

MICHAEL P. VICTORINO
 Mayor
 MICHELE CHOUTEAU MCLEAN, AICP
 Director
 JORDAN E. HART
 Deputy Director



2019 AUG 12 PM 3:05
 MAYOR

DEPARTMENT OF PLANNING
 COUNTY OF MAUI
 ONE MAIN PLAZA
 2200 MAIN STREET, SUITE 315
 WAILUKU, MAUI, HAWAII 96793

August 12, 2019

RECEIVED
 2019 AUG 13 PM 2:07
 OFFICE OF THE
 COUNTY CLERK

Honorable Michael P. Victorino
 Mayor, County of Maui
 200 South High Street
 Wailuku, Hawaii 96793

For Transmittal to:

Honorable Kelly T. King, Chair
 and Members of the Maui County Council
 200 South High Street
 Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P Victorino 8/13/19
 Mayor Date

Dear Chair King and Members:

SUBJECT: RECOMMENDATION OF APPROVAL FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE OF ZONING (CIZ) FOR THE PROPOSED MAALAEA AGRICULTURAL SUBDIVISION, MAALAEA, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-001:018 (CPA 2018/0002) (CIZ 2018/0006)

The Department of Planning (Department) is transmitting for your review and action the proposed Community Plan Amendment (CPA) and Change of Zoning (CIZ) applications filed by V. Bagoyo Development Consulting Group, LLC on behalf of MVI, LLC (owner and applicant).

APPLICATION SUMMARY	
Application(s): CPA & CIZ	Community Plan Amendment & Change of Zoning
Applicant	MVI, LLC
Tax Map Key	(2) 3-6-001:018
Address	Maalaea, Wailuku
Area	~257 acres

COUNTY COMMUNICATION NO. 19-347

Honorable Michael P. Victorino, Mayor
 For Transmittal to:
 Honorable Kelly T. King, Chair
 August 12, 2019
 Page 2

Current Land Use Designations	<i>State:</i> Agricultural <i>Kihei-Makena Community Plan:</i> Project District 12 <i>MCC Title 19 Zoning:</i> Agricultural <i>Maui Island Plan:</i> Outside Urban Growth Boundary <i>Other:</i> SMA (POR.)
Requested Land Use Designation Changes	CPA: Project District 12 to Agriculture CIZ: Open Zone & Road/Street Reserve Zone to Agriculture
Public Hearing Body & Date	Maui Planning Commission: September 11, 2018
Testimony	1- Favorable, 3- Opposed
Commission Recommendation	Approval for both zoning changes

As Maui County Council approval is required for the CPA and CIZ, the Department respectfully transmits the subject matter for Council consideration. (Exhibits are found in the "Department's Report to the Maui Planning Commission" except "Exhibit 16" which is item No. 10 as listed below):

1. Proposed CPA bill entitled:
 "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 12 TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-001:018";
2. Proposed CIZ bill entitled:
 "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE ZONE, R-3 RESIDENTIAL AND ROAD/STREET RESERVE ZONE TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, BEING PORTIONS OF TAX MAP KEY (2) 3-6-001:018";
3. CPA Map No. 432;

Honorable Michael P. Victorino, Mayor
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4. CIZ Map No. 603;
5. Metes and Bounds with Land Descriptions;
6. Department's Report and Recommendation to the Maui Planning Commission, dated September 11, 2018;
7. Owner's Letter of Authorization dated July 6, 2017;
8. Minutes of the September 11, 2018, Maui Planning Commission meeting;
9. CPA and CIZ application pages;
10. Department's supplementary "Requested New Conditions" to be included in the Change of Zoning ordinance regarding the perpetuation of public access to the existing Pali Trail. (Exhibit 16 and associated maps, Exhibits A & B); and
11. Department's recommendation of approval letter to Applicant's consultant, V. Bagoyo Development Consulting Group, LLC dated January 14, 2019.

Also, the Department has requested that the Applicant record a Unilateral Agreement (UA) with the State Bureau of Conveyances that incorporates all of the conditions of the CIZ ordinance and also includes all of the conditions of item No.10 listed above, "Requested New Conditions" and that it be applicable to all parcels involved. The Applicant has agreed to submit a UA to this effect once the final conditions are known.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Senior Staff Planner Paul Fasi at Extension 7814.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly T. King, Chair
August 12, 2019
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Attachments

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Project File

MCM:PFF:lak

K:\WP_DOCS\PLANNING\Cpa\2018\0002_MaalaeaAgriculturalSubdivision\CounciTrans1.doc

ORDINANCE NO. _____

BILL NO. _____ (2019)

**A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY
PLAN AND LAND USE MAP FROM PROJECT DISTRICT 12 TO AGRICULTURE
FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII,
TAX MAP KEY (2) 3-6-001:018**

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan and Land Use Map is hereby amended from Project District 12 to Agriculture for that certain real property situated at Maalaea, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-6-001:018, comprised of approximately 257 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map No. CP-432, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

EXHIBIT "A"

All of that certain parcel of land (being all of the land(s) described in and covered by Land Patent Grant S-13975 to Wailuku Sugar Company; Land Patent Grant 11067 to Wailuku Sugar Company; Land Patent Grant 10962 to Wailuku Sugar Company; Land Patent Grant 10745 to Wailuku Sugar Company; Land Patent Grant 10497 to Wailuku Sugar Company; Land Patent Grant 10294 to Wailuku Sugar Company; and Land Patent Grant 9794 to Wailuku Sugar Company; and portion(s) of the land (s) described in and covered by Land Patent Grant Number 3152 to H. Cornwell) situate, lying and being at Ukumehame, District of Lahaina, Island and County of Maui, State of Hawaii, containing an area of 256.903 acres, more or less, and being more particularly described in Exhibit "B" attached hereto and made a part hereof.

