

**MANCINI, WELCH & GEIGER LLP**

LAND USE COMMISSION  
STATE OF HAWAII

2015 APR 23 A 8:07

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305 East Wakea Avenue, Suite 200  
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Telephone: (808) 871-8351  
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Attorneys for Petitioners

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition	)	DOCKET NO. A15-798
of:	)	
	)	AFFIDAVIT OF MAILING OF NOTICE
WAIKAPU PROPERTIES, LLC; MTP	)	OF FILING PETITION; EXHIBITS
LAND PARTNERS, LLC; WILLIAM S.	)	"1"- "3"; CERTIFICATE OF
FILIOS, Trustee of the William	)	SERVICE
S. Filios Separate Property	)	
Trust dated APRIL 3, 2000; and	)	
WAIALE 905 PARTNERS, LLC,	)	
	)	
To Amend the Agricultural Land	)	
Use District Boundaries into	)	
the Rural Land Use District for	)	
certain lands situate at	)	
Waikapu, District of Wailuku,	)	
Island and County of Maui,	)	
State of Hawaii, consisting of	)	
92.394 acres and 57.454 acres,	)	
bearing Tax Map Key No. (2) 3-	)	
6-004:003 (por) and to Amend	)	
the Agricultural Land Use	)	
District Boundaries into the	)	
Urban Land Use District for	)	
certain lands situate at	)	
Waikapu, District of Wailuku,	)	
Island and County of Maui,	)	
State of Hawaii, consisting of	)	
236.326 acres, 53.775 acres,	)	
and 45.054 acres, bearing Tax	)	
Map Key No. (2) 3-6-002:003	)	
(por), (2) 3-6-004:006 and (2)	)	
3-6-005:007 (por).	)	

AFFIDAVIT OF MAILING OF NOTICE OF FILING PETITION

STATE OF HAWAI'I        )  
                                  )  SS.:  
COUNTY OF MAUI        )

JAMES W. GEIGER, being first duly sworn on oath,  
deposes and says:

1. My name is James W. Geiger. I am over the age of 21 and am competent to make this affidavit. I have personal knowledge of the facts contained in this affidavit which are true and correct.

2. I am an attorney for Petitioners in the above-captioned matter to amend land use district boundaries.

3. Pursuant to the provisions of Hawaii Administrative Rule § 15-15-97(b)(3), copies of the Notice of Filing Petition were served upon the Director of the Office of Planning, the Planning Department of the County of Maui, persons on the state-wide mailing list provided by the staff at the State of Hawaii Land Use Commission, and persons on the Maui mailing list provided by the State of Hawaii Land Use Commission.

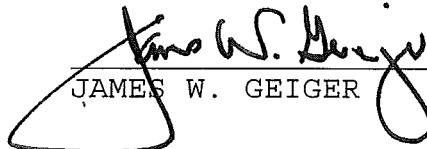
4. A true and correct copy of the Notice of Filing Petition served on those persons is attached hereto as Exhibit "1."

5. A true and correct copy of the state-wide mailing list provided by the State of Hawaii Land Use Commission is attached hereto as Exhibit "2."

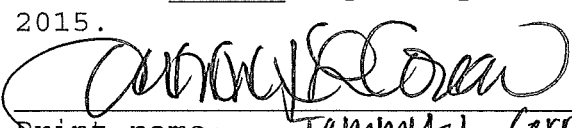
6. A true and correct copy of the Maui mailing list provided by the State of Hawaii Land Use Commission is attached hereto as Exhibit "3."

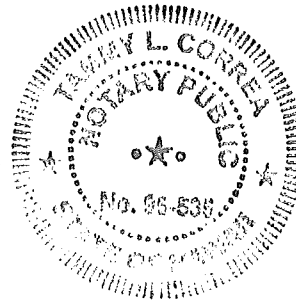
7. Service was effected by depositing the Notice of Filing Petition in the U.S. Mail, postage prepaid, first class.

