February 5, 2014, March 19, 2014, and July 2, 2014.
42. The applications passed first reading on July 22, 2014, then second/final reading and approval by Mayor Arakawa on August 1, 2014.
43. The receipt of community plan and zoning approval came nearly five- and one-half years after the Commission approval.

44. Since the receipt of zoning approval in August 2014, Petitioner proceeded with the design, engineering and construction of the Project. Subdivision and building plans for the initial increment were prepared and approved by the County.
45. Effective December 21, 2016, A&B Properties, Inc., was converted to A & B Properties Hawaii, LLC, Series T. The landowner of the Petition Area when the Decision and Ordered was entered was Alexander & Baldwin, Inc. Alexander and Baldwin, Inc. has since converted to Alexander & Baldwin, LLC and the Petition Area was been conveyed to Kamalani Ventures LLC. The current landowner of the Petition Area, Kamalani Ventures LLC, has authorized its Manager, A & B Properties Hawaii LLC, Series T to seek approval of the Motion before the Commission.
46. Construction of Kamalani commenced in March 2016 with site grading and infrastructure improvements.
47. Vertical construction on the initial increment commenced in February 2017 and the first home deliveries occurred in October 2017.
48. In the 2016 annual report, Petitioner's comments on Condition No. 22 requested that the LUC acknowledge as material fact that the Project had taken approximately 5- and one-half years since the LUC approval to obtain County zoning for the Project.
49. Petitioner punctually filed annual reports from February 2010 till January 2020.
50. By letter dated April 16, 2015, Petitioner notified the Commission of the transfer of the Petition Area from Alexander and Baldwin, LLC to its affiliate Kamalani Ventures LLC. A & B Properties Inc. is the manager and agent of Kamalani Ventures LLC.

TIME EXTENSION REQUEST

51. Under the 2009 D&O, Petitioner was required to complete the backbone infrastructure within 10 years of February 20, 2009 or February 20, 2019.
52. The Petitioner's witness, Michael Y. Hamasu, Director of Consulting and Research- Collier's Consulting, provided statistical economic evidence and verbal testimony to describe how the COVID Pandemic had negatively impacted the timing of the Project and how market projections illustrated that the minimum additional time required to complete the Project would be 11.1 years.
53. A time extension from the current deadline of February 20, 2019, will allow the opportunity for continued development of the proposed project.
54. The Commission considered Petitioner's evidence to confirm the lengthy delays encountered by Petitioner in obtaining the necessary County permits and approvals for its proposed project; the economic impact that the Covid Pandemic has had on Hawai'i's economy, the local community and the housing market, and the need for affordable housing,
55. The Commission did express its concerns about the depth of the negative economic impact brought on by the Covid Pandemic and sought to mitigate the financial burden of having to seek future D&O time extension amendments by proposing the extension to last till April 28, 2031.
56. The Commission did recognize that substantial commencement of the proposed project had occurred and that 171 housing units had already been completed and delivered.
57. The Commission considered the arguments of Petitioner, OP and County regarding the "standard of review" that had been respectively applied on the proposed language changes to Condition 23 to determine that good cause had been shown to amend Condition No. 23 of the 2009 D&O to allow for additional time or

until April 28, 2031. Petitioner's representative described how the project had been delayed from January 2009 till August 2014 awaiting County updates to the County General Plan and for County Community Plan amendments and zoning approvals. Similarly, OP and County described how the factual evidence provided by the Petitioner which confirmed the nearly five and a half-year project delay at the County level was considered and evaluated to establish their agency positions on this matter.

