

David Jenkins  
74 S. Lauhoe Place  
Lahaina HI 96761

For Board of Directors  
MAKILA PLANTATION  
HOMEOWNERS ASSOCIATION, INC.  
Tel No.: (808) 661-0672

2015 SEP 28 A 9:29

LAND USE COMMISSION  
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter of The Petition of	)	DOCKET NO. A 15-799
	)	CP 2014/0002
MAKILA LAND COMPANY, LLC	)	SUP2 2014/0006
	)	
To Amend The Agricultural Land Use District	)	MAKILA PLANTATION HOMEOWNERS
Boundaries Into The Rural Land Use District	)	ASSOCIATION, INC.'S NOTICE OF
For Approximately 231 Acres Of Land,	)	APPEARANCE AND POSITION
Consisting of Tax Map Key Nos. Nos. (2) 4-7-	)	STATEMENT CONCERNING
013:001, 002, 003, 004, 005, 006 (por.), 007	)	PETITIONER'S MOTION REQUESTING
(por.), 008 (por.), 009, 010, 011, 012, And	)	THE LAND USE COMMISSION TO BE
Into The Urban Land Use District For	)	THE ACCEPTING AUTHORITY FOR AN
Approximately 40 acres of land, consisting	)	ENVIRONMENTAL IMPACT
of Tax Key Nos. (2) 4-7-013: 006 (por.), 007	)	STATEMENT, AND REQUESTING THAT
(por.), 008 (por.) at Launiupoko, Polanui,	)	THE LAND USE COMMISSION
Lahaina, Island and County of Maui, State of	)	DETERMINE THAT THE PROPOSED
Hawai'i	)	ACTION WARRANTS THE
	)	PREPARATION OF AN
	)	ENVIRONMENTAL IMPACT
	)	STATEMENT, TO BE INITIATED WITH
	)	THE PREPARATION OF AN
	)	ENVIRONMENTAL IMPACT
	)	STATEMENT PREPARATION NOTICE;
	)	CERTIFICATE OF SERVICE
	)	
	)	

MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC.'S NOTICE OF  
APPEARANCE AND POSITION STATEMENT CONCERNING PETITIONER'S MOTION  
REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY  
FOR AN ENVIRONMENTAL IMPACT STATEMENT, AND REQUESTING THAT THE  
LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS  
THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE  
INITIATED WITH THE PREPARATION OF AN  
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

The homeowners of Makila Plantation represented by and through its Board of Directors, hereby submits its appearance before the Land Use Commission of the State of Hawaii ("LUC") and its position statement concerning

PETITIONER'S MOTION REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY FOR AN ENVIRONMENTAL IMPACT STATEMENT, AND REQUESTING THAT THE LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE INITIATED WITH THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE, filed September 11, 2015 ("Motion").

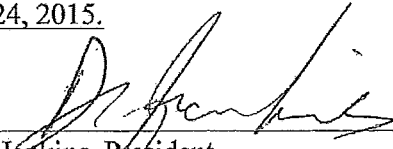
Makila HOA is an incorporated homeowners association, consisting of 73 agriculturally zoned lots adjacent to and west (mauka) of real the property which is the subject of the underlying Petition. In addition to County-wide, West Side and community concerns, the impacts of the proposed development will have immediate, first-hand and most severe consequences for the residents of the Makila HOA. Makila HOA did not receive a copy of the Motion being heard at this Sept.30 meeting until September 22, 2015. The first time that the developer presented and discussed the details of the proposed development with Makila HOA was not until September 17, nearly a week after it filed its Petition with the LUC on Sept 11. The petition for a DBA (Page 39) states that Makila Land had reached out to a number of organizations to explain their plan and had not received any written responses. In the case of Makila HOA this is clearly a materially misleading statement. With the limited time and information at present, Makila HOA submits it Notice of Appearance so that its board and, thus,

the residents adjacent to the proposed development within Makila HOA may be kept informed and included in the review and examination of the details and evidence presented to the LUC.

Makila HOA has no objection to the Motion requesting the LUC to exercise its discretion to bypass the preparation of an environmental assessment and move directly to starting the process of preparing environmental impact assessment report. Makila HOA believes it is abundantly clear that the scope of the proposed development is contrary to everything previously communicated to residents and will have a significant environmental impact, changing the character of not only the agricultural community but also the landscape and everything that interacts with it.