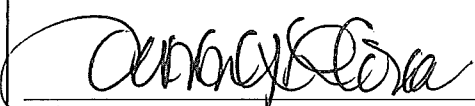
FURTHER AFFIANT SAYETH NAUGHT.

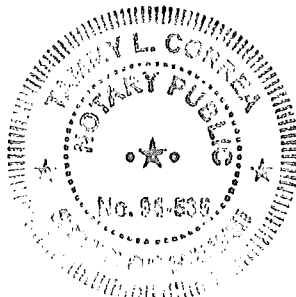
  
JAMES W. GEIGER

Subscribed and sworn to before me this 21<sup>st</sup> day of April, 2015.

  
Print name: Tammy L. Correa  
Notary Public, State of Hawaii  
My commission expires: 9/20/2016



Doc. Date: <u>April 21, 2015</u>	Pages: <u>16</u>
Name: <u>Tammy L. Correa</u>	Second Circuit
Doc. Description: <u>Affidavit of Mailing of Notice of Filing Petition</u>	
 Notary Signature	<u>4/21/15</u> Date
NOTARY CERTIFICATION	



NOTICE OF FILING PETITION

This is notice that a petition to amend the State Land Use District Boundaries has been submitted to the State Land Use Commission ("Commission"):

Docket No. A15-798:

**Petitioners/Addresses:**

Waikapu Properties, LLC  
MTP Land Partners, LLC  
William S. Filios Separate Property  
Trust dated April 3, 2000  
Waiale 905 Partners, LLC  
1670 Honoapiilani Hwy.  
Wailuku, Hawaii 96793

**Landowners/ Addresses:**

Waikapu Properties, LLC  
MTP Land Partners, LLC  
William S. Filios Separate Property  
Trust dated April 3, 2000  
Waiale 905 Partners, LLC  
1670 Honoapiilani Hwy.  
Wailuku, Hawaii 96793

**Tax Map Keys:**

(2) 3-6-002:003 (por.), 3-6-004:003  
(por.) and 6, and 3-6-005:007 (por.)