Being the premises acquired by Limited Warranty Deed from Lodi Development, Inc., a California corporation, as Grantor, to the Grantor herein, as Grantee, dated July 31, 2006, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. Document No. 2006-161641.

SUBJECT, HOWEVER, to the following:

1. Roadway, as shown on Land Patent Grant No. 9794.
2. Notice of Imposition of Conditions By the Land Use Commission dated December 9, 1992, recorded as Document No. 92-200449.
3. The terms and provisions contained in the Declaration dated January 25, 1993, recorded in the said Bureau of Conveyances as Document No. 93-014788.
4. Grant to Maui Electric Company, Limited, a Hawaii corporation, dated November 1, 1995, recorded in the said Bureau of Conveyances as Document No. 95-161279, granting a perpetual right and easement for utility purposes as shown on the map attached thereto.

Said Grant was amended by instrument dated July 1, 1998, recorded as Document No. 98-101152 and more particularly described as follows:

EASEMENT B

For Overhead Electrical Transmission Purposes
In Favor of Maui Electric Company
Affecting Portions of Grant 3152 to Henry Cornwell and
Grant 9794 to Wailuku Sugar Co.
Situated at Waikapu, Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northeast corner of this easement, on the West side of Honoapiilani Highway (F.A.P. No. 13-G), being also the southeast corner of Lot 2 of "Waikapu Hema Large Lot Subdivision", the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 29,405.90 feet South and 54,921.88 feet East, and thence running by azimuths measured clockwise from True South:

1. Along the West side of Honoapiilani Highway (F.A.P. No. 13-G), on a curve to the right, with a radius of 34,342.50 feet, the chord azimuth and distance being:

- | | | | | |
|----|------|-----|--------|---|
| | 5° | 56' | 34.98" | 126.15 feet; |
| 2. | 157° | 51' | | 71.11 feet; |
| 3. | 98° | 26' | 30" | 149.08 feet; |
| 4. | 258° | 36' | 53" | 191.10 feet along Lot 2 of the
"Waikapu Hema Large Lot
Subdivision" to the point of
beginning and containing an
area of 6949 square feet. |

5. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated January 3, 2002, recorded in the said Bureau of Conveyances as Document No. 2003-059347, by and between Wailuku Agribusiness Company, Inc. ("Subdivider") and County of Maui, through its Department of Public Works and Waste Management, a political subdivision of the State of Hawaii ("County").

6. The terms and provisions contained in Limited Warranty Deed dated August 10, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-165726.

7. The terms and provisions contained in the Declaration of Covenants, Conditions, Easements, Reservations and Restrictions dated effective as of August 10, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-165727.

The foregoing includes, but is not limited to, matters relating to water reservation, farming reservation; easements.

Assignment of In Gross Reservations effective October 1, 2005, recorded as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

8. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

9. Any unrecorded leases and matters arising from or affecting the same.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

END OF EXHIBIT "A"

Tax Key: (2) 3-6-001-018

EXHIBIT "B"

Land situated on the westerly side of Honoapiilani Highway (N.R.H. 13-C and F.A.P. 13-G) at Ukumehame, Waikapu, Wailuku, Maui, Hawaii.

Being all of Grant S-13975 to Wailuku Sugar Company, Grant 11067 to Wailuku Sugar Company, Grant 10962 to Wailuku Sugar Company, Grant 10745 to Wailuku Sugar Company, Grant 10497 to Wailuku Sugar Company, Grant 10294 to Wailuku Sugar Company and Grant 9794 to Wailuku Sugar Company, and a portion of Grant 3152 to Henry Cornwell.

Beginning at a point at the northeasterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 23,709.07 feet South and 3,760.16 feet West and running by azimuths measured clockwise from true South:

1. Thence along the westerly side of Honoapiilani Highway (F.A.P. 13-G) on a curve to the right, with the point of curvature azimuth from the radial point being: 275° 52' 12.4" and the point of tangency azimuth from the radial point being: 278° 14' 56", having a radius of 34,342.50 feet, the chord azimuth and distance being: 7° 03' 34.2" 1,425.71 feet to a point;
2. 8° 14' 56" 1,823.79 feet along same to a point;
3. Thence along same on a curve to the right, having a radius of 34,342.50 feet, the chord azimuth and distance being: 9° 22' 41" 1,353.53 feet to a point;
4. 10° 30' 26" 504.25 feet along same to a point;
5. 14° 07' 22" 743.00 feet along the westerly side of Honoapiilani Highway (F.A.P.

