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

In The Matter Of The Petition Of ) DOCKET NO. DR02-26

KULEANA KU'IKAHII, LLC ) ORDER DENYING COUNTY OF MAUI'S
 ) NOTICE OF EXCEPTIONS TO, AND
For A Declaratory Order Declaring That ) REQUEST FOR CORRECTION OF,
The Subdivision And Development Of ) LAND USE COMMISSION'S ORDER
Approximately 4,500 Acres Of Land In ) REGARDING WITHDRAWAL OF
An Agricultural District Requires A ) PETITION FOR A DECLARATORY
District Boundary Amendment ) ORDER

ORDER DENYING COUNTY OF MAUI'S NOTICE OF EXCEPTIONS TO, AND
REQUEST FOR CORRECTION OF, LAND USE COMMISSION'S ORDER
REGARDING WITHDRAWAL OF PETITION FOR A DECLARATORY ORDER

LAND USE COMMISSION
STATE OF HAWAI'I

2003 AUG. 28 P 4-21
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

In The Matter Of The Petition Of

KULEANA KU’IKahi, LLC

For A Declaratory Order Declaring That
The Subdivision And Development Of
Approximately 4,500 Acres Of Land In
An Agricultural District Requires A
District Boundary Amendment

DOCKET NO. DR02-26
ORDER DENYING COUNTY OF MAUI’S
NOTICE OF EXCEPTIONS TO, AND
REQUEST FOR CORRECTION OF,
LAND USE COMMISSION’S ORDER
REGARDING WITHDRAWAL OF
PETITION FOR A DECLARATORY
ORDER

ORDER DENYING COUNTY OF MAUI’S NOTICE OF EXCEPTIONS TO, AND
REQUEST FOR CORRECTION OF, LAND USE COMMISSION’S ORDER
REGARDING WITHDRAWAL OF PETITION FOR ADECLARATORY ORDER

On July 9, 2003, the County of Maui (“Movant”) filed a Notice Of
Exceptions To, And Request For Correction Of, Land Use Commission’s Order
Regarding Withdrawal Of Petition For A Declaratory Order (“Request”).

On July 17, 2003, Kuleana Ku’ikahi, LLC (“Petitioner”) filed a Position
Statement Regarding County of Maui’s Notice Of Exceptions To, And Request For
Correction Of, Land Use Commission’s Order Regarding Withdrawal Of Petition For A
Declaratory Order.

On July 18, 2003, Makila Land Company, LLC; Kaua‘ula Land Company,
LLC; and Launiupoko Associates, LLC (collectively “Intervenors”), filed a Position

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1 The Order Regarding Withdrawal Of Petition For A Declaratory Order was issued on July 2, 2003.
Statement Regarding County of Maui's Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order.

The Land Use Commission ("Commission") considered the Movant's Request at its meeting on August 7, 2003, in Honolulu, Hawai'i. Jane E. Lovell, Esq., appeared on behalf of the Movant; James Richard McCarty, Esq., appeared on behalf of Petitioner; Benjamin A. Kudo, Esq., appeared on behalf of the Intervenors; and John W. K. Chang, Esq., appeared on behalf of the Office of Planning.

At the meeting, the Commission noted that neither chapter 91, Hawaii Revised Statutes ("HRS"), nor chapter 92, HRS, provided Movant with the right to file exceptions to this Commission's decision in this matter.

Thereafter, a motion was made and seconded to deny the Movant's Request. Following discussion by the Commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

ORDER

Having duly considered the Movant's Request, the arguments presented by the parties, and a motion having been made at a meeting conducted on August 7, 2003, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, Hawai'i Administrative Rules, and there being good cause
for the motion, this Commission ORDERS that Movant's Request be and is hereby
DENIED.

Dated: Honolulu, Hawaiʻi, _____ AUG 28 2003 _________.

LAND USE COMMISSION
STATE OF HAWAIʻI

By P. ROY CATALANI
Vice Chair and Commissioner

APPROVED AS TO FORM:

Deputy Attorney General

Filed and effective on

_________ AUG 28 2003 _________, 2003

Certified by:

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

In The Matter Of The Petition Of ) DOCKET NO. DR02-26
KULEANA KU'IKAH, LLC ) CERTIFICATE OF SERVICE

For A Declaratory Order Declaring That )
Subdivision And Development Of )
Approximately 4,500 Acres Of Land In )
An Agricultural District Requires A )
District Boundary Amendment )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying County Of Maui's Notice Of Exceptions To, And Request For Correction Of, Land Use Commission's Order Regarding Withdrawal Of Petition For A Declaratory Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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[Signature]

ANTHONY L. CHING
Executive Officer