



LAND USE COMMISSION  
STATE OF HAWAII

2018 JUN 22 A 8:04

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 Land Situated at  
Wailuku, Island of Maui, State of Hawai'i,  
Consisting of 25.263 Acres from the  
Agricultural District to the Urban District,  
Tax Map Key No. (2) 3-5-002: 011

DOCKET NO. A07-773

ORDER GRANTING WAIKAPŪ  
DEVELOPMENT VENTURE LLC'S  
MOTION TO INTERVENE; AND  
CERTIFICATE OF SERVICE

**ORDER GRANTING WAIKAPŪ DEVELOPMENT VENTURE LLC'S MOTION TO**  
**INTERVENE**  
**AND**  
**CERTIFICATE OF SERVICE**

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawai'i

6/22/18 by

Executive Officer



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On January 2, 2018, Emmanuel Lutheran Church of Maui ("Petitioner") filed a notice of their intent to file a Chapter 201H, Hawai'i Revised Statutes ("HRS"), affordable housing application in cooperation with Waikapū Development Venture LLC ("WDV"), with Maui County for a 12.5-acre portion of the 25.263-acre Petition Area.

On January 10, 2018, WDV filed a Draft Application for Proposed Workforce Housing Project pursuant to Chapter 201H, HRS.

On April 12, 2018, WDV filed a timely Motion to be Copetitioner, or in the Alternative to Become a Party, or in the Alternative to Intervene ("WDV Motion") pursuant to sections 15-15-52 and 97, Hawai'i Administrative Rules ("HAR").

WDV's Motion asserts that they are under a contract to purchase a portion of Petitioner's land and intend to develop a workforce housing project there under section 201H-38, HRS. Further, that both the purchase of a portion of the Petition Area and development of its intended 201H project will be subject to future requests to amend conditions of the Findings of Fact, Conclusions of Law, and Decision and Order, filed March 7, 2008 ("D&O"). WDV believes that its participation, either as a copetitioner or as an intervener will be helpful to the Land Use Commission ("LUC") as it deliberates on motions by Petitioner and future actions that might come before the LUC on this docket.

On April 12, 2018, the State Office of Planning ("OP") filed a request for an extension to filing a response on WDV's Motion until May 1, 2018.

On April 13, 2018, the Commission sent a letter granting the extension request to OP and all other parties.

On April 19, 2018, Petitioner filed a Memorandum in Support of WDV's Motion.

On April 19, 2018, OP filed a Letter of No Opposition to WDV's Motion.

On April 26, 2018, the County of Maui Department of Planning ("County") filed a Statement of No Objection to WDV's Motion.

On May 1, 2018, the Commission mailed the meeting notice and agenda for its May 9, 2018 meeting in Kahului, Maui to all parties, and the Statewide and Maui County mailing lists.



The Commission considered the Motion to be Copetitioner, or in the Alternative to Become a Party, or in the Alternative to Intervene on May 9, 2018, in Kahului, Maui, Hawai'i. Peter Horovitz, Esq., appeared on behalf of WDV. Jennifer Lim, Esq., and Derek Simon, Esq., appeared on behalf of Petitioner. Dawn Takeuchi-Apuna, Esq., and Tomas Oberding, appeared on behalf of OP. Michael Hopper, Esq., and Tara Furukawa appeared on behalf of the Planning Department.

At the beginning of the meeting, Commissioner Lee Ohigashi disclosed that he has known Ms. Lim and her husband socially, but did not feel that his personal relationship would impact his ability to remain fair and impartial. There were no objections to Commissioner Ohigashi's participation in the proceeding. The Chair then called for public testimony. The Commission heard public testimony in support of Petitioner's project from Stephen Kealoha and Thelma Akita Kealoha.

Following the receipt of public testimony, Mr. Horovitz provided a presentation on WDV's Motion describing the reasons why he believed WDV should be granted a formal role in the current and future proceedings on this docket; and, expressed no preference for its role other than being a party. The Commission then heard oral arguments from Petitioner, the Planning Department, and OP on WDV's Motion.

Following discussion, a motion was made and seconded to grant movant WDV intervener status in the district boundary amendment proceeding.

There being a vote tally of 7 ayes, 0 nays, and 1 excused<sup>1</sup>, the motion carried.