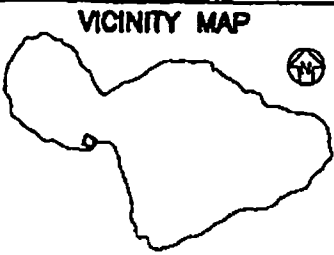
13-G and N.R.H. 13-C) to a point;

6. 105° 46' 29" 10.00 feet along the westerly side of Honoapiilani Highway (N.R.H. 13-C) to a point;
7. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 285° 46' 29" and the point of tangency azimuth from the radial point: 296° 19' 59", having a radius of 5,647.97 feet, the chord azimuth and distance being: 21° 03' 14" 1,039.32 feet to a point;
8. 296° 16' 56" 18.00 feet along same to a point;
9. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 296° 19' 59" and the point of tangency azimuth from the radial point being: 297° 44' 17", the chord azimuth and distance being: 27° 02' 08" 138.94 feet to a point;
10. 117° 47' 19" 18.00 feet along same to a point;
11. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 297° 44' 17" and the point of tangency azimuth from the radial point being: 299° 21' 03", having a radius of 5,647.97, the chord azimuth and distance being: 28° 32' 40" 158.98 feet to a point;
12. 299° 18' 18.00 feet along same to a point;

13. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 299° 21' 02" and the point of tangency azimuth from the radial point being: 301° 05' 41", having a radius of 5,665.97 feet, the chord azimuth and distance being: 30° 13' 21.5" 172.47 feet to a point;
14. 31° 05' 41" 603.65 feet along same to a point;
15. 121° 05' 41" 15.00 feet along same to a point;
16. 31° 05' 41" 75.00 feet along same to a point;
17. 301° 05' 41" 15.00 feet along same to a point;
18. 31° 05' 41" 286.00 feet along same to a point;
19. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 121° 05' 41" and the point of tangency azimuth from the radial point being: 118° 20' 52.6", having a radius of 11,539.55 feet, the chord azimuth and distance being: 29° 43' 16.8" 553.16 feet to a point;
20. 153° 40' 17" 209.46 feet along portion of Government Land of Ukumehame to a point;
21. 169° 48' 47" 376.44 feet along same to a point;
22. 165° 07' 47" 112.44 feet along same to a point;
23. 167° 31' 47" 394.87 feet along same to a point;
24. 105° 51' 47" 103.85 feet along same to a point;

25.	184°	08'	47"	400.00 feet along same to a point;
26.	176°	24'	47"	1,520.00 feet along same to a point;
27.	177°	16'	47"	246.00 feet along same to a point;
28.	216°	09'	47"	413.00 feet along same to a point;
29.	185°	14'	47"	254.00 feet along same to a point;
30.	177°	22'	47"	506.00 feet along same to a point;
31.	217°	16'	47"	437.00 feet along same to a point;
32.	210°	02'	47"	470.00 feet along same to a point;
33.	190°	15'	17"	1,179.70 feet along same to a point;
34.	197°	01'	47"	467.15 feet along same to a point;
35.	235°	55'	47"	349.70 feet along same to a point;
36.	220°	15'	47"	280.20 feet along same to a point;
37.	208°	33'	47"	216.10 feet along same to a point;
38.	193°	09'	47"	570.10 feet along same to a point;
39.	203°	49'	47"	164.90 feet along same to a point;
40.	187°	16'	47"	301.10 feet along same to a point;
41.	258°	57'	41"	864.14 feet along Grant 3152 to Henry Cornwell and along the remainder of Grant 3152 to Henry Cornwell, being also along Lot 6 of Waikapu Hema Large Lot Subdivision to the point of beginning and containing an area of 256.903 acres.

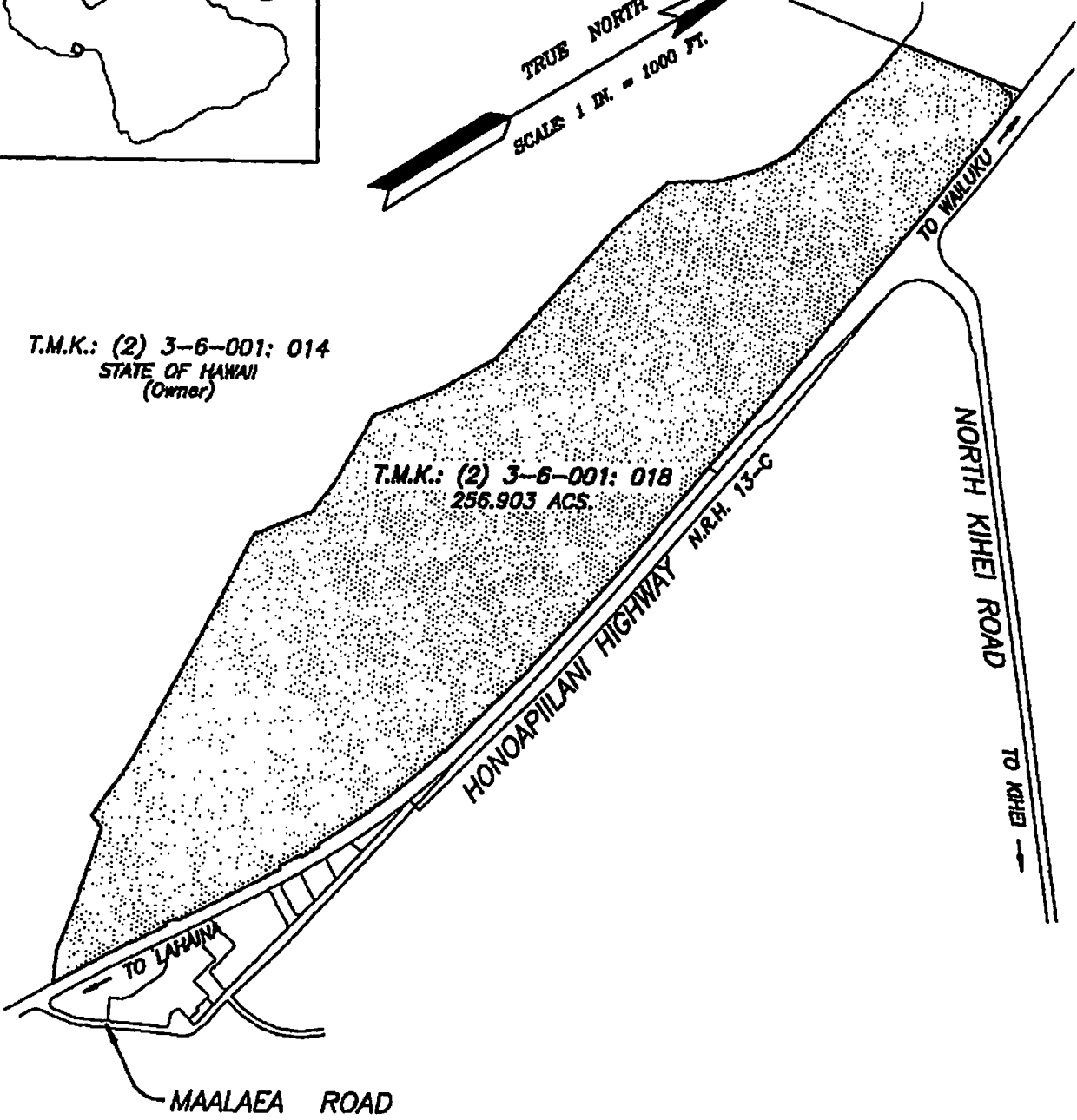
END OF EXHIBIT "B"