58. In the event any previously unidentified archaeological sites are found, Petitioner will comply with all applicable statutes and rules of SHPD.
59. There are no floral or faunal species that are threatened, endangered, or of concern under State or federal law in the Petition Area. However, there are threatened and endangered seabirds whose flight corridor include the Petition Area.
60. Air quality of the Petition Area will be impacted in the short-term by fugitive dust and exhaust emissions from stationary and mobile equipment during construction of the Project. Petitioner will comply with and implement all required and applicable statutes, ordinances, rules, and regulations to mitigate the effects of fugitive dust and exhaust emissions.
61. The long-term impacts to air quality that will result from the development of the Petition Area are minimal and no mitigation measures are necessary.
62. Petitioner has provided replacement lands to Monsanto for seed corn cultivation to offset any loss of lands resulting from the development of the Project.
63. The Petition Area is not classified as Important Agricultural Land under Part III of HRS chapter 205.
64. Reclassification of the Petition Area had not had an adverse impact on agricultural resources in the region or in the State.

65. If properly designed and constructed, the proposed drainage system will not increase offsite runoff, nor cause an adverse impact to adjacent and downstream properties.
66. The location and design of the Project will minimize adverse visual impacts of the Project.
67. Petitioner will enter into an agreement with the State Department of Transportation which will satisfy the Petitioner's fair share contribution obligation regarding mitigation of the traffic impacts of the Project.
68. A TDM plan will help to mitigate traffic impacts on major highways.
69. Petitioner has shown good cause to grant the substitution of parties as requested.
70. Petitioner has shown good cause to amend Condition No. 22 of the 2009 D&O to allow for additional time or until April 28, 2031 for A & B Hawaii LLC, Series T, to complete its development of the Kamalani project.
71. Petitioner has shown good cause to amend Condition No. 23 of the 2009 D&O to allow for additional time or until April 28, 2031 that the "Commission may issue and serve upon Petitioner an Order to Show Cause and the Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use Agricultural District classification or be changed to a more appropriate classification".

RULINGS ON PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

72. Any of the proposed findings of fact submitted by Petitioner or any other party not already ruled upon by the Commission by adoption, or rejected by clearly contrary findings of fact, are hereby denied and rejected.

73. Any conclusion of law improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

1. Pursuant to HRS chapter 205 and the Commission rules under HAR chapter 15-15, and upon consideration of the Commission decision-making criteria under HRS section 205-17, the Commission found upon the clear preponderance of the evidence that the reclassification of the Petition Area, consisting of approximately 94.382 acres of land in the State Agricultural District situated in Waiakoa, Island and County of Maui, State of Hawai'i, Tax Map Key: 3-8-04: portion of 2, portion of 22, and portion of 30 to the State Land Use Urban District, and subject to the February 20, 2009 LUC Decision and Order, conformed to the standards for establishing the boundaries of the State Land Use Urban District, was reasonable, not violative of HRS section 205-2 and was consistent with the policies and criteria established pursuant to HRS sections 205-16, 205-17, and 205A-2.
2. Pursuant to HAR§15-15-94(b), “[f]or good cause shown, the commission may act to modify or delete any of the conditions imposed or modify the commission's order.”
3. Pursuant to HRS§ 205-16 Compliance with the Hawaii state plan. “No amendment to any land use district boundary nor any other action by the land use commission shall be adopted unless such amendment or other action conforms to the Hawaii state plan.”

4. Article XII, section 7, of the Hawai'i State Constitution requires the Commission to protect native Hawaiian traditional and customary rights. The State of Hawai'i reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. The State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised native Hawaiian rights to the extent feasible. *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission*, 79 Haw. 425, 450, n. 43, *certiorari denied*, 517 U.S. 1163 (1996).
5. The Commission is empowered to preserve and protect customary and traditional rights of native Hawaiians *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, 94 Hawai'i 31, 7 P.3d 1068 (2000).
6. There has been no evidence to suggest that any Native Hawaiian traditional and customary rights are currently being exercised within the Petition Area.
7. Article XI, Section 1, of the Hawai'i State Constitution requires the State to conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and to promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.
8. There were no floral or faunal species that were threatened, endangered, or of concern under State or Federal law in the Petition Area. However, there were threatened or endangered seabirds whose flight corridor included the Petition Area.