Respectfully submitted,

Dated: Lahaina, Maui, Hawaii, September 24, 2015.



---

David Jenkins, President  
For Board of Directors for  
MAKILA PLANTATION  
HOMEOWNERS ASSOCIATION, INC.

DEBORAH K. WRIGHT 4444  
KEITH D. KIRSCHBRAUN 4971  
DOUGLAS R. WRIGHT 9643

WRIGHT & KIRSCHBRAUN  
A Limited Liability Law Company  
1885 Main Street, Suite 108  
Wailuku, HI 96793  
Telephone: 808-244-6644  
Facsimile: 808-244-1013  
Email: firm@wkmaui.com

Attorneys for MAKILA PLANTATION  
HOMEOWNERS ASSOCIATION, INC.

2015 SEP 28 A 9: 16

LAND USE COMMISSION  
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter of The Petition of	)	DOCKET NO. A 15-799
	)	
MAKILA LAND COMPANY, LLC	)	
	)	CERTIFICATE OF SERVICE
To Amend The Agricultural Land Use District	)	
Boundaries Into The Rural Land Use District	)	
For Approximately 231 Acres Of Land,	)	
Consisting of Tax Map Key Nos. Nos. (2) 4-7-	)	
013:001, 002, 003, 004, 005, 006 (por.), 007	)	
(por.), 008 (por.), 009, 010, 011, 012, And	)	
Into The Urban Land Use District For	)	
Approximately 40 acres of land, consisting	)	
of Tax Key Nos. (2) 4-7-013: 006 (por.), 007	)	
(por.), 008 (por.) at Launiupoko, Polanui,	)	
Lahaina, Island and County of Maui, State of	)	
Hawai'i	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC.'S NOTICE OF APPEARANCE AND POSITION STATEMENT CONCERNING PETITIONER'S MOTION REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY FOR AN ENVIRONMENTAL

IMPACT STATEMENT, AND REQUESTING THAT THE LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE INITIATED WITH THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE was duly served on the following parties, at their last known addresses indicated below, by depositing a copy with the U.S. Postal Service, Wailuku Branch, postage prepaid, first class mail, on September 24, 2015:

JENNIFER A. LIM  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawai'i 96813  
Attorney for Petitioner  
MAKILA LAND CO., LLC

LEO R. ASUNCION, JR., AICP  
Acting Director  
Office of Planning  
State of Hawaii  
235 South Beretania Street, 6th Floor  
Honolulu, Hawaii 96813

BRYAN C. YEE, ESQ.  
Deputy Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813

---

RAY MCCORMICK  
Highways Administrator  
Department of Transportation  
State of Hawaii  
869 Punchbowl Street, Room 513  
Honolulu, HI 96813

WILLIAM SPENCE  
Director, County of Maui  
Department of Planning  
2200 Main St., Ste 315  
Wailuku, HI 96793

PLANNING COMMISSION  
County of Maui  
2200 Main St., Ste 315  
Wailuku, HI 96793

PATRICK K. WONG, ESQ.  
Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 S. High St. Wailuku, HI 96793

DAVID GOODE  
Director, County of Maui Department of Public Works  
200 South High St.  
Kalana O Maui Bldg 4th Fl  
Wailuku, HI 96793

PIONEER MILL COMPANY, LLC  
900 N. Michigan Avenue  
Suite 1400  
Chicago, IL 60611

MAUI ELECTRIC COMPANY, LIMITED  
c/o Phil Hauret  
Hawaiian Electric Company  
1100 ASB Tower  
1001 Bishop Street  
Honolulu, HI 96813

HAWAIIAN TELCOM, INC.  
Attn: Legal Department  
1177 Bishop Street  
Honolulu, HI 96813

---

MAHANALUA NUI HOMEOWNERS ASSOCIATION, INC.  
c/o Management Consultants of Hawaii  
727 Waivee Street  
Lahaina, HI 96761

KAUAULA LAND COMPANY LLC Attn: Glenn Tremble  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

LAUNIUPOKO ASSOCIATES, LLC &  
MAKILA RIDGE PROPERTIES LLC  
Attn: Peter Martin  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

DATED: Wailuku, Maui, Hawaii; September 24, 2015.



DEBORAH K. WRIGHT  
KEITH D. KIRSCHBRAUN  
DOUGLAS R. WRIGHT

Attorneys for MAKILA PLANTATION  
HOMEOWNERS ASSOCIATION, INC.