TRUE NORTH
SCALE 1 IN. = 1000 FT.

T.M.K.: (2) 3-6-001: 014
STATE OF HAWAII
(Owner)

T.M.K.: (2) 3-6-001: 018
256.903 ACS.



\\2017 PROJECTS\017-40\dwg\MAUI COMMUNITY PLAN.dwg Jul 20 2018 1:52pm

TAX MAP KEY:
T.M.K.: (2) 3-6-001: 018

AREA:
256.903 ACRES

COMMUNITY PLAN MAP NO. CP-432

COMMUNITY PLAN AMENDMENT - UKUMEHAME, WAIKAPU, WAILUKU, MAUI, HAWAII
FROM PROJECT DISTRICT 12 TO AGRICULTURE

EXHIBIT "B"

ORDINANCE NO. _____

BILL NO. _____ (2019)

**A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE ZONE,
R-3 RESIDENTIAL AND ROAD/STREET RESERVE ZONE TO AGRICULTURE
FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII,
BEING PORTIONS OF TAX MAP KEY (2) 3-6-001:018**

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.30A and 19.510, Maui County Code, a change in zoning from Open Space Zone to Agriculture is hereby granted for certain real property situated at Maalaea, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-6-001:018 (por.), comprised of approximately 14.7 acres, as more particularly described in Exhibits "A-1" and "A-2", attached hereto and made a part hereof, and in Land Zoning Map No. L-603, attached hereto as Exhibit "B" and made part hereof.

SECTION 2. Pursuant to Chapters 19.30A and 19.510, Maui County Code, a change in zoning from R-3 Residential to Agriculture is hereby granted for certain real property situated at Maalaea, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-6-001:018 (por.), comprised of approximately 0.06 acre (2,613 square feet), as more particularly described in Exhibit "A-3", attached hereto and made a part hereof, and in Land Zoning Map No. L-603, attached hereto as Exhibit "B" and made part hereof.


SECTION 3. Pursuant to Chapters 19.30A and 19.510, Maui County Code, a change in zoning from Road/Street Reserve Zone to Agriculture is hereby granted for certain real property situated at Maalaea, Wailuku, Maui, Hawaii,

and identified for real property tax purposes as tax map key (2) 3-6-001:018, comprised of approximately 0.8 acre, as more particularly described in Exhibit "A-4", attached hereto and made a part hereof, and in Land Zoning Map No. L-603, attached hereto as Exhibit "B" and made part hereof.

SECTION 4. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and made a part hereof. The conditions set forth in Exhibit "C" shall be set forth in a Unilateral Agreement and Declaration for Conditional Zoning that is recorded with the Bureau of Conveyances and encumber the property described in Exhibit "D" and Community Plan Map No. CP-432, attached as Exhibit "E", which represents the entire project area, and shall run with the land and bind all future owners. The Unilateral Agreement and Declaration for Conditional Zoning is attached hereto and made a part hereof as Exhibit "F".

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

LF2019-0112
2019-08-08 CIZ Ordinance

LAND DESCRIPTION

Open Zone 1

All that certain parcel of land known as Open Zone 1 of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northwesterly corner of this parcel of land, being a point on the Southwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,733.18 feet South and 6,194.89 feet West and running by azimuths measured clockwise from True South; thence,

1. 228° 49' 30" 393.12 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
2. Following along the same, along the arc of a curve concave to the right, having a radius of 200.00 feet, the chord azimuth and distance being 254° 07' 30" for 170.94 feet, to a point; thence,
3. 279° 25' 30" 88.56 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a ½" pipe (set); thence,
4. 301° 05' 41" 15.00 feet along the Northwesterly right-of-way line of Honoapiilani Highway (N.R.H. 13-C) and Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a ½" pipe (set); thence,
5. 31° 05' 41" 286.00 feet along the same, to a ½" pipe (set); thence,
6. Following along the same, along the arc of a curve concave to the left, the azimuth of a radial line passing through the point of curvature from the radius point being 121° 05' 41", and the point of tangency from the radius point being 118° 20' 52.6", having a radius of 11,539.55 feet, the chord azimuth and distance being 29° 43' 16.8" for 553.16 feet, to a ½" pipe (set); thence,
7. 153° 40' 17" 209.46 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a ½" pipe (set); thence,
8. 169° 48' 47" 258.31 feet along the same, to the point of beginning and containing an area of 4.250 acres.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.