**Location:**

Waikapu, Maui, Hawaii

**Proposed Reclassification:**

Agricultural to Urban  
Agricultural to Rural

**Acreage:**

335.155 acres to Urban  
149.848 acres to Rural

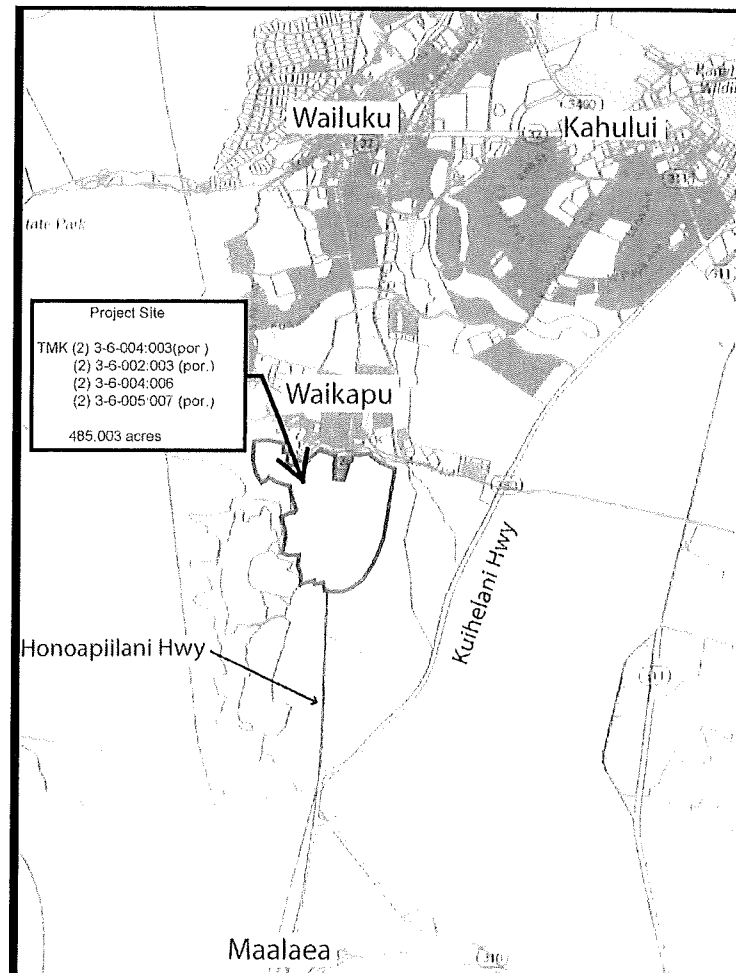
**Proposed Use:**

A master planned community in Central Maui providing the urban character of a traditional small town with a mix of single-family, multi-family and rural residences, park land, open space, commercial uses, elementary school, and integrated agricultural uses on 485.003 acres that surround the Maui Tropical Plantation.

Mondays through Fridays. Detailed information regarding the Petition may also be reviewed at the Maui Planning Department located at 250 S. High Street, Wailuku, Hawaii. Office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday.

A hearing on the Petition will be scheduled at a future date. If you are interested in participating in the hearing as a public witness, please write the Commission at P. O. Box 2359, Honolulu, Hawaii 96804-2359 or call the Commission office at (808) 587-3822.

If you intend to participate in the hearing as an intervenor, pursuant to Hawaii Administrative Rule § 15-15-52(b), you should file a Notice Intent to Intervene with the Commission within 30 days of this notice. Please contact the Commission office for further information.



You may review detailed information regarding the Petition at the Commission office which is located at 235 S. Beretania Street, Room 406, Honolulu, Hawaii, or on the Commission's website at <http://Luc.hawaii.gov> under the Pending Dockets tab. Office hours are from 7:45 a.m. to 4:30 p.m.,

**EXHIBIT "I"**

UH Director of Capital Improvements  
1960 East West Road, Rm B102  
Honolulu, Hawaii 96822

Anthony J.H. Ching  
State of Hawaii  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813

**STATEWIDE MAILING LIST**  
**Last Updated: 3/3/15**

Earth Justice Legal Defense Fund  
850 Richards St. Suite 400  
Honolulu HI 96813

Mr. Perry Artates  
Hawaii Operating Engineers  
95 Lono Avenue, Suite 104  
Kahului HI 96732-1610

Ashford & Wriston Library  
P. O. Box 131  
Honolulu HI 96810

Associated Press  
500 Ala Moana Boulevard, Suite 7-590  
Honolulu, Hawaii 96813

Jennifer Darrah  
102 Prospect Street  
Honolulu HI 96813

Mr. Ikuto Taketa  
c/o Hawaii Irrigation & Supply  
803 Mapunapuna Street  
Honolulu HI 96819

Michael J. Belles, Esq.  
Belles Graham Proudfoot & Wilson  
4334 Rice Street, Suite 202  
Lihue HI 96766

Gene Zarro  
22 Ulunui Place  
Pukalani, HI 96768

Beryl Leolani Bailey Blaich,  
P. O. Box 1434  
Kilauea HI 96754

Mr. James Garrigan  
P O Box 3143  
Kailua-Kona, Hawaii 96745

Mr. Kenneth Okamura  
641 Polipoli Road  
Kula, Hawaii 96790

James S. Greenwell  
Lanihau Properties LLC  
P.O. Box 9032  
Kailua-Kona, HI 96745

