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DEPARTMENT OF PLANNING
COUNTY OF MAUI
One Main Plaza
2200 Main Street, Suite 315
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Telephone: (808) 270-7735
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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)	DEPARTMENT OF PLANNING'S
LAND PARTNERS, LLC; WILLIAM S.)	COMMENTS TO PETITIONERS'
FILIOS, Trustee of the William)	PROPOSED FINDINGS OF FACT,
S. Filios Separate Property)	CONCLUSIONS OF LAW, DECISION
Trust dated APRIL 3, 2000; and)	& ORDER; CERTIFICATE OF SERVICE
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).)	

MAUI COUNTY DEPARTMENT OF PLANNING COMMENTS TO PETITIONER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

The Department of Planning ("Department") submits comments to Waikapu Properties, LLC, MTP Land Partners, LLC, William S. Filios, Trustee of the William S. Filios Separate Property Trust, and Waiale 905 Partners, LLC's ("Petitioners") Proposed Findings of Fact, Conclusions of Law, Decision and Order, filed with the State Land Use Commission ("Commission or LUC"). The comments offered herein are regarding the Applicant's procedural processes for the proposed

Changes of Zoning and Changes in Community Plan for the Project area which will be processed by the County of Maui. The Department's comments on specific Findings of Fact No. 71 and No. 434 are provided below with suggested new language in bold and deletion of some language noted in strike-out form. The purpose of these changes is to give flexibility to the "Petitioners" and to the County of Maui on application processing, zoning code compliance, and project development design flexibility.

FINDINGS OF FACT

The Department recommends modifying Findings of Fact No. 71 and 434 as follows:

71. "Lots for single family dwellings within the Project will range in size with the actual size being established in the final ~~project-district~~ zoning ordinance that is approved by the Maui County Council."

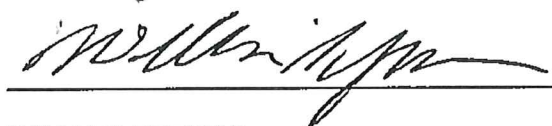
AND,

434. "Petitioner's will seek an amendment of the classification of the Petition Area under the Wailuku-Kahului Community Plan from the existing classification of Agriculture to the classification Project District, **or a comparable combination of Community Plan land use categories and mixed uses.**"

CONCLUSION

The Department respectfully requests that the Commission adopt the Petitioner's proposed Decision and Order incorporating the revisions as stated herein.

DATED: Wailuku, Hawaii, 1/23/18, 2018



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)
Pat Eaton, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Project File
General File

WRS:KFW:xx
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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:

DANIEL E. ORODENKER
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Hand Delivery

DATED: Wailuku, Hawaii, January 23, 2018.



WILLIAM SPENCE
for Planning Director
Department of Planning