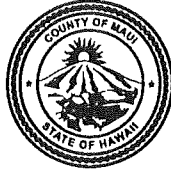


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

August 2, 2017

MEMORANDUM

TO: Daniel Orodener
Executive Director
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

FROM: *W* William Spence, Planning Director

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

2017 AUG -4 A 8:34
LAND USE COMMISSION
STATE OF HAWAII

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original	8/1/17	Position Statement, Department of Planning, County of Maui, In Petitioner's Motion to Amend Land Use District Boundaries for Waikapu Properties, LLC Project
Original	8/2/17	Certificate of Service

- For your information & files
- For approval & signature
- Per your request
- For your review and approval
- See REMARKS below
- For filing

Attachments

WRS:KFW:lak

K:\WP_DOCS\PLANNING\A\2015\15-798WaikapuProperties\LUC_Transmittal_Sheet_August_2017.doc

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)	TESTIMONY AND POSITION STATEMENT
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)	
WAIKALE 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

In accordance with §15-15-55 of the State Land Use Commission Rules, the Department of Planning, County of Maui, (hereinafter referred to as "Department") supports, subject to conditions, the State Land Use District Boundary Amendment filed by Waikapu Properties, LLC, MTP Land Partners, LLC; and William S. Filios, Trustee of the William S. Filios Separate Property Trust (hereinafter referred to as the "Petitioner") to reclassify approximately 253.05 acres at Maui Tax Map Key Nos. (2) 2-2:024:016 and 017, and (2) 2-2-002:084 (por.) (hereinafter referred to as the "Petition Area") from the Agricultural Land Use District to the Urban Land Use District at Kihei, Island of Maui,

Hawaii. The State Land Use Commission's primary mission in this case is to determine if the lands under question are appropriate for redesignation from agricultural use to urban and rural uses. The specific details of the project will be reviewed by the County of Maui.

Petitioner's Proposed Use of the Property

The Petitioner is proposing to amend the land use district boundaries of certain lands consisting of about 149.848 acres within Tax Map Key No. (2) 3-6-004:003 (por), from State Land Use Agricultural District to State Land Use Rural District and to amend the land use district boundaries of certain lands consisting of about 335.155 acres within Tax Map Key No. (2) 3-6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-005:007 (por) from the Agricultural District to the State Land Use Urban District. All of the lands which consist of about 485.003 acres are referred to as the Petition Area. The Petition Area surrounds a 14 acre parcel which was placed in the Urban District by the Maui County Council in October of 1992. The Petitioner is proposing to develop a new residential mixed-use community on lands in and around the Maui Tropical Plantation which is just south of Waikapu, Maui and located in the Wailuku-Kahului Community Plan Area. The proposed project will encompass 499.003 acres of land to be used for urban and rural development. Approximately 1,077.168 acres will remain in agricultural use and about 800 acres of land this land will be placed into an agricultural conservation easement. The project area is within the Maui Island Plan's Small Town Growth Boundary and is identified as the "Tropical Town Planned Growth Area." The Maui Island Plan allocated 1,433 residential units and support commercial and civic uses to the Planned Growth Area.

Background Information

The State Land Use Commission accepted the Final Environmental Impact Statement that was required for the County Community Plan Amendment and potential use of State and County lands on January 18, 2017.

Land Use

The Petition Area is zoned Agricultural and Project District on certain portion of lands by the County and designated Agriculture and Project District on certain portion of lands in the Wailuku-Kahului Community Plan. As such, the proposed mixed-use is inconsistent with the land use designation in the Community Plan and with County Zoning. Consequently, the Applicant submitted to the County of Maui applications for the Community Plan Amendment (CPA), Change in Zoning (CIZ), and Project District (PD). The CIZ and CPA and PD applications are being held in abeyance by the County until such time as the LUC renders its decision on the District Boundary Amendment Petition. There is also a State Land Use Commission Special Permit for the proposed wastewater facility to be located in the Agricultural District which will be a project less than 15 acres and subject to review by the County of Maui. In reviewing this project, the Department has consistently supported the application and anticipates continuing to do so as the application progresses through both the LUC and County of Maui. The Maui Island Plan specifically designated the Petition Area within the planned growth area, and the subject property was placed within the Urban and Rural Growth Boundaries.

Consequently, the Department recommends that the LUC move forward with its review of the DBA Petition as submitted by the Petitioner in an expeditious manner as the proposed land use changes are consistent with the Maui Island Plan and the lands proposed to be redesignated from Agriculture to Urban and Rural are consistent with Maui County goals and objectives.

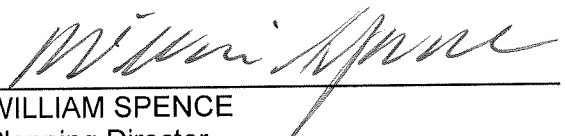
County and Community Concerns

The public hearing process for review of the Environmental Impact Statement has provided a detailed forum for reviewing and addressing County and Community concerns. Issues of significance were brought forth that were addressed in the Final EIS, most notably the effect of this project on the provision of housing in Maui County.

Recommendation

Based on our review of the information provided in the Petition, the Department of Planning finds that the proposed reclassification to the State Land Use Urban District and State Rural District is consistent with the standards for determining Urban District boundaries as set forth in the LUC's Rules. The County reserves its right to further clarify its position, present witnesses and evidence and to propose conditions. The reclassification would also conform to the Maui Island Plan, which was adopted by the Maui County Council by Ordinance No. 4004, effective as of December 28, 2012. The Planning Department supports this Petition for a District Boundary Amendment to provide their requested Urban and Rural District designations.

DATED: Wailuku, Hawaii, August 1, 2017.



WILLIAM SPENCE
Planning Director
Department of Planning

**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)	CERTIFICATE OF SERVICE
LAND PARTNERS, LLC; WILLIAM S.)	
FILIOS, Trustee of the William)	
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(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:

DANIEL E. ORODENKER
Executive Director
State of Hawaii Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Digital Copy to State Land Use Commission, luc@dbedt.hawaii.gov

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Department of the Attorney General
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Honolulu, Hawaii 96813

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Electronic Mail

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

Hand Delivery

DATED: Wailuku, Hawaii, August 2, 2017.



for
WILLIAM SPENCE
Planning Director
Department of Planning