Patrick Borge, Sr.  
536 Haawina Street  
Paia, Hawaii 96779-9609

P. Roy Catalani  
Young Brothers, Ltd.  
Pier 40 – P. O. Box 3288  
Honolulu, HI 96801

Building Industry Association of Hawaii  
P.O. Box 970967  
Waipahu, HI 96797

Kika Bukoski  
Hawaii Building and Construction  
Trade Council  
735 Bishop Street, Suite 412  
Honolulu HI 96813

Roy A. Vitousek III  
Cades Schutte LLP  
75-170 Hualalai Road, Suite B-303  
Kaulua-Kona HI 96740

Ms. Phyllis Cayan  
99-060 Kauhale St, Apt. 607  
Aiea HI 96701

Mr. Charles Trembath  
4152 Palaumahu  
Lihue HI 96766

Surety Kohala Corporation  
P. O. Box 249  
Hawi HI 96719

Mr. Bruce Tsuchida  
Townscape  
900 Fort Street Mall, #1160  
Honolulu HI 96813

Ms. Meredith J. Ching  
Alexander & Baldwin, Inc.  
P. O. Box 3440  
Honolulu HI 96801

Council Services Administration  
Kauai County Council  
4396 Rice St. Suite 209  
Lihue, HI 96766

Ms. K. Chun  
P. O. Box 3705  
Honolulu HI 96811

City Desk Clerk-Public Hearings  
Honolulu Star Advertiser  
500 Ala Moana Boulevard, Unit 210  
Honolulu, Hawaii 96813-4914

Ms. Eleanor Mirikitani  
c/o Waikoloa Land Co.  
150 Waikoloa Beach Drive  
Waikoloa HI 96738

Mr. David Penn  
P. O. Box 62072  
Honolulu HI 96839

Castle & Cooke Hawaii  
Dole Office Building Suite 510  
680 Iwilei Road  
Honolulu, HI 96817

Honglong Li  
1001 Bishop Street, Suite 2400  
American Savings Bank Tower  
Honolulu, HI 96813

Alan Kaufman, DVM  
P O Box 297  
Kula, HI 96790

Karen Piltz  
Chun Kerr Dodd Beaman & Wong  
745 Fort Street, 9<sup>th</sup> Floor  
Honolulu, HI 96813

Mr. David Rae  
The Estate of James Campbell  
1001 Kamokila Boulevard  
Kapolei HI 96707

United States Marine Corps  
Commander, Marine Forces Pacific  
Attn: G4. Box 64118  
Camp H.M. Smith, Hawaii 96861-4118

Representative Cindy Evans  
7<sup>th</sup> District  
State Capitol, Room 311  
Honolulu, Hawaii 96813

U.S. Fish and Wildlife Service  
300 Ala Moana Blvd., Rm. 3-122  
Honolulu HI 96850

Department of the Army  
Directorate of Public Works  
Attn: Planning Division  
Schofield Barracks, Hawaii 96857-5013

Mr. Albert K. Fukushima  
1841 Palamoi Street  
Pearl City HI 96782

Mr. Michael A. Dahilig, Director  
Planning Department - Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

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P. O. Box 2902  
Honolulu HI 96802

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Suite 1350  
1003 Bishop Street  
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Ms. Esther Ueda  
98-1784-B Kaahumanu Street  
Pearl City HI 96782

Real Property Division  
County of Kauai  
4444 Rice Street  
Lihue HI 96766

Mr. Randy Hara  
C&C Department of Planning & Permitting  
650 South King Street  
Honolulu HI 96813

Hawaii's Thousand Friends  
300 Kuulei Rd. Unit A, #281  
Kailua HI 96734

Jacqui Hoover, President  
Hawaii Leeward Planning Conference  
P. O. Box 2159  
Kamuela HI 96743

Mr. Gordon Pang  
Honolulu Star Advertiser  
500 Ala Moana Blvd # 7-500  
Honolulu, HI 96813

