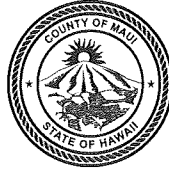


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



LAND USE COMMISSION  
STATE OF HAWAII

COUNTY OF MAUI

2015 APR 30 A 7:52

**DEPARTMENT OF PLANNING**

April 27, 2015

MEMO TO: DANIEL ORODENKER  
Executive Director  
Land Use Commission  
State of Hawaii  
P. O. Box 2359  
Honolulu, Hawaii 96804

FROM: Department of Planning, County of Maui  
William R. Spence, Director of Planning *WRS*

SUBJECT: **DOCKET No. A15-798 / WAIKAPU PROPERTIES, LLC**

TRANSMITTED ARE THE FOLLOWING:

| COPIES   | DATE    | DESCRIPTION  |
|----------|---------|--|
| Original | 4/27/15 | Position Statement, Department of Planning, County of Maui, In Petitioner's Motion to Designate the Land Use Commission as Approving Agency for Environmental Impact Statement Under HRS Chapter 343 and for Authority to Prepare Environmental Impact Statement; Certificate of Service |

- |   |   |
|---|---|
| <input type="checkbox"/> For your information & files | <input type="checkbox"/> For your review and approval |
| <input type="checkbox"/> For approval & signature     | <input type="checkbox"/> See REMARKS below            |
| <input type="checkbox"/> Per your request             | <input checked="" type="checkbox"/> For filing        |

Attachments

K:\WP\_DOCS\PLANNING\2015\15-798WaikapuProperties\LUC\_Transmittal\_Sheet\_27-Apr-2015.doc

2015 APR 30 A 7:52

DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
One Main Plaza  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793  
Telephone: (808) 270-7735  
Facsimile: (808) 270-7634

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

|  |   |                                 |
|--|---|---------------------------------|
| In the Matter of the Petition of:              | ) | Docket No. A15-798              |
|  | ) |                                 |
| WAIKAPU PROPERTIES, LLC; MTP                   | ) | POSITION STATEMENT OF THE       |
| LAND PARTNERS, LLC; WILLIAM S.                 | ) | DEPARTMENT OF PLANNING, COUNTY  |
| FILIOS, Trustee of the William                 | ) | OF MAUI; CERTIFICATE OF 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).     | ) |                                 |

**POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI**

**COMMENTS ON WAIKAPU PROPERTIES, LLC, MTP LAND PARTNERS, LLC, AND WILLIAM S. FILIOS, TRUSTEE OF THE WILLIAM S. FILIOS SEPARATE PROPERTY TRUST DATED APRIL 3, 2000, AND WAIALE 905 PARTNERS, LLC (COLLECTIVELY KNOWN AS PETITIONERS) MOTION TO DESIGNATE THE LAND USE COMMISSION AS APPROVING AUTHORITY FOR ENVIRONMENTAL IMPACT STATEMENT UNDER HRS CHAPTER 343 AND FOR AUTHORITY**

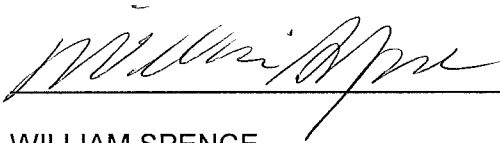
**TO PREPARE ENVIRONMENTAL IMPACT STATEMENT FOR A STATE LAND USE DISTRICT BOUNDARY AMENDMENT AND ANTICIPATED APPLICATIONS FOR A COMMUNITY PLAN AMENDMENT, CHANGE IN ZONING, AND PROJECT DISTRICT FOR THE PROPOSED WAIKAPU COUNTRY TOWN, LOCATED AT WAIKAPU, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-002:003 (POR), (2) 3-6-004:003 (POR), (2) 3-6-004:006 (POR), AND (2) 3-6-005:007 (POR) (A15-798) (RFC 2015/0049)**

The Department of Planning (Department) is in receipt of the above-referenced document for the proposed Waikapu County Town (Project). The Department concurs with the Petitioner that the State of Hawaii Land Use Commission shall be the Approving Agency for an environmental document and that an Environmental Impact Statement is the appropriate document and that the Petitioner should proceed in the preparation of an Environmental Impact Statement Preparation Notice.

The Department shall provide additional comments regarding the proposed Project upon formal receipt of the Environmental Impact Statement Preparation Notice.

Thank you for the opportunity to comment on this Project of considerable magnitude and impact to the Maui Island community. The complexity of this Project is reflected in the decision to move forward on an Environmental Impact Statement. The Department appreciates your anticipated responsiveness to the above comments regarding the proposed EISPN and will be reviewing the Draft EIS in detail along with submitting the Draft EIS for review and comment by the Maui Planning Commission prior to deliberations by the State Land Use Commission. Should you have any questions about the comments in this letter, please contact Staff Planner Kurt Wollenhaupt by email at [kurt.wollenhaupt@mauicounty.gov](mailto:kurt.wollenhaupt@mauicounty.gov) or by phone at (808) 270-1789.

DATED: Wailuku, Hawaii, 4/27, 2015.



WILLIAM SPENCE  
Planning Director  
Department of Planning

xc: Parties Served on Certificate of Service for A15-798  
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
John F. Summers, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Project File  
General File

WRS:KFW:xx  
K:\WP\_DOCS\PLANNING\2015\15-798\WAIKAPU\PROPERTIES\POSITION\_STATEMENT.DOC

In the Matter of the Petition of: )  
)  
WAIKAPU PROPERTIES, LLC; MTP )  
LAND PARTNERS, LLC; WILLIAM S. )  
FILIOS, Trustee of the William )  
S. Filios Separate Property )  
Trust dated APRIL 3, 2000; and )  
WAIALE 905 PARTNERS, LLC, )  
)

Docket No. A15-798

CERTIFICATE OF SERVICE

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 )  
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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). )

---

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

**Digital Copy to State Land Use Commission, [luc@dbedt.hawaii.gov](mailto:luc@dbedt.hawaii.gov)**

LEO R. ASUNCION  
[leo.asuncion@dbedt.hawaii.gov](mailto:leo.asuncion@dbedt.hawaii.gov)  
Acting Director  
Office of Planning  
235 Beretania Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Electronic Mail

BRYAN YEE  
Deputy Attorney General  
Commerce and Economic Development  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813

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PAUL R. MANCINI  
JAMES W. GEIGER  
MANCINI, WELCH & GEIGER, LLP  
305 East Wakea Avenue, Suite 200  
Kahului, HI 96732  
(Attorney for Petitioner)

Mail

MICHAEL SUMMERS  
[msummers@planningconsultantshawaii.com](mailto:msummers@planningconsultantshawaii.com)  
Planning Consultants Hawaii, LLC  
2331 West Main Street  
Wailuku, HI 96793

Electronic Mail

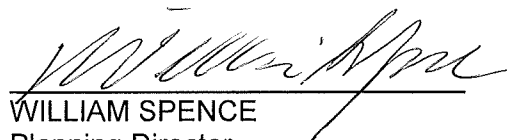
MICHAEL HOPPER  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Hand Delivery

MAUI PLANNING COMMISSION  
County of Maui  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Hand Delivery

DATED: Wailuku, Hawaii, 4/27, 2015.

  
WILLIAM SPENCE  
Planning Director  
Department of Planning