9. Air quality of the Petition Area would be impacted in the short term by fugitive dust and exhaust emissions from stationary and mobile equipment during construction of the Project.
10. The long-term impacts to air quality that would result from the development of the Petition Area were anticipated to be minimal and no mitigation measures were necessary.
11. Article XI, Section 3, of the Hawai'i State Constitution requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.
12. The Petition Area is not classified as Important Agricultural Land under Part III of HRS Chapter 205.
13. Reclassification of the Petition Area was not expected to have an adverse impact on agricultural resources in the region or in the State.
14. Article XI, Section 7, of the Hawai'i State Constitution states that the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people.

DECISION AND ORDER

Based upon the findings of fact and conclusions of law stated herein, and as stated in the Commission's 2009 D&O filed February 20, 2009, in Docket No. A07-772, it is hereby determined that the continued reclassification of the Petitioner Area will not significantly affect or impair the preservation or maintenance of natural systems and habitats or the valued cultural, historical, agricultural, and natural resources of the area.

This commission having duly considered Petitioner's Motion for Order Granting Extension of Time, the oral and written testimony of Petitioner, OP and the County, and motions having been made and seconded at a meeting on April 28, 2021, via ZOOM video teleconferencing, and the motions having received the affirmative votes required by HAR§15-15-13 (a), and there being good cause for the motion.

HEREBY ORDERS that Petitioner's Motion for Order Granting Time Extension be GRANTED. Accordingly, Conditions No. 22 and No. 23 of this Commission's 2009 D&O shall be amended as follows:

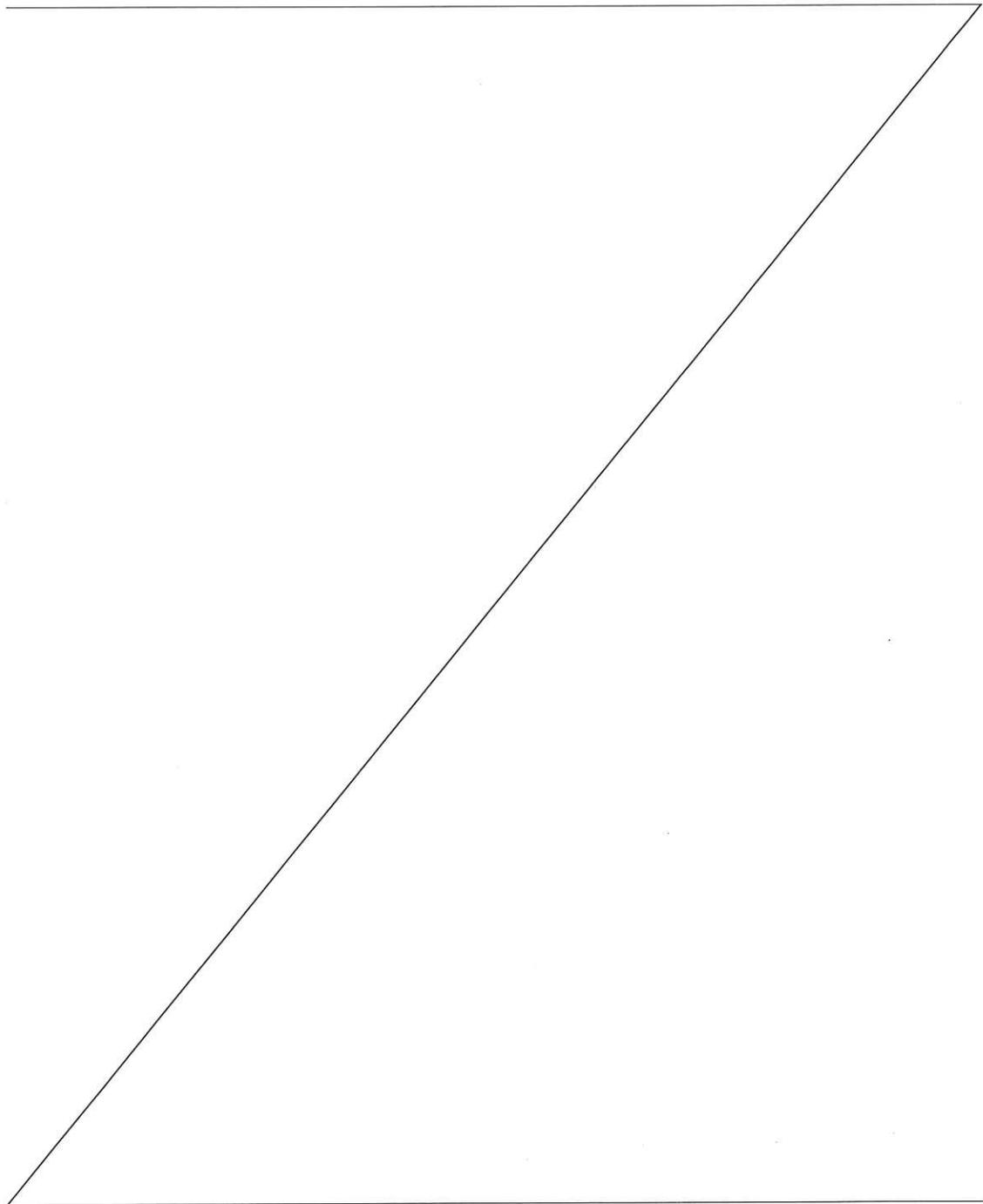
Condition 22- Infrastructure Deadline- Petitioner shall complete construction of the proposed backbone infrastructure, including the primary roadways and access point, residential internal roadways, and water supply, sewage and electrical infrastructure by April 28, 2031.