 03 May 19

Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



LAND DESCRIPTION

Open Zone 2

All that certain parcel of land known as Open Zone 2 of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company, Grant 11067 to Wailuku Sugar Company, Grant 10962 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at a Westerly corner of this parcel of land and Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being a point on the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,005.12 feet South and 6,423.34 feet West and running by azimuths measured clockwise from True South: thence,

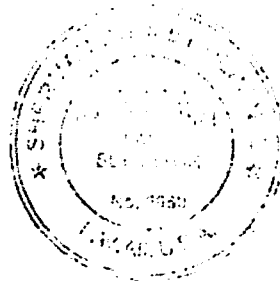
1. 184° 08' 47" 310.59 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a point; thence,
2. 176° 24' 47" 504.60 feet along the same, to a point; thence,
3. 266° 24' 47" 82.22 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
4. Following along the same, along the arc of a curve concave to the right, having a radius of 40.00 feet, the chord azimuth and distance being 299° 34' 53.5" for 43.77 feet, to a point; thence,
5. 332° 45' 00" 123.21 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
6. Following along the same, along the arc of a curve concave to the right, having a radius of 400.00 feet, the chord azimuth and distance being 345° 36' 00" for 177.92 feet, to a point; thence,
7. 358° 27' 00" 315.91 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
8. Following along the same, along the arc of a curve concave to the left, having a radius of 100.00 feet, the chord azimuth and distance being 331° 47' 30" for 89.73 feet, to a point; thence,
9. 305° 08' 00" 744.33 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
10. 31° 05' 41" 84.50 feet along the Southwesterly right-of-way line of Honoapiilani Highway (N.R.H. 13-C) Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a 1/2" pipe (set); thence,

11. 121° 05' 41" 15.00 feet along the same, to a ½" pipe (set); thence,
12. 31° 05' 41" 21.20 feet along the same, to a point; thence,
13. 99° 25' 30" 108.43 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
14. Following along the same, along the arc of a curve concave to the left, having a radius of 250.00 feet, the chord azimuth and distance being 74° 07' 30" for 213.68 feet, to a point; thence,
15. 48° 49' 30" 363.09 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
16. 184° 08' 47" 59.81 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a ½" pipe (set); thence,
17. 165° 07' 47" 112.44 feet along the same, to a ½" pipe (set); thence,
18. 167° 31' 47" 394.87 feet along the same, to a ½" pipe (set); thence,
19. 105° 51' 47" 58.03 feet along the same, to a point; thence,
20. Following along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) along the arc of a curve concave to the left, the azimuth of a radial line passing through the point of curvature from the radius point being 266° 44' 51", and the point of tangency from the radius point being 232° 39' 52", having a radius of 185.00 feet, the chord azimuth and distance being 159° 42' 21.5" for 108.43 feet, to the point of beginning and containing an area of 10.488 acres.

This work was done by me or under my direct supervision.

AKAMA LAND SURVEYING, INC.

Sherman Dudley DePonte
 Sherman Dudley DePonte
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. 6960
 Expires: April 30, 2020
 218245(5/3/19)



LAND DESCRIPTION

R-3 Zone

All that certain parcel of land known as R-3 Zone of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being a portion of Grant 11067 to Wailuku Sugar Company.

Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northerly corner of this parcel of land being a point of the Northwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,005.12 feet South and 6,423.34 feet West and running by azimuths measured clockwise from True South; thence,

1. Following along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) along the arc of a curve concave to the right, the azimuth of a radial line passing through the point of curvature from the radius point being $232^{\circ} 39' 52''$, and the point of tangency from the radius point being $266^{\circ} 44' 51''$, having a radius of 185.00 feet, the chord azimuth and distance being $339^{\circ} 42' 21.5''$ for 108.43 feet, to a point; thence.
2. $105^{\circ} 51' 47''$ 45.82 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a $\frac{1}{2}$ " pipe set; thence.
3. $184^{\circ} 08' 47''$ 89.41 feet along the same, to the point of beginning and containing an area of 0.060 acre.

This work was done by me or
under my direct supervision.

AKAMAII LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



EXHIBIT "A-3"

LAND DESCRIPTION
Road/Street Reserve Zone

All that certain parcel of land known as the Road/Street Reserve Zone of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

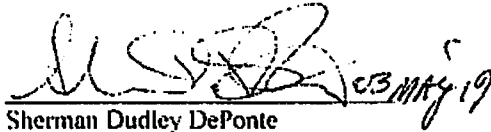
Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Southwesterly corner of this parcel of land, being a point on the Southwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and a point along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,733.18 feet South and 6,194.89 feet West and running by azimuths measured clockwise from True South; thence,

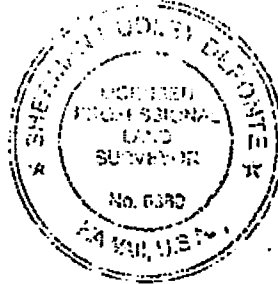
1. 169° 48' 47" 58.32 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a point; thence,
2. 228° 49' 30" 363.09 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence.
3. Following along the same, along the arc of a curve concave to the right, having a radius of 250.00 feet, the chord azimuth and distance being 254° 07' 30" for 213.68 feet, to a point; thence,
4. 279° 25' 30" 108.43 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence.
5. 31° 05' 41" 53.80 feet along the Northwesterly right-of-way line of Honoapiilani Highway (N.R.H. 13-C) and Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a ½" pipe (set); thence.
6. 99° 25' 30" 88.56 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence.
7. Following along the same, along the arc of a curve concave to the left, having a radius of 200.00 feet, the chord azimuth and distance being 74° 07' 30" for 170.94 feet, to a point; thence,
8. 48° 49' 30" 393.12 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to the point of beginning and containing an area of 0.775 acre.

