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ATTORNEYS FOR PETITIONER
MAUI OCEANVIEW LP

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

IN THE MATTER OF THE PETITION OF

MAUI LAND & PINEAPPLE COMPANY,
INC., a Hawaii corporation,

TO AMEND THE AGRICULTURAL
DISTRICT BOUNDARY INTO THE
URBAN LAND USE DISTRICT FOR
APPROXIMATELY 310.440 ACRES OF
LAND AT MAHINAHINA AND KAHANA,
DISTRICT OF LAHAINA, MAUI, HAWAII,
TAX MAP KEY NO. 4-3-01; POR. 31 AND
79

DOCKET NO. A04-751

FIFTH SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
MOTION OF PETITIONER MAUI
OCEANVIEW LP TO AMEND DECISION
AND ORDER; EXHIBIT O-2;
CERTIFICATE OF SERVICE

FIFTH SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
MOTION OF PETITIONER MAUI OCEANVIEW LP
TO AMEND DECISION AND ORDER


MAUI OCEANVIEW LP, Successor Petitioner (“Petitioner”) to Maui Land & Pineapple Company, Inc. in the above-captioned docket, by and through its attorneys, moved the LAND USE COMMISSION of the State of Hawaii (the “Commission”) to amend the decision and order of June 22, 2006 (“2006 D&O”) pursuant to Hawaii Administrative Rules §§15-15-70 and 15-15-94.

On July 24, 2019, July 29, 2019, and July 31, 2019, the Land Use Commission (LUC) staff wrote to Petitioner, provided comments, and requested additional information. Petitioner, through counsel, responded by letter on July 29, 2019 (Exhibit U) and August 19, 2019 (Exhibit V) to the LUC staff.¹ A revised proposed amended Decision and Order (Exhibit R-2) was attached to the FOURTH SUPP. MEMO. IN SUPPORT OF MOT. PETITIONER MAUI OCEANVIEW LP TO AMEND DECISION AND ORDER. In further response to the LUC staff, attached here as Exhibit O-2 is CBRE's MARKET STUDY, ECONOMIC IMPACT ANALYSIS, AND PUBLIC FISCAL ASSESSMENT OF THE PROPOSED 100 OHANA UNITS WITHIN THE PULELEHUA MIXED USE PROJECT.

CONCLUSION

Maui Oceanview LP requests the relief requested in its filings.

DATED: Wailuku, Maui, Hawaii, _____.



GILBERT S.C. KEITH-AGARAN
DAVID M. JORGENSEN

Attorneys for Petitioner MAUI OCEANVIEW LP

¹ The two letters and attachments were included in the THIRD SUPP. MEMO. IN SUPPORT OF MOT. OF PETITIONER MAUI OCEANVIEW LP TO AMEND DECISION AND ORDER as Exhibits U and V, along with Exhibit M-2 (a revised Traffic Impact Analysis Report (August 13, 2019)).