Condition 23-Order to Show Cause. If Petitioner fails to complete proposed backbone infrastructure by April 28, 2031, the Commission may issue and serve upon Petitioner an Order to Show Cause and the Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use Agricultural District classification or be changed to a more appropriate classification.

IT IS ALSO FURTHER ORDERED that Petitioner shall record an amendment to the existing Declaration of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban, recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. 2009-028710, to reflect the amendments to Condition No. 22 and Condition

No. 23 as stated above. At the same time, Petitioner shall file a copy of the amended Declaration of Conditions with the Commission.

All other conditions to this Commission's 2009 D&O filed February 20, 2009 shall continue in full force and effect.



ADOPTION OF ORDER

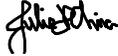
This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 6th, day of July, 2021, per motion on April 28, 2021.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I



Deputy Attorney General

By _____
JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

July 6, 2021_____

Certified by:



DANIEL ORODENKER
Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. A07-772
)	
A&B PROPERTIES, INC.	)	CERTIFICATE OF SERVICE
)	
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban District for approximately)	
94.352 acres at Waiakoa, Island)	
and County of Maui, State of)	
Hawai'i, TMK: 3-8-04: portion of)	
2, portion of 22 and portion of)	
30)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a file-marked of the foregoing document was duly served upon the following **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER GRANTING PETITIONER'S MOTION FOR ORDER GRANTING TIME EXTENSION** on July 6, 2021.

MARY ALICE EVANS, DIRECTOR
Office of Planning, State of Hawai'i
235 South Beretania Street
Room 600, Leiopapa A Kamehameha Bldg.
Honolulu, HI 96813

REGULAR MAIL

ALISON KATO, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813

REGULAR MAIL

MICHELE CHOUTEAU MCLEAN
PLANNING DIRECTOR
Maui County Planning Department
County of Maui, State of Hawai'i
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793

REGULAR MAIL

MICHAEL J. HOPPER, ESQ.
Deputy Corporation Counsel
County of Maui, State of Hawai'i
200 South High Street
Kalana O Maui Bldg., Floor 3
Wailuku, HI 96793

REGULAR MAIL

BENJAMIN M. MATSUBARA, Esq..
CURTIS T. TABATA, Esq
MATSUBARA, KOTAKE & TABATA
888 Mililani Street, Suite #308
Honolulu, Hawai'i 96813

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Dated July 6, 2021
Honolulu, Hawai'i.



DANIEL E. ORODENKER
Executive Office