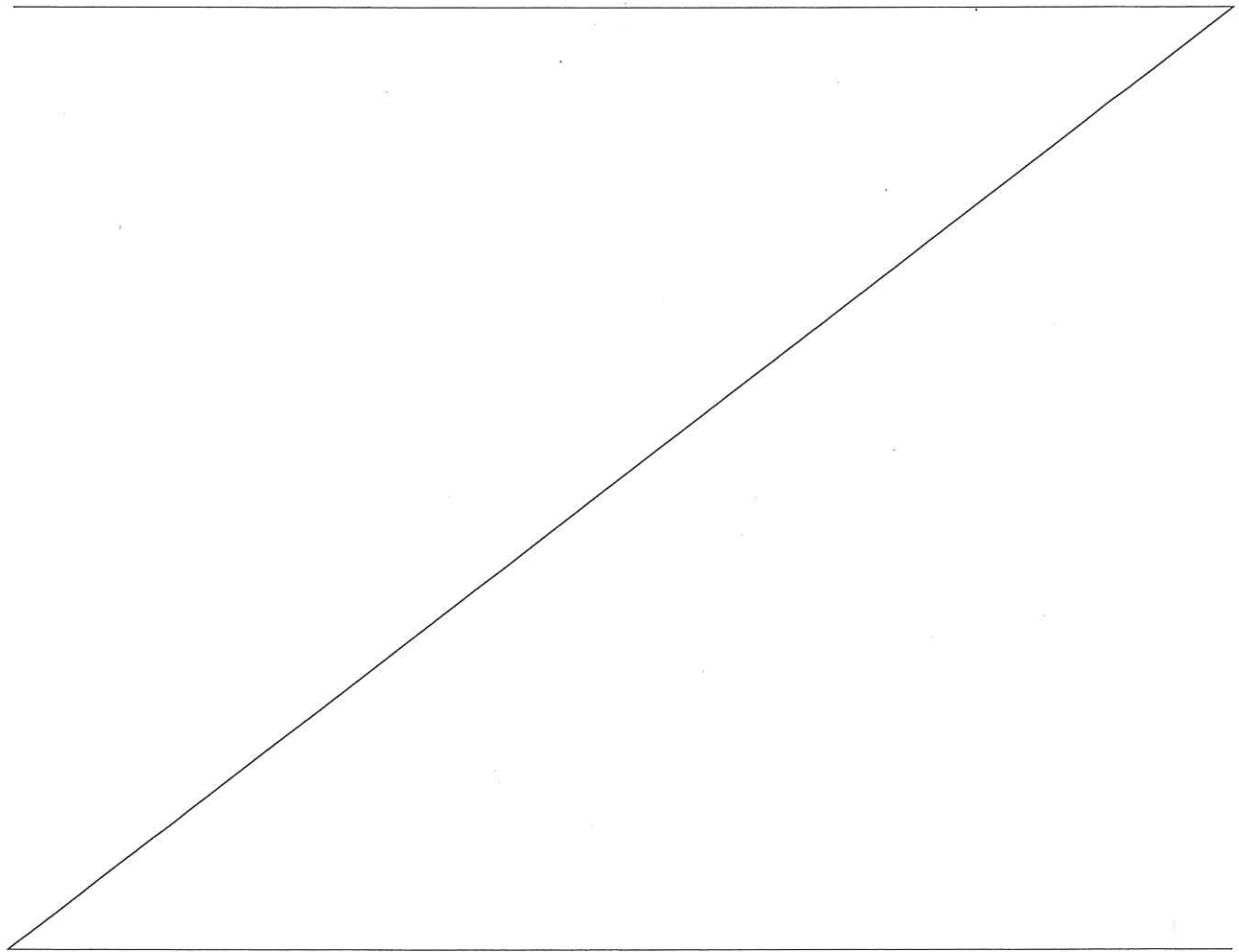
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<sup>1</sup> On the date of this hearing, the Kaua'i commissioner position was vacant; therefore, the Commission had only eight sitting commissioners.

ORDER

This Commission, having duly considered the WDV's Motion, the arguments and pleadings presented in this proceeding, and a motion having been made at a meeting on May 9, 2018, in Kahului, island of Maui, Hawai'i, and the motion having received the affirmative votes required by HAR §15-15-13, and for good cause shown,

IT IS HEREBY ORDERED that the motion to admit WDV as an intervenor in the district boundary amendment proceeding be GRANTED.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.


Done at Honolulu, Hawai'i, this 22nd, day of June, 2018, per motion on May 9, 2018.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I

Randall S. Nishiyama  
Deputy Attorney General

By   
ARNOLD WONG  
Chairperson and Commissioner

Filed and effective on:  
6/22/2018

Certified by:

  
DANIEL ORODENKER  
Executive Officer

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	)	

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CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the ORDER GRANTING WAIKAPŪ DEVELOPMENT VENTURE LLC'S MOTION TO INTERVENE was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL.           LEO ASUNCION, Director  
                  Office of Planning  
                  P. O. Box 2359  
                  Honolulu, Hawaii 96804-2359

DAWN TAKEUCHI-APUNA, Esq.  
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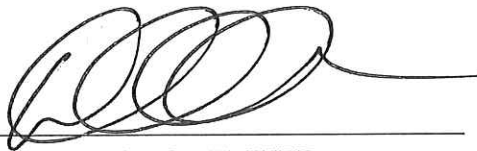
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Honolulu, Hawaii 96813  
Attorney for Petitioner  
EMMANUEL LUTHERAN CHURCH OF MAUI

Dated: Honolulu, Hawaii, 6/22/18.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

DANIEL ORODENKER  
Executive Officer