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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

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In The Matter Of The Petition Of) DOCKET NO. A11-790
)
KULA RIDGE, LLC) STIPULATION OF THE PARTIES ON
) THE LAND USE COMMISSION'S
To Amend The Land Use District) ORDER TO SHOW CAUSE DATED JUNE
Boundaries Of Approximately) 3, 2021
34.516 Acres Of Land From The)
Agricultural Land Use District)
Into The Urban Land Use District)
And Approximately 16.509 Acres)
Of Land From The Agricultural)
Land Use District Into The Rural)
Land Use District At Kula,)
Makawao, Maui, Hawai`i, Tax Map)
Key: 2-3-01: Por. 23 And 174)
_____)

STIPULATION OF THE PARTIES ON THE LAND USE COMMISSION'S

ORDER TO SHOW CAUSE DATED JUNE 3, 2021

With respect to the Order to Show Cause issued by the Land Use Commission of the State of Hawaii (the "Commission") dated June 3, 2021, the undersigned parties, by and through their counsel, hereby enter into this Stipulation pursuant to Section 15-15-93(c), Hawai'i Administrative Rules ("HAR"). The undersigned parties stipulate to the following:

1. That the undersigned are not aware of compliance by the original petitioner, Kula Ridge, LLC ("Original Petitioner"), and Successor Petitioner has stated it has not and does not intend to comply with certain conditions of the Findings of Fact, Conclusions of Law, and Decision and Order for the State Land Use District Boundary Amendment, dated February 21, 2012 (the "Order"), including, but not limited to the following:

- a. Condition 1 Affordable Housing
- b. Condition 2 `Ohana Units
- c. Condition 3 Wastewater Facilities
- d. Condition 4 Traffic Impact Mitigation
- e. Condition 5 Civil Defense
- f. Condition 6 Archaeological Monitoring Plan

- g. Condition 7 Unidentified Archaeological Finds
- h. Condition 8 Stormwater Management and Drainage Improvements
- i. Condition 9 Compliance with Section 205-3.5, HRS, Related to Agricultural Uses on Adjacent Agricultural Land
- j. Condition 10 Water System Improvements
- k. Condition 11 Water Supply Plan
- l. Condition 12 BMPs
- m. Condition 13 Water Conservation Measures
- n. Condition 14 Energy Conservation Measures
- o. Condition 15 Established Access Rights Protected
- p. Condition 16 Solid Waste Management Plan
- q. Condition 17 Sidewalk Improvements
- r. Condition 18 Infrastructure Deadline
- s. Condition 20 Compliance with Representations to the Commission

2. There has been neither substantial commencement by the Original Petitioner or Successor Petitioner of use of the subject 34.516 and 16.509 acre areas, identified as Tax Map Key Nos. (2) 2-3-001-023 (por.) and 174 (the "Petition Area"), nor substantial progress in developing the Petition Area in accordance with the representations and commitments made to the Commission;

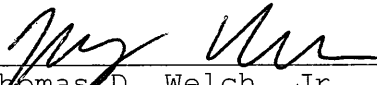
3. That certain Notice of Imposition of Conditions was recorded with the Bureau of Conveyances of the State of Hawaii on February 27, 2012;

4. That the land use district boundary classification for the Petition Area, shall revert to its former "Agricultural" classification, and the Petitioner and Successor Petitioner shall no longer be subject to the Order's Conditions upon appropriate motion by the Commission;
5. That the parties hereto shall not oppose a decision by the Commission to amend its order to incorporate the Order to Show Cause by including the reversion of the Petition Area to its former land use classification or to a more appropriate classification in accordance with Section 15-15-93(f), HAR;
6. That the parties hereto waive the procedural requirements as set forth in Chapters 91 and 205, Hawaii Revised Statutes, and Chapter 15-15, HAR, pertaining to notices, hearings and proceedings, and agree that the Commission may proceed with the disposition of the requests made herein; and
7. That this Stipulation may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the

same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

(SIGNATURES ON THE FOLLOWING PAGE)

DATED: Kahului, Hawai`i, July 6, 2021.



Thomas D. Welch, Jr.
Jeffrey T. Ueoka

Attorneys for Petitioner

DATED: Honolulu, Hawai`i, _____, 2021.

Alison S. Kato

Attorney for State of Hawai`i
Office of Planning and
Sustainable Development

DATED: Wailuku, Hawai`i, _____, 2021.

Michael J. Hopper

Attorneys for County of Maui
Department of Planning

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/s/ Michael J. Hopper

Michael J. Hopper

Attorneys for County of Maui
Department of Planning

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