

OFFICE OF PLANNING
Leiopapa a Kamehameha, Room 600
235 S. Beretania Street
Honolulu, Hawaii 96813

LAND-USE COMMISSION
STATE OF HAWAII

2013 APR 24 A 11: 14

Telephone: (808) 587-2846
Facsimile: (808) 587-2824

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition	)	DOCKET NO. A94-706
)	
of	)	THE OFFICE OF PLANNING, STATE OF
	)	HAWAII'S JOINDER TO PIILANI
KAONOULU RANCH	)	PROMENADE SOUTH, LLC AND PIILANI
	)	PROMENADE NORTH, LLC'S
To Amend the Agricultural Land Use District	)	MEMORANDUM IN OPPOSITION TO
Boundary into the Urban Land Use District	)	INTERVENORS' MOTION TO
for approximately 88 acres at Kaonoulu,	)	CONCLUDE CONTESTED CASE AT THE
Makawao-Wailuku, Maui, Hawaii.	)	EARLIEST PRACTICABLE TIME;
)	
	)	CERTIFICATE OF SERVICE
)	
)	
)	

**THE OFFICE OF PLANNING, STATE OF HAWAII'S JOINDER TO PIILANI
PROMENADE SOUTH, LLC AND PIILANI PROMENADE NORTH, LLC'S
MEMORANDUM IN OPPOSITION TO INTERVENORS' MOTION TO
CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME**

The OFFICE OF PLANNING, STATE OF HAWAII, by and through its Director, Jesse K. Souki, hereby joins in Piilani Promenade South, LLC and Piilani Promenade North, LLC's Memorandum in Opposition to Intervenors' Motion to Conclude Contested Case at the Earliest Practicable Time.

The only question is whether the Land Use Commission (LUC) should stay the current Order to Show Cause ("OSC") hearings to give Piilani Promenade South, LLC and Piilani Promenade North, LLC ("Piilani") an opportunity to file a motion to amend. Consistent with its

earlier position, the Office of Planning (“OP”) supports Piilani’s decision to file a motion to amend, and therefore supports the request for a stay.

OP joins in the arguments raised by Piilani, and highlights one additional issue. Intervenor Maui Tomorrow Foundation, Inc., South Maui Citizens For Responsible Growth, and Daniel Kanahale (“Intervenor”) argue that OP has failed to acknowledge that the OSC proceeding is a contested case. Petitioner fails to indicate the relevance of this “admission” to whether the LUC can use its procedural discretion in matters before it. Furthermore, there is no disadvantage to the parties if a stay is granted. In this case, the petition area has not been developed and will not be developed prior to the decision on the motion to amend, which is anticipated to be filed by the end of the year. OP advocates for compliance with HRS chapter 205. Piilani’s procedural request is consistent with the intent of the law, since it will allow the LUC to consider the changed project. To continue with the OSC at this juncture would be punitive and not serve the intent and purpose of HRS chapter 205, which is to “preserve, protect and encourage the development of lands in the state for those uses to which they are best suited for the public welfare[.]” See L. 1961, c 187, §1.

DATED: Honolulu, Hawaii, April 24, 2013.

OFFICE OF PLANNING
STATE OF HAWAII



JESSE K. SOUKI
Director

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
) DOCKET NO. A94-706
)
 of) CERTIFICATE OF SERVICE
)
 KAONOULU RANCH)
)
 To Amend the Agricultural Land Use District)
 Boundary into the Urban Land Use District)
 for approximately 88 acres at Kaonoulu,)
 Makawao-Wailuku, Maui, Hawaii.)
)

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of **THE OFFICE OF PLANNING, STATE OF HAWAII'S JOINDER TO PIILANI PROMENADE SOUTH, LLC AND PIILANI PROMENADE NORTH, LLC'S MEMORANDUM IN OPPOSITION TO INTERVENORS' MOTION TO CONCLUDE CONTESTED CASE AT THE EARLIEST PRACTICABLE TIME**, was made by hand-delivery or by depositing the same with the U. S. mail, postage prepaid, on April 24, 2013, addressed to:

TOM PIERCE, ESQ.
P. O. Box 798
Makawao, Hawaii 96768
Attorney for MAUI TOMORROW FOUNDATION,
INC., SOUTH MAUI CITIZENS FOR RESPONSIBLE
GROWTH and DANIEL KANAHELE

JONATHAN H. STEINER, ESQ.
JOEL D. KAM, ESQ.
McCorrison Miller Mukai MacKinnon LLP
500 Ala Moana Boulevard
Five Waterfront Plaza, 4th Flr.
Honolulu, Hawaii 96813

and

JOHN S. RAPACZ, ESQ.
P. O. Box 2776
Wailuku, HI 96793
Attorneys for Piilani Promenade South, LLC
And Piilani Promenade North, LLC

WILLIAM SPENCE, Director
County of Maui, Planning Department
250 South High Street
Kalana Pakui Bldg., #200
Wailuku, Hawaii 96793

JANE E. LOVELL, ESQ.
Corporation Counsel
County of Maui
200 South High Street
Kalana O Maui Bldg., 3rd Flr.
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, April 24, 2013.



JESSE K. SOUKI, Director
Office of Planning