

McCORRISTON MILLER MUKAI MacKINNON LLP

LAND USE COMMISSION
STATE OF HAWAII

RANDALL F. SAKUMOTO 4848
KELSEY S. YAMAGUCHI 10423
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawai'i 96813
Telephone: (808) 529-7300
Facsimile: (808) 524-8293

2020 JUN 26 A 10:48

BRONSTER FUJICHAKU ROBBINS
A Law Corporation

MARGER Y S. BRONSTER 4750
REX Y. FUJICHAKU 7198
1003 Bishop Street, Suite 2300
Honolulu, Hawai'i 96813
Telephone: (808) 524-5644
Facsimile: (808) 599-1881

Attorneys for Petitioners
PIILANI PROMENADE SOUTH, LLC and
PIILANI PROMENADE NORTH, LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	PETITIONERS' THIRD AMENDED
Agricultural Land Use District Boundary	)	EXHIBIT LIST TO PETITIONERS'
into the Urban Land Use District for	)	MOTION TO DISMISS THE ORDER TO
Approximately 88 acres at Kaonoulu,	)	SHOW CAUSE PROCEEDING, FILED
Makawao-Wailuku, Maui, Hawai'i; Tax	)	FEBRUARY 1, 2019; CERTIFICATE OF
Map Key Nos. (2) 2-2-02: por. 15 and 3-9-	)	SERVICE
01:16)	
	)	Evidentiary Hearing:
	)	Date: July 8, 2020
	)	Time: TBD
)	
)	
)	
)	
)	

PETITIONERS' THIRD AMENDED EXHIBIT LIST TO
 PETITIONERS' MOTION TO DISMISS THE ORDER TO
SHOW CAUSE PROCEEDING, FILED FEBRUARY 1, 2019

EXHIBIT	DESCRIPTION	PARTY OBJECTIONS	ADMIT
1	Docket No. A94-706, Findings of Fact, Conclusions of Law, and Decision and Order, dated February 10, 1995		
2	Docket No. A94-706, February 7, 2013 Transcript		
3	Declaration of Darren T. Unemori dated January 9, 2019; Exhibits "A"- "I" (Submitted with Petitioners' Memorandum in Opposition to Intervenor's Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision, Filed December 3, 2018, filed January 10, 2019 (" <i>Petitioners' MIO</i> "))		
4	Declaration of Kenneth F. Gift dated January 9, 2019; Exhibit "J" (Submitted with Petitioners' MIO)		
5	Declaration of Robert D. Poynor dated January 10, 2019; Exhibits "K"- "L" (Submitted with Petitioners' MIO)		
6	Declaration of Harry Lake dated January 31, 2019; Exhibits "A"- "B" (Submitted with Petitioners' Motion to Dismiss the Order to Show Cause Proceeding, filed February 1, 2019)		
7	Subdivision Bonds, Bond Nos. SU1102685-SU1102697		
8	Proposed site plan with Roadway Reserve Lots in redline		
9	Proposed site plan with Roadway Reserve Lots in redline and 124-foot wide East Kaonoulu Street right-of-way in blackline		
10	Photos "A" to "D" showing materials located on project site		
11	Photos "A" to "G" of community meetings held in 2018 and Land Use Commission meeting held July 11, 2018		
12	Article published in <u>The Maui News</u> , dated September 14, 2018, entitled "Community meeting planned on proposed Kihei development"		

EXHIBIT	DESCRIPTION	PARTY OBJECTIONS	ADMIT
13	Project Infrastructure and Estimated Cost		
14	Permits and Approvals to be Obtained		
15	Cover Letter dated April 23, 2013 to the Commission with enclosures: Tenth Annual Report of Kaonoulu Ranch, Eleventh Annual Report of Piilani Promenade South, LLC, Piilani Promenade North, LLC, and Honuaula Partners, LLC, Successor Petitioners of Kaonoulu Ranch, Twelfth Annual Report of Piilani Promenade South, LLC, Piilani Promenade North, LLC, and Honuaula Partners, LLC, Successor Petitioners to Kaonoulu Ranch, and Thirteenth Annual Report of Piilani Promenade South, LLC, Piilani Promenade North, LLC, and Honuaula Partners, LLC, Successor Petitioners to Kaonoulu Ranch		
16	Fourteenth Annual Report of Successor Petitioners (2009)		
17	Fifteenth Annual Report of Successor Petitioners (2010)		
18	Sixteenth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioners to Kaonoulu Ranch (2011)		
19	Seventeenth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioner to Kaonoulu Ranch (2012)		
20	Eighteenth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioner to Kaonoulu Ranch (2013)		
21	Nineteenth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioner to Kaonoulu Ranch (2014)		
22	Twentieth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioner to Kaonoulu Ranch (2015)		
23	Twenty-First Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioners to Kaonoulu Ranch (2016)		