This work was done by me or
under my direct supervision.

AKAMA LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



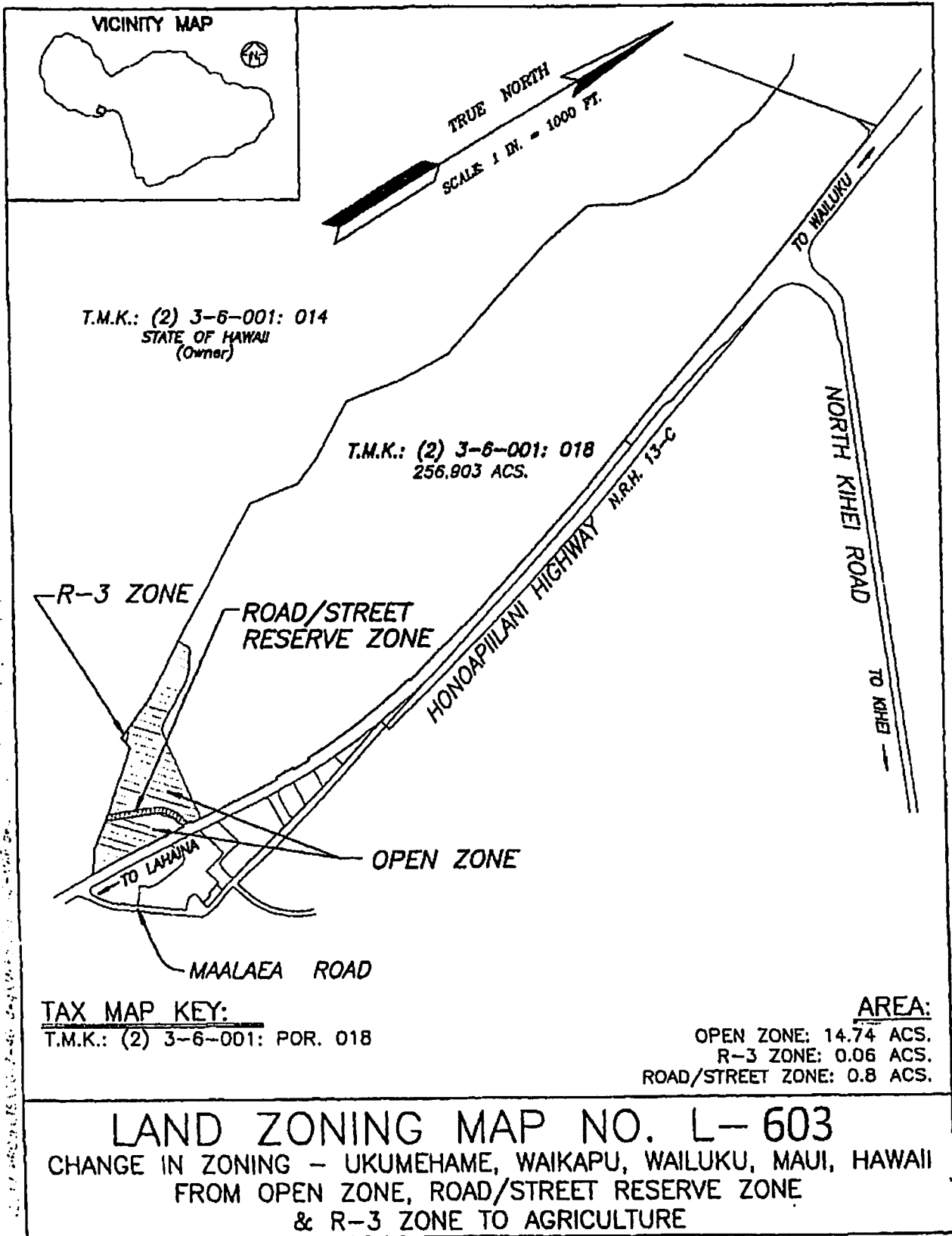


EXHIBIT "B"

EXHIBIT "C"

CONDITIONS OF ZONING

1. That no short term rentals, B&B's or other transient accommodations shall be permitted.
2. That the Applicant shall construct and maintain firebreaks on all perimeter property boundaries as approved by the Maui Fire Department.
3. That the Applicant shall provide vehicular access from Honoapiilani Highway to the Lahaina Pali Trail as shown on the survey map provided by the Applicant at the September 11, 2018 Maui Planning Commission meeting, or as otherwise approved by the Department of Land and Natural Resources and Na Ala Hele. Such access shall be provided via separate lot or recorded perpetual easement.
4. That the Applicant shall coordinate with the State Department of Transportation and Maui Department of Planning (Department) to ensure that a multi-modal transportation corridor is provided along the project's Honoapiilani Highway frontage and approved by the Department. The Applicant shall dedicate any additional land that may be required for such corridors at no cost to the State or County.
5. That the Applicant shall consider leaving some land in undeveloped open space.

