

**OFFICE OF PLANNING**

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

2012 OCT 31 P 1:02  
LAND USE COMMISSION  
STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A94-706
	)	
KAONOULU RANCH	)	OFFICE OF PLANNING'S RESPONSE
	)	IN OPPOSITION TO DEPARTMENT OF
To Amend the Agricultural Land Use	)	PLANNING, COUNTY OF MAUI'S
District Boundary into the Urban Land Use	)	MOTION TO EXCLUDE FURTHER
District for approximately 88 acres at	)	PUBLIC TESTIMONY; CERTIFICATE
Kaonoulu, Makawao-Wailuku, Island of	)	OF SERVICE
Maui, Hawai'i, TMKs: 2-2-02: por. Of 15	)	
and 3-9-01: 16	)	

**OFFICE OF PLANNING'S RESPONSE IN OPPOSITION TO DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE FURTHER PUBLIC TESTIMONY**

The OFFICE OF PLANNING, STATE OF HAWAI'I ("OP"), opposes the County of Maui Department of Planning's Motion to exclude further public testimony. The County of Maui Department of Planning's Motion indicates that the Land Use Commission has heard extensive public testimony on August 24, 2012, "in which a broad spectrum of viewpoints were expressed, both in favor of, and against, the proposed project." However, we note that at the August 24, 2012 public hearing, Vice Chair Heller specifically restricted testimony to the "matter of whether or not to grant the present Motion for Hearing on an Order to Show Cause..." (Tr. 8/24/12 at 11:14-17). Vice Chair Heller further explained that, "If this motion is granted, a full evidentiary hearing will be scheduled. And there will be an opportunity at that

time, including a public opportunity, to present testimony regarding the Order to Show Cause.”

(Tr. 8/24/12 at 12:2-6)

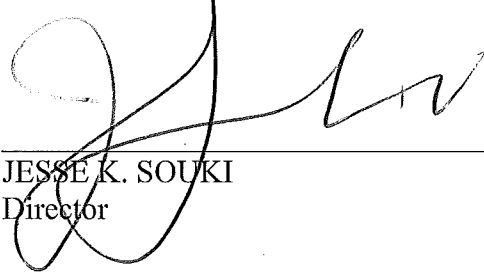
Furthermore, in accordance with Hawaii Administrative Rules, §15-15-58 (b):

“Together with other witnesses that the commission may desire to hear at the hearing, the commission shall also allow a representative of a citizen or community group to testify, who indicates a desire to express the views of those citizen or community group concerning the proposed boundary change.”

The Commission routinely allows public testimony as a general practice at all public hearings, and to do otherwise would be contrary to the public’s expectation to express their viewpoints on Land Use Commission matters.

DATED: Honolulu, Hawai‘i, this 31th day of October, 2012.

OFFICE OF PLANNING  
STATE OF HAWAI‘I



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JESSE K. SOUKI  
Director

Docket No. A94-706

**CERTIFICATE OF SERVICE**

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.

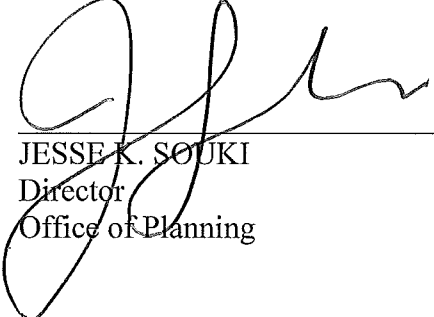
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DATED: Honolulu, Hawai'i, this 31th day of October, 2012.

  
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JESSE K. SOUKI  
Director  
Office of Planning