The Pele Defense Fund  
P. O. Box 4969  
Hilo HI 96720

Jan Higa & Company LLC  
1670 Makaloa #204, PMB 183  
Honolulu, Hawaii 96814

Department of the Navy  
Commander in Chief, U.S. Pacific Fleet  
Commander in Chief  
250 Makalapa Drive  
Pearl Harbor, HI 96860-3131

U.S. Pacific Command  
Commander in Chief  
Box 64028  
Camp H.M. Smith, Hawaii 96861-4028

Commander  
Navy Region Hawaii  
850 Ticonderoga Street, Suite 110  
Pearl Harbor HI 96860-5101

Lawrence Ing, Esq.  
Ing, Horikawa & Jorgensen  
2145 Wells Street, Suite 204  
Wailuku, Hawaii 96793-2222

Office of the Governor – Kaua'i  
3060 Eiwa Street, #106,  
Lihue 96766

Ms. Sara Collins  
DLNR - Historical Preservation Division  
601 Kamokila Blvd., Room 555  
Kapolei HI 96707

Walter Mensching  
RSS Ltd.  
1658 Liholiho Street, Suite 306  
Honolulu, Hawaii 96822

Mr. Alexander C. Kinzler  
1100 Alakea Street Ste. 2900  
Honolulu, HI 96813-2833

Schlack Ito-attn: Adrienne Elkind  
Topa Financial Center  
745 Fort Street, Suite 1500  
Honolulu, HI 96813

Jill K. Veles, Legal Assistant  
Oshima, Chun, Fong & Chung  
841 Bishop Street, #400  
Honolulu HI 96813

Isaac Fiesta  
ILWU Local 142 - Hawaii Division  
100 W. Lanikaula Street  
Hilo, HI 96720

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2500 Aha Aina Place  
Honolulu HI 96821

Collette M.Sakoda  
Environmental Planning Solutions LLC  
945 Makaiwa Street  
Honolulu, HI 96816

PBR Hawaii  
1719 Haleloki Street  
Hilo, HI 96720

Verizon Hawaii, Inc.  
Attn: Real Property Section  
P O Box 2200  
Honolulu, HI 96841

Lynn Peters  
P.O. Box 11960  
Honolulu, HI 96828-0960

Cheryl Izuka, Senior Title Officer  
Title Guaranty of Hawaii, Inc.  
235 Queen Street  
Honolulu, Hawaii 96813

Attn.: Ms. Wanda Wehr  
KITV News 4  
801 S. King Street  
Honolulu HI 96813

West Hawaii Today  
Attn: Reed Flickinger  
P. O. Box 789  
Kailua-Kona HI 96745-0789

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R.M. Towill Corporation  
2024 North King Street, Suite 200  
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Life of the Land  
P.O. Box 37158  
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McCorriston Miller Mukai MacKinnon  
P. O. Box 2800  
Honolulu HI 96803-2800

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County of Hawaii, Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

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City and County of Honolulu  
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County of Hawaii  
101 Aupuni Street, Suite 4  
Hilo, HI 96720-4224

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Honolulu HI 96820-1069

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National Resources Conservation Svc.  
Attn: Chris Smith  
P. O. Box 50004  
Honolulu HI 96850

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Dept. of Education/Facilities & Support Svcs  
Kalani High School  
4680 Kalaniana'ole Hwy #TB1A  
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Honolulu HI 96850

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P. O. Box 816  
Kaneohe HI 96744-0816

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Honolulu HI 96810

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He'e'ia Historical Society  
46-522 Haiku Plantations Drive  
Kaneohe HI 96744

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PBR Hawaii  
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1001 Bishop Street  
Honolulu HI 96813

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Hawaii Capitol Room 202  
415 South Beretania Street  
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Planning Department - County of Maui  
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Real Property Tax Division  
Department of Finance - County of Hawaii  
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Mr. Richard Poirier  
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Mililani HI 96789

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Lihue HI 96766



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Office of Planning  
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Honolulu HI 96804-2359