EXHIBIT "A"

All of that certain parcel of land (being all of the land(s) described in and covered by Land Patent Grant S-13975 to Wailuku Sugar Company; Land Patent Grant 11067 to Wailuku Sugar Company; Land Patent Grant 10962 to Wailuku Sugar Company; Land Patent Grant 10745 to Wailuku Sugar Company; Land Patent Grant 10497 to Wailuku Sugar Company; Land Patent Grant 10294 to Wailuku Sugar Company; and Land Patent Grant 9794 to Wailuku Sugar Company; and portion(s) of the land (s) described in and covered by Land Patent Grant Number 3152 to H. Cornwell) situate, lying and being at Ukumehame, District of Lahaina, Island and County of Maui, State of Hawaii, containing an area of 256.903 acres, more or less, and being more particularly described in Exhibit "B" attached hereto and made a part hereof.

Being the premises acquired by Limited Warranty Deed from Lodi Development, Inc., a California corporation, as Grantor, to the Grantor herein, as Grantee, dated July 31, 2006, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. Document No. 2006-161641.

SUBJECT, HOWEVER, to the following:

1. Roadway, as shown on Land Patent Grant No. 9794.
2. Notice of Imposition of Conditions By the Land Use Commission dated December 9, 1992, recorded as Document No. 92-200449.
3. The terms and provisions contained in the Declaration dated January 25, 1993, recorded in the said Bureau of Conveyances as Document No. 93-014788.
4. Grant to Maui Electric Company, Limited, a Hawaii corporation, dated November 1, 1995, recorded in the said Bureau of Conveyances as Document No. 95-161279, granting a perpetual right and easement for utility purposes as shown on the map attached thereto.

Said Grant was amended by instrument dated July 1, 1998, recorded as Document No. 98-101152 and more particularly described as follows:

EASEMENT B

For Overhead Electrical Transmission Purposes
In Favor of Maui Electric Company
Affecting Portions of Grant 3152 to Henry Cornwell and
Grant 9794 to Wailuku Sugar Co.
Situated at Waikapu, Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northeast corner of this easement, on the West side of Honoapiilani Highway (F.A.P. No. 13-G), being also the southeast corner of Lot 2 of "Waikapu Hema Large Lot Subdivision", the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 29,405.90 feet South and 54,921.88 feet East, and thence running by azimuths measured clockwise from True South:

1. Along the West side of Honoapiilani Highway (F.A.P. No. 13-G), on a curve to the right, with a radius of 34,342.50 feet, the chord azimuth and distance being:

5°	56'	34.98"	126.15 feet;
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2. 157° 51' 71.11 feet;
3. 98° 26' 30" 149.08 feet;
4. 258° 36' 53" 191.10 feet along Lot 2 of the "Waikapu Hema Large Lot Subdivision" to the point of beginning and containing an area of 6949 square feet.

5. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated January 3, 2002, recorded in the said Bureau of Conveyances as Document No. 2003-059347, by and between Wailuku Agribusiness Company, Inc. ("Subdivider") and County of Maui, through its Department of Public Works and Waste Management, a political subdivision of the State of Hawaii ("County").

6. The terms and provisions contained in Limited Warranty Deed dated August 10, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-165726.

7. The terms and provisions contained in the Declaration of Covenants, Conditions, Easements, Reservations and Restrictions dated effective as of August 10, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-165727.

The foregoing includes, but is not limited to, matters relating to water reservation, farming reservation; easements.

Assignment of In Gross Reservations effective October 1, 2005, recorded as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

8. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

9. Any unrecorded leases and matters arising from or affecting the same.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

END OF EXHIBIT "A"

Tax Key: (2) 3-6-001-018

EXHIBIT "B"

Land situated on the westerly side of Honoapiilani Highway (N.R.H. 13-C and F.A.P. 13-G) at Ukumehame, Waikapu, Wailuku, Maui, Hawaii.

Being all of Grant S-13975 to Wailuku Sugar Company, Grant 11067 to Wailuku Sugar Company, Grant 10962 to Wailuku Sugar Company, Grant 10745 to Wailuku Sugar Company, Grant 10497 to Wailuku Sugar Company, Grant 10294 to Wailuku Sugar Company and Grant 9794 to Wailuku Sugar Company, and a portion of Grant 3152 to Henry Cornwell.

Beginning at a point at the northeasterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 23,709.07 feet South and 3,760.16 feet West and running by azimuths measured clockwise from true South:

1. Thence along the westerly side of Honoapiilani Highway (F.A.P. 13-G) on a curve to the right, with the point of curvature azimuth from the radial point being: 275° 52' 12.4" and the point of tangency azimuth from the radial point being: 278° 14' 56", having a radius of 34,342.50 feet, the chord azimuth and distance being: 7° 03' 34.2" 1,425.71 feet to a point;
2. 8° 14' 56" 1,823.79 feet along same to a point;
3. Thence along same on a curve to the right, having a radius of 34,342.50 feet, the chord azimuth and distance being: 9° 22' 41" 1,353.53 feet to a point;
4. 10° 30' 26" 504.25 feet along same to a point;
5. 14° 07' 22" 743.00 feet along the westerly side of Honoapiilani Highway (F.A.P.

