BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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  

DEPARTMENT OF PLANNING’S  
COMMENTS TO PETITIONERS’  
PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION  
& ORDER; 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  
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

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In the Matter of the Petition of: ( )
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CERTIFICATE OF SERVICE

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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

LEO R. ASUNCION
leo.asuncion@dbedt.hawaii.gov
Director
Office of Planning
235 Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Electronic Mail

Page 1 of 2
DAWN TAKEUCHI-APUNA, ESQ.
State of Hawaii
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

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

MICHAEL SUMMERS
msummers@planningconsultantshawaii.com
Planning Consultants Hawaii, LLC
2331 West Main Street
Wailuku, HI 96793

MICHAEL HOPPER
Michael.Hopper@co.maui.hi.us
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

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


[Signature]
WILLIAM SPENCE
Planning Director
Department of Planning