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Wailuku, HI 96793 Telephone: (808) 244-695 Facsimile: (808) 244-695				A 8.53	HAWAII		
Attorneys for Piilani Promen Piilani Promenade North, LL		nd		\$ <del>************************************</del>			
ВІ	EFORE THE LAN	ND	USE COMMISSION				
STATE OF HAWAII							
In the Matter of the Petition	of	)	DOCKET NO. A-94-706				
KAONOULU RANCH		)	PIILANI PROMENADE SOUTH				
To Amend the Agricultural I Boundary into the Urban Lar for approximately 88 acres a Makawao-Wailuku, Maui, H	nd Use District t Kaonoulu,	·					
		) ) )	HEARING: Date: November 1 and 2, 2012 Time: 9:30 a.m.				

PIILANI PROMENADE SOUTH, LLC AND PIILANI PROMENADE NORTH, LLC'S JOINDER IN DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE EVIDENCE RELATED TO THE 1998 KIHEI-MAKENA COMMUNITY PLAN AND DETERMINATION OF THE SCOPE OF REVIEW

Piilani Promenade South, LLC and Piilani Promenade North, LLC (collectively, "Piilani"), by and through their attorneys, McCorriston Miller Mukai MacKinnon LLP, hereby respectfully submit their joinder in Department of Planning, County of Maui's Motion to Exclude Evidence Related to The 1998 Kihei-Makena Community Plan and Determination of the Scope of Review ("Motion to Exclude").

Piilani agrees that the issue of whether the proposed development is consistent with the Kihei-Makena Community Plan is entirely irrelevant to this proceeding, and potentially prejudicial to Piilani. Three of the exhibits which were submitted by Piilani, Piilani Exhibits 12, 23, and 25, all address that issue at least in part, and were submitted by Piilani as potential rebuttal to anticipated evidence by Intervenors regarding the Kihei-Makena Community Plan. In the event that the Motion to Exclude is granted, then Piilani would be willing to limit testimony as to those exhibit to those portions of the letters which do not relate to the Kihei-Makena Community Plan.

Dated: Honolulu, Hawai'i, October 30, 2012.

CLIFFORD J. MILLER

JOEL D. KAM

JONATHAN H. STEINER

Attorneys for Piilani Promenade South, LLC and Piilani Promenade North, LLC

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## BEFORE THE LAND USE COMMISSION

## STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A-94-706
KAONOULU RANCH	) )	CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 88 acres at Kaonoulu, Makawao-Wailuku, Maui, Hawai'i	,))))	

## CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on this date, a true and correct copy of the foregoing document was duly served upon the following party via U.S. Mail and electronic mail, addressed as follows:

TOM PIERCE, ESQ. tom@mauilandlaw.com P.O. Box 798 Makawao, Hawai'i 96768

Bryan C. Yee <u>Bryan.C.Yee@hawaii.gov</u> Deputy Attorney General Department of the Attorney General 435 Queen Street Honolulu, Hawai'i 96813

Jesse K. Souki, Director <u>Jesse.K.Souki@dbedt.hawaii.gov</u> Office of Planning State of Hawai'i Leiopapa a Kamehameha, Room 600 235 South Beretania Street Honolulu, Hawai'i 96813

William Spence, Director William.Spence@co.maui.hi.us County of Maui, Office of Planning 250 S. High Street Kalana Pakui Building, Suite 200 Wailuku, Hawai'i 96793 Jane Elizabeth Lovell, Esq. Jane.Lovell@co.maui.hi.us Michael Hopper, Esq. Michael.Hopper@co.maui.hi.us Corporation Counsel County of Maui 200 South High Street Kalana O Maui Building, 3<sup>rd</sup> Floor Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, October 30, 2012.

CLIFFORD J. MILLER

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