EXHIBIT	DESCRIPTION	PARTY OBJECTIONS	ADMIT
24	Twenty-Second Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioners to Kaonoulu Ranch (2017)		
25	Traffic Impact Opinion Letter dated March 7, 2019 from Michael Packard, SSFM International		
26	Resume of Michael Packard		
27	Resume of Darren T. Unemori		
28	Resume of Tanya L. Lee-Greig		
29	Docket No. A94-706, July 19, 2017 Transcript		
30	Docket No. A94-706, July 20, 2017 Transcript		
31	Letter of Testimony from Henry Rice, President of Kaonoulu Ranch, dated July 17, 2017		
32	Final Environmental Impact Statement for Piilani Promenade, Volumes 1-5 (submitted to the Commission on June 27, 2017)		
33	PowerPoint Presentation re Piilani Promenade Final Environmental Impact Statement (received by the Commission on July 20, 2017)		
34	Twenty-Third Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioners to Kaonoulu Ranch (2018)		
35	Twenty-Fourth Annual Report of Piilani Promenade South, LLC and Piilani Promenade North, LLC, Successor Petitioners to Kaonoulu Ranch (2019)		
36	Declaration of Robert D. Poynor dated June 24, 2020; Exhibits "M"- "N"		

EXHIBIT	DESCRIPTION	PARTY OBJECTIONS	ADMIT
37	Declaration of Tanya Lee-Grieg dated June 26, 2020		
38	Letter to J. Scheuer and Land Use Commissioners from Scott Fitzgerald, CEO Sarofim Realty Advisors, dated June 24, 2020		

DATED: Honolulu, Hawai'i, June 26, 2020.



RANDALL F. SAKUMOTO
KELSEY S. YAMAGUCHI
MARGERY S. BRONSTER
REX Y. FUJICHAKU

Attorneys for PIILANI PROMENADE
SOUTH, LLC and PIILANI PROMENADE
NORTH, LLC

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

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	CERTIFICATE OF SERVICE
Agricultural Land Use District Boundary)	
into the Urban Land Use District for)	
Approximately 88 acres at Kaonoulu,)	
Makawao-Wailuku, Maui, Hawai'i; Tax)	
Map Key Nos. (2) 2-2: por. 15 and)	
3-9-01:16)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be duly served upon the following persons by electronic mail ("**EM**"), or by mailing said copy, postage prepaid, first class, in a United States post office ("**M**") or by hand delivery ("**HD**") in the manner indicated, addressed as set forth below:

DANIEL ORODENKER, Executive Officer Land Use Commission, State of Hawai'i 235 South Beretania Street Room 406, Leiopapa A Kamehameha Bldg. Honolulu, Hawai'i 96813	<i><u>daniel.e.orođenker@hawaii.gov</u></i> (HD, EM)
--	--

DAWN T. APUNA, Esq. Deputy Attorney General State of Hawai'i Department of the Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813	<i><u>Dawn.T.Apuna@hawaii.gov</u></i> (M, EM)
--	---

MARY ALICE EVANS, Director
Office of Planning, State of Hawai'i
235 South Beretania Street
Room 600, Leiopapa A Kamehameha Bldg.
Honolulu, Hawai'i 96813

(HD)

ANN CUA, Planning Supervisor
MICHELE CHOUTEAU MCLEAN,
Director
Planning Department, County of Maui
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Maui, Hawai'i 96793

Ann.Cua@co.maui.hi.us (M, EM)
Michele.McLean@co.maui.hi.us (EM)

MOANA LUTEY, Esq.,
Corporation Counsel
MICHAEL HOPPER, Esq.
KRISTIN TARNSTROM, Esq.
Department of Corporation Counsel
200 South High Street, Room 322
Wailuku, Hawai'i 96793

Moana.lutey@mauicounty.gov (M, EM)
Michael.Hopper@co.maui.hi.us (EM)

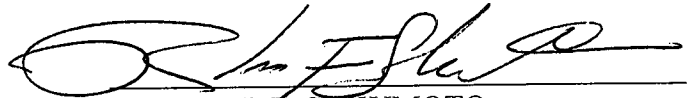
TOM PIERCE, Esq.
P.O. Box 798
Makawao, Hawai'i 96768

Tom@mauilandlaw.com (M, EM)

BENJAMIN M. MATSUBARA, Esq.
CURTIS T. TABATA, Esq.
888 Mililani Street, Suite 308
Honolulu, Hawai'i 96813

CTabata@m-klawyers.com (M, EM)

DATED: Honolulu, Hawai'i, June 26, 2020.



RANDALL F. SAKUMOTO
KELSEY S. YAMAGUCHI
MARGERY S. BRONSTER
REX Y. FUJICHAKU

Attorneys for PIILANI PROMENADE
SOUTH, LLC and PIILANI PROMENADE
NORTH, LLC