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Honolulu, HI 97817

Sierra Club, Hawai'i Chapter  
P. O. Box 2577  
Honolulu HI 96803

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Laura Kodama  
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John White  
Executive Director  
The Pacific Resource Partnership  
1100 Alakea St. 4<sup>th</sup> Floor  
Honolulu, HI 96813:

Irene Anzai  
Rush Moore LLP  
737 Bishop Street, Suite 2400  
Honolulu, HI 96813

Stanford S. Carr, President  
Stanford Carr Development LLC  
1100 Alakea Street, 27th Floor  
Honolulu, HI 96813

Bill Mills, Chairman  
The Mills Group  
1100 Alakea Street, Suite 2200  
Honolulu, HI 96813

DOT Highways / Hawaii District Office  
Engineer Program Manager  
50 Makaala Street  
Hilo, HI 96720

Law Offices of Kyong-Su Im LLLC  
1608 Laukahi St.  
Honolulu, Hawaii 96821

DOT Highways / Maui District Office  
Engineer Program Manager  
650 Palapala Drive  
Kahului, HI 96732

Department of Transportation  
Highways Division  
Kauai District Office  
1720 Haleukana Street  
Lihue, Hawaii 96766

Michael Levine  
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Livingston, NJ 0739-6105

Curtis T. Tabata  
Matsubara - Kotake  
A Law Corporation  
888 Miilani Street, Eighth Floor  
Honolulu, Hawaii 96813

Chairman - Planning Commission  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

Emi L.M. Kaimulua, Esq.  
Watanabe Ing LLP  
999 Bishop Street, 23rd Floor  
Honolulu, HI 96813

DOT - Airports Administrator  
Inter-Island Terminal, Suite 700  
Honolulu International Airport  
400 Rodgers Blvd.  
Honolulu, HI 96819

Daryn Arai  
County of Hawaii, Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

Elaine Wender  
HC 1 Box 93  
Ha•ik•, Hawai•i 96708

Laura McIntyre, AICP  
DOH-Environmental Planning Office Mgr, Rm.  
312  
919 Ala Moana Boulevard  
Honolulu HI 96814

Department of Transportation  
Harbors Division  
79 South Nimitz Highway  
Honolulu HI 96813

Director - OEQC  
235 South Beretania St., Rm. 702  
Honolulu HI 96813

Mr. Luis P. Salaveria, Director  
DBEDT  
P. O. Box 2359  
Honolulu HI 96804-2359

Mr. Ronald F. Tsuzuki  
Highways Division, Planning Branch  
869 Punchbowl Street  
Honolulu, HI 96813

Deputy Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu HI 96813

Bryan Yee, Deputy Attorney General  
Commerce & Economic Development Div  
Department of Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813

HIARNG Environmental Office  
3949 Diamond Head Road  
Honolulu, HI 96816-4495

Scot Urada  
DOT Design Branch, Highways Division  
601 Kamokila Blvd., Room 688-A  
Kapolei HI 96707

DOT Transportation Planning Office  
869 Punchbowl Street  
Honolulu, HI 96813

Department of Land and Natural Resources  
Land Division, Coastal Lands Program  
P O Box 621  
Honolulu, HI 96809-0621

Executive Director  
HHFDC  
677 Queen Street, Suite 300  
Honolulu HI 96813

Mr. Gordon Matsuoka  
DAGS - Public Works Division  
P. O. Box 119  
Honolulu HI 96810

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CERTIFICATE OF SERVICE

I hereby certify that on the date hereof I caused a copy of the foregoing to be duly served by depositing same in the United States mail, postage prepaid, to the following at their last known address:

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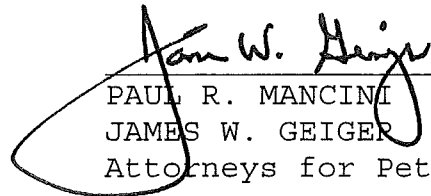
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\_\_\_\_\_  
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