

MERCHANT HOROVITZ & TILLEY

PETER A. HOROVITZ 6920  
2073 Wells Street, Suite 101  
Wailuku HI 96793  
Tel. No. 808.2425700

LAND USE COMMISSION  
STATE OF HAWAII

2018 APR 12 A 8:10

Attorneys for Interested Party  
Waikapu Development Venture, LLC

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

In the Matter of the Petition of:

EMMANUEL LUTHERAN CHURCH OF  
MAUI

To Amend the Land Use District Boundary of  
Certain Lands Situated at Wailuku, Island of  
Maui, State of Hawai'i, Consisting of 25.263  
Acres from the Agriculture District to the  
Urban District, Tax Map Key No. 3-5-002:011.

DOCKET NO. A07-773

WAIKAPU DEVELOPMENT VENTURE  
LLC'S MOTION TO BE COPETITIONER, OR  
IN THE ALTERNATIVE TO BECOME A  
PARTY, OR IN THE ALTERNATIVE TO  
INTERVENE; CERTIFICATE OF SERVICE

**WAIKAPU DEVELOPMENT VENTURE LLC'S  
MOTION TO BE COPETITIONER, OR IN THE ALTERNATIVE  
TO BECOME A PARTY, OR IN THE ALTERNATIVE TO INTERVENE**

Pursuant to Hawai'i Administrative Rules 15-15-52 and 15-15-97(c)(2) WAIKAPU DEVELOPMENT VENTURE LLC ("WDV") hereby moves (1) to be a copetitioner with Emmanuel Lutheran Church of Maui ("ELC"), or in the alternative (2) to become a Party herein, or in the alternative (3) to intervene.

**STANDING AND JUSTIFICATION FOR REQUESTS**

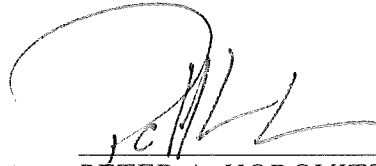
1. As set forth in ELC's MOTION FOR EXTENSION OF TIME TO COMPLETE PROJECT filed herein ("ELC's Motion") WDV is under contract to purchase a portion of ELC's land covered by the above referenced docket (the "Petition Area").

WDV intends to develop a Workforce Housing Project under Hawaii Revised Statutes (“HRS”) §201H-38 (the “WDV 201H Project”). See ELC’s Motion. Both WDV purchase of a portion of the Petition Area, and its development of its intended WDV 201H Project will be subject to future requests to the Land Use Commission under the present Docket.

2. both existing conditions set forth in the Land Use Commission’s (“LUC”) *Findings of Fact, Conclusions of Law, and Decision and Order*, filed March 7, 2008 (the “Findings”) and its decision on ELC’s Motion directly impact both how WDV proceeds with its 201H application and project, as well as its ability to purchase a portion of the Petition Area at all.
3. While ELC’s Motion is limited in scope and seeks only an extension of time to complete its project, the contemplated sale of a portion of the Petition Area to WDV, and the resultant financial benefit to ELC, provides a substantial benefit to ELC and justification for ELC’s Motion.
4. If ELC’s Motion is granted, and upon initial approval of WDV’s 201H Project by the Maui County Council, both ELC and WDV will return to the LUC for permission to, among other things, allow the sale of a portion of the Petition Area to WDV and allow WDV’s 201H Project as an allowed use within the Findings or any amendment thereto. WDV and ELC may at that point ask that the Docket be bifurcated to allow separate proceedings for ELC’s and WDV’s respective projects.
5. WDV’s participation, either as a co-petitioner or as intervenor will be helpful to the LUC at this point so that it may offer submissions, argument, and testimony helpful to the LUC as it deliberates ELC’s Motion and future actions that will come before the LUC on this Docket.

**CONCLUSION**

For the above listed reasons, WDV respectfully requests that it be recognized by the LUC as either a copetitioner, party, or intervenor herein.



---

PETER A. HOROVITZ  
Attorney for Interested Party  
**WAIKAPU DEVELOPMENT VENTURE  
LLC**

Dated: Wailuku, Hawai'i, April 9, 2018.

**BEFORE THE LAND USE COMMISSION**

**OF THE STATE OF HAWAI'I**

In the Matter of the Petition of:

EMMANUEL LUTHERAN CHURCH OF MAUI

To Amend the Land Use District Boundary of Certain Lands Situated at Wailuku, Island of Maui, State of Hawai'i, Consisting of 25.263 Acres from the Agriculture District to the Urban District, Tax Map Key No. 3-5-002:011.

DOCKET NO. A07-773

CERTIFICATE OF SERVICE

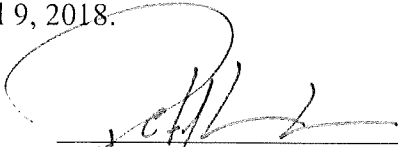
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following by the methods indicated next to their names on April 9, 2018, to their last known addresses as shown below:

Patrick Wong, Esq. Corporation Counsel County of Maui 250 South High Street Wailuku, HI 96793	[Via U.S. Mail, postage prepaid]
William Spence, Planning Director Maui Planning Department County of Maui 2200 Main Street One Main Plaza, Suite 315 Wailuku, HI 96793	[Via U.S. Mail, postage prepaid]
Dawn T. Apuna, Deputy Attorney General Office of the Attorney General State of Hawaii 425 Queen Street Honolulu, Hawaii 96813	[Via U.S. Mail, postage prepaid]
Leo Asuncion, Director Office of Planning State of Hawaii 235 South Beretania Street, 6th Floor Honolulu, HI 96813	[Via U.S. Mail, postage prepaid]

County of Maui 200 South High Street Wailuku, HI 96793	[Via U.S. Mail, postage prepaid]
Department of Public Works County of Maui 200 South High Street Wailuku, HI 96793	[Via U.S. Mail, postage prepaid]
Department of Water Supply County of Maui P.O. Box 1109 Wailuku, Hawaii 96793	[Via U.S. Mail, postage prepaid]
Ronald R. Jacintho Sr. Waiko Baseyard, LLC P.O. Box 5 Kula, Hawaii 96790	[Via U.S. Mail, postage prepaid]
Scott Nunokawa Waikapu 28 Investment, LLC P.O. Box 946 Wailuku, Hawaii 96793	[Via U.S. Mail, postage prepaid]
Susan A. Li Maui Electric Company, Limited 900 Richards Street, Room 414 Honolulu, Hawaii 96813	[Via U.S. Mail, postage prepaid]
Gwen Massiah Hawaiian Telcom, Inc., f/k/a Verizon Hawaii Inc. Legal Department 1177 Bishop Street Honolulu, Hawaii 96813	[Via U.S. Mail, postage prepaid]
Avery B. Chumbley Wailuku Water Company, LLC 255 E. Waiko Road Wailuku, Hawaii 96793	[Via U.S. Mail, postage prepaid]
Stanford S. Carr Kehalani Holdings Company, Inc. 1100 Alakea Street, Suite 27th Floor Honolulu, Hawaii 96813	[Via U.S. Mail, postage prepaid]
Lutheran Church Extension Fund - Missouri Synod 1136 Union Mall, Suite 301 Honolulu, Hawaii 96813	[Via U.S. Mail, postage prepaid]

DATED: Wailuku, Hawaii April 9, 2018.



---

PETER A. HOROVITZ

Attorneys for Interested Party  
Waikapu Development Venture, LLC