

DEPARTMENT OF PLANNING  
 COUNTY OF MAUI  
 One Main Plaza  
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 Wailuku, Hawaii 96793  
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 RECEIVED  
 SEP 25 2019  
 STATE OF HAWAII  
 LAND USE COMMISSION

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

In the Matter of the Petition of:	)	Docket No. A04-751
	)	
MAUI LAND & PINEAPPLE COMPANY	)	Motion of Petitioner Maui Oceanview LP to
INC., a Hawaii Corporation,	)	Amend Decision and Order
	)	
To Amend the Agricultural Land Use District	)	
Boundary into the Urban Land Use District	)	
For approximately 310.440 acres Of Land	)	
At Mahinahina and Kahana, District of	)	
Lahaina, Maui, Hawai'i,	)	
Tax Map Key Nos. 4-3-01: Por 31 and 79	)	

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**LIST OF DEFICIENCIES IN AMENDED DECISION & ORDER**

The Department hereby submits a list of deficiencies in the Amended Decision & Order (D&O).

1. Page 5, FOF 20, 21 and 22 - Dates are left out
2. Page 11, FOF 43 - Number of residential units should be changed to reflect the correct number of units (800 multi-family residential units, and 100 single-family lots) that can be developed with one main dwelling and one accessory dwelling each). The description of the units should also be modified to correct the current proposal.
3. Page 11 and 12, FOF 44 - A revised description and table of the current proposal should be provided. The current proposal does not include single-family residences and instead is proposing single family lots.

4. Page 13, FOF 45 – Paragraph needs to be updated as Petitioner is not contemplating selling market price homes.
5. Page 13, FOF 48 - Number of affordable units need to be changed from 328 to 280. The breakdown of unit types should updated if changes are proposed.
6. Page 13, FOF 50, 51, and 54 – Amend to reflect current 2019 U.S. Department of Housing and Urban Development ("HUD") data.
7. Page 15, FOF 55 – This finding states that the Petitioner is in discussions with Hawaii Health System Corporation(HHSC) to provide a medical facility. However FOF 205 states that the Petitioner is not aware of any plans by HHSC to develop a medical facility at Pulelehua or elsewhere in West Maui. This FOF should be updated. If Petitioner intends to provide a cultural center that will offer wellness programs this FOF should be updated.
8. Page 16, FOF 56 – Construction schedule should be updated.
9. Page 16, FOF 57 – If Petitioner is considering the addition of 100 accessory dwelling (or "ohana" units), this should be added.
10. Page 16, FOF 58 – Ohana units should be addressed?
11. Page 17, FOF 62 – The table does not show what is proposed in Phase IV. We understand that commercial uses will be provided in this phase.
12. Page 17, FOF 63 – If ohana units are proposed, this paragraph should be amended.
13. Page 18, FOF 65 – Construction costs should be updated.
14. Page 18, FOF 66 – Paragraph should be updated to reflect Petitioner's assets.
15. Page 19, FOF 69 – Petition area is in the State Land Use Urban District not the Agricultural District.
16. Page 20, FOF 71 – Petition area is not within the West Maui Community Plan Park, Open Space and Ag Districts. It is in the "West Maui Project District 5 (Pulelehua) district.
17. There is no discussion of compliance with the County Wide Policy Plan or the Maui Island Plan. FOF's should be included to discuss these plans.
18. Page 25, FOF 91 – If ohana units are proposed, this paragraph should be amended.
19. Page 31-34, FOF 120 – Identification of all plant types are unnecessary.
20. Page 41, FOF 145 – Insert the word "private" to describe the proposed wastewater treatment system.
21. Page 51, FOF 173 – This finding should reference the current proposal for potable water as reflected in FOF 174

22. Page 51, FOF 175 – Plans for non-potable water service should be updated to reflect the current plans for a private water treatment facility.
23. County Department of Water Supply is strongly recommending groundwater development as a primary or supplementary source to meet project potable needs and maximizing reclaimed water and alternative sources to meet project non-potable demand in the proposed private system.
24. Page 53, FOF 179 – Insert the word "private" to describe the proposed wastewater treatment facility.
25. Page 62, FOF 219 – This FOF should be updated to reflect the fact that the Petition area was redesigned to Urban by the State LUC in 2006.
26. Page 70, FOF 220 – This FOF should be amended if Ohana units are contemplated.
27. Page 73-75, FOF 223 - This FOF references the application to amend the West Maui Community Plan. It should be amended to reflect that this application was approved by the Maui County Council in 2011. In addition, this FOF references county zoning. This should be moved to a separate FOF dealing with County zoning. This FOF also references the incorrect West Maui Community Plan designations
28. Page 81, FOF 227 – Reference to Condition No. 2 of zoning should state the Petitioner's intent to provide a private water treatment system.
29. Condition No. 3 – Should be updated to indicate that the Petitioner will also "operate" the private wastewater treatment facility for Pulelehua.
30. Condition No. 21 should be updated to reflect the Private Water Treatment facility that the Petitioner is proposing.

DATED: Wailuku, Hawaii, Sep. 21, 2019.

  
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MICHELE MCLEAN, AICP  
Planning Director  
Department of Planning

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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](mailto:luc@dbedt.hawaii.gov)**

RODNEY FUNAKOSHI Office of Planning 235 Beretania Street, 6 <sup>th</sup> Floor Honolulu, Hawaii 96813	Hand deliver at LUC hearing
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DAWN TAKEUCHI-APUNA, ESQ. State of Hawaii Department of the Attorney General 425 Queen Street Honolulu, Hawaii 96813	Hand deliver at LUC hearing
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GILBERT S.C. KEITH AGARAN DAVID M. JORGENSEN Attorneys for Petitioner Maui Oceanview LP	Hand deliver at LUC hearing
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MICHAEL HOPPER  
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200 South High Street  
Wailuku, Hawaii 96793

Electronic Mail

DATED: Wailuku, Hawaii, Sept. 25, 2019.



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MICHELE MCLEAN, AICP  
Planning Director  
Department of Planning

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