

Subsequently, the Original Petitioner conveyed both parcels to Kehalani Holding Company, Inc. and Kehalani Mauka, LLC. In 2013, Kehalani Holding and Kehalani Mauka conveyed the Kehalani Parcel to RCFC Kehalani, LLC and the Piihana Parcel to RCFC Piihana, LLC.

Through several transactions from 2017 to 2019, RCFC Piihana conveyed the entire Piihana Parcel, approximately 79 acres, to Petitioner Wailuku Plantation. Since then, Petitioner Wailuku Plantation has sold portions of the Piihana Parcel, a total of approximately 4 acres, to different landowners. These are the additional Petitioners listed in the current Motion for Bifurcation (Petitioners' Memorandum in Support of Motion, pg. 7). Petitioner Wailuku Plantation currently owns approximately 75 acres of the Piihana Parcel.

Petitioners' Motion

The Petitioners ask that the LUC: 1. Order the substitution of the Original Petitioner with the Petitioners and recognize the new fee owners of the Piihana Parcel as formal parties in this Docket; and 2. To bifurcate the Docket and issue a new docket number for the Piihana Parcel.

Recommendation

OP believes that change in ownership of the Piihana Parcel constitutes good cause for the substitution of the Original Petitioner with the Petitioners pursuant to HAR § 15-15-71. OP also believes that bifurcation of LUC Docket No. A89-642 into two separate dockets is appropriate given: 1. The owners of the Kehalani Parcel and the Piihana Parcel, respectively, have no affiliation and do not have related plans of development; 2. The two parcels are not geographically contiguous and are in significantly different stages of development; and 3. Both parcels will continue to be subject to the conditions of the 1990 D&O with the exception of Condition No. 9¹ that pertains exclusively to the Piihana Parcel. Bifurcation of the Docket into two separate dockets would allow for the just and efficient determination of every proceeding under HAR § 15-15-01.

¹ "9. Petitioner shall perform further subsurface testing of the Piihana Project District to the satisfaction of the State Historic Preservation Office. Petitioner shall also submit a mitigation plan to the State Historic Preservation Office for review and approval.

Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the Project's development."

Therefore, OP recommends that the LUC approve Petitioners' Motion for Order Bifurcating
Docket No. A89-642.

DATED: Honolulu, Hawaii, September 1, 2020.

OFFICE OF PLANNING
STATE OF HAWAII

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

In the Matter of the Petition of)	DOCKET NO. A89-642
)	
C BREWER PROPERTIES, INC.)	CERTIFICATE OF SERVICE
)	
To Amend the Agricultural Land Use District)	
Boundary into the Urban Land Use District for)	
approximately 626 Acres Situate at Wailuku and)	
Piihana, Maui, Hawaii, Tax Map Key Nos. (2) 3-5-)	
001:001(por.), 017(por.); (2) 3-4-007:002; (2) 3-3-)	
001:033, 039, and 016(por.); (2) 3-4-032:010, 018,)	
and 001(por.))	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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OFFICE OF PLANNING
STATE OF HAWAII

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