

TAKITANI AGARAN JORGENSEN & WILDMAN, LLLP
GILBERT S.C. KEITH-AGARAN
DAVID M. JORGENSEN
24 NORTH CHURCH STREET, ROOM 409
WAILUKU, MAUI, HAWAII 96793
TEL. (808) 242-4049
FAX. (808) 244-4021
EMAIL: GKeithAgaran@gmail.com

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

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

FOURTH 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 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 Attached, as requested, is a revised proposed amended Decision and Order (Exhibit R-2).

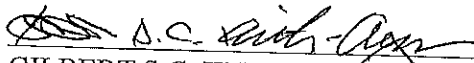
Exhibit R-2 reflects corrections and revisions reflecting discussions with various State and County agencies, the updated TIAR (Exhibit M-2) and the revised socio-economic report from CBRE (Exhibit O-1). Exhibit R-2 also includes MAUI OCEANVIEW LP proposed additional condition as requested by the Maui County Department of Public Works (SECOND SUPP. MEMO. IN SUPPORT OF MOT. OF PETITIONER MAUI OCEANVIEW LP TO AMEND DECISION AND ORDER, Exhibit H):

29. While the drainage basin owned by the Maui County Department of Public Works is included in the Project acreage covered by this Petition, the conditions set out in this order shall not be applicable to the Maui County Department of Public Works.

CONCLUSION

Maui Oceanview LP requests the relief requested.

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)).