

OFFICE OF PLANNING

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LAND USE COMMISSION
STATE OF HAWAII

2012 OCT 29 P 1:47

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

In the Matter of the Petition of)	DOCKET NO. A94-706
)	
KAONOULU RANCH)	OFFICE OF PLANNING'S RESPONSE
)	TO INTERVENOR'S PRE-HEARING
To Amend the Agricultural Land Use)	MOTION ON BURDEN OF PROOF,
District Boundary into the Urban Land Use)	ETC.; CERTIFICATE OF SERVICE
District for approximately 88 acres at)	
Kaonoulu, Makawao-Wailuku, Island of)	
Maui, Hawai'i, TMKs: 2-2-02: por. Of 15)	
and 3-9-01: 16)	

**OFFICE OF PLANNING'S RESPONSE TO INTERVENOR'S PRE-HEARING MOTION
ON BURDEN OF PROOF, ETC.**

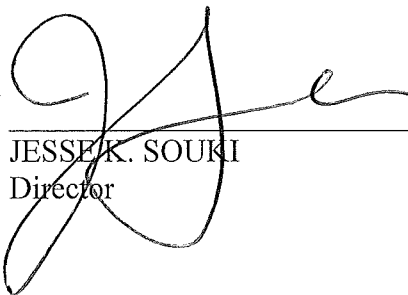
The OFFICE OF PLANNING, STATE OF HAWAI'I ("OP") agrees that the burden of proof is upon Petitioner to demonstrate by a preponderance of the evidence that it has performed according to the conditions imposed and the representations or commitments made by Kaono'ulu Ranch in this case. Pursuant to HAR §15-15-93(B), the Land Use Commission has issued and served the subject order to show cause upon the Petitioners bound by the conditions, representations, or commitments of the subject 1995 decision and order. It is now Petitioners' burden to show why the property should not revert to its former land use classification or be changed to a more appropriate classification.

Intervenor's specific request is for a ruling as to the "burden of proof, as well as the burden of producing evidence, as well as the burden of persuasion." Intervenor does not clarify how these terms differ under the circumstances of this case.

Accordingly, OP reserves the right to object to particular language which may be proposed in any Decision and Order on this matter.

DATED: Honolulu, Hawai'i, this 29th day of October, 2012.

OFFICE OF PLANNING
STATE OF HAWAI'I



JESSE K. SOUKI
Director

Docket No. A94-706

CERTIFICATE OF SERVICE

LAND USE COMMISSION
STATE OF HAWAII

2012 OCT 29 P 1:47

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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DATED: Honolulu, Hawai'i, this 29th day of October, 2012.



JESSE K. SOUKI
Director
Office of Planning