13-G and N.R.H. 13-C) to a point;

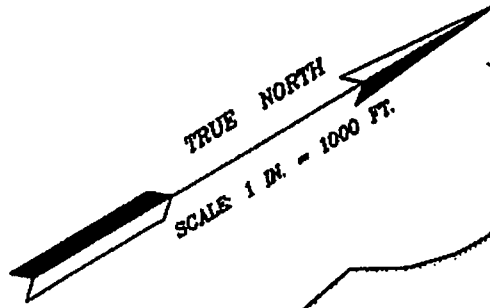
6. 105° 46' 29" 10.00 feet along the westerly side of Honoapiilani Highway (N.R.H. 13-C) to a point;
7. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 285° 46' 29" and the point of tangency azimuth from the radial point: 296° 19' 59", having a radius of 5,647.97 feet, the chord azimuth and distance being: 21° 03' 14" 1,039.32 feet to a point;
8. 296° 16' 56" 18.00 feet along same to a point;
9. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 296° 19' 59" and the point of tangency azimuth from the radial point being: 297° 44' 17", the chord azimuth and distance being: 27° 02' 08" 138.94 feet to a point;
10. 117° 47' 19" 18.00 feet along same to a point;
11. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 297° 44' 17" and the point of tangency azimuth from the radial point being: 299° 21' 03", having a radius of 5,647.97, the chord azimuth and distance being: 28° 32' 40" 158.98 feet to a point;
12. 299° 18' 18.00 feet along same to a point;

13. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 299° 21' 02" and the point of tangency azimuth from the radial point being: 301° 05' 41", having a radius of 5,665.97 feet, the chord azimuth and distance being: 30° 13' 21.5" 172.47 feet to a point;
14. 31° 05' 41" 603.65 feet along same to a point;
15. 121° 05' 41" 15.00 feet along same to a point;
16. 31° 05' 41" 75.00 feet along same to a point;
17. 301° 05' 41" 15.00 feet along same to a point;
18. 31° 05' 41" 286.00 feet along same to a point;
19. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 121° 05' 41" and the point of tangency azimuth from the radial point being: 118° 20' 52.6", having a radius of 11,539.55 feet, the chord azimuth and distance being: 29° 43' 16.8" 553.16 feet to a point;
20. 153° 40' 17" 209.46 feet along portion of Government Land of Ukumehame to a point;
21. 169° 48' 47" 376.44 feet along same to a point;
22. 165° 07' 47" 112.44 feet along same to a point;
23. 167° 31' 47" 394.87 feet along same to a point;
24. 105° 51' 47" 103.85 feet along same to a point;

25.	184°	08'	47"	400.00 feet along same to a point;
26.	176°	24'	47"	1,520.00 feet along same to a point;
27.	177°	16'	47"	246.00 feet along same to a point;
28.	216°	09'	47"	413.00 feet along same to a point;
29.	185°	14'	47"	254.00 feet along same to a point;
30.	177°	22'	47"	506.00 feet along same to a point;
31.	217°	16'	47"	437.00 feet along same to a point;
32.	210°	02'	47"	470.00 feet along same to a point;
33.	190°	15'	17"	1,179.70 feet along same to a point;
34.	197°	01'	47"	467.15 feet along same to a point;
35.	235°	55'	47"	349.70 feet along same to a point;
36.	220°	15'	47"	280.20 feet along same to a point;
37.	208°	33'	47"	216.10 feet along same to a point;
38.	193°	09'	47"	570.10 feet along same to a point;
39.	203°	49'	47"	164.90 feet along same to a point;
40.	187°	16'	47"	301.10 feet along same to a point;
41.	258°	57'	41"	864.14 feet along Grant 3152 to Henry Cornwell and along the remainder of Grant 3152 to Henry Cornwell, being also along Lot 6 of Waikapu Hema Large Lot Subdivision to the point of beginning and containing an area of 256.903 acres.

END OF EXHIBIT "B"

VICINITY MAP



T.M.K.: (2) 3-6-001: 014
STATE OF HAWAII
(Owner)

T.M.K.: (2) 3-6-001: 018
256.903 ACS.

HONOAPIILANI HIGHWAY N.R.H. 13-C

TO WALUKU
NORTH KIHEI ROAD
TO KIHEI

TO LAHAINA
MAALAEA ROAD

TAX MAP KEY:

T.M.K.: (2) 3-6-001: 018

AREA:

256.903 ACRES

COMMUNITY PLAN MAP NO. CP-432

COMMUNITY PLAN AMENDMENT - UKUMEHAME, WAIKAPU, WAILUKU, MAUI, HAWAII
FROM PROJECT DISTRICT 12 TO AGRICULTURE

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications for:

MVI, LLC

To obtain a Community Plan Amendment on approx. 257 acres from "Project District 12" to "Agriculture" and a Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture," a Change of Zoning of approximately 0.8 acre from "Road/Street Reserve Zone" to "Agriculture," and a Change of Zoning for approximately .06 acre from "R-3" to "Agriculture" located at Maalaea, Wailuku, Hawaii, TMK: (2) 3-6-001:018

DOCKET NOs. CPA 2018/0002
CIZ 2018/0006

Maalaea Agricultural Subdivision
(P. Fasi)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION

September 11, 2018 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications for:

MVI, LLC

To obtain a Community Plan Amendment on approx. 257 acres from "Project District 12" to "Agriculture" and a Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture," a Change of Zoning of approximately 0.8 acre from "Road/Street Reserve Zone" to "Agriculture," and a Change of Zoning for approximately .06 acre from "R-3" to "Agriculture" located at Maalaea, Wailuku, Hawaii, TMK: (2) 3-6-001:018

DOCKET NOs. CPA 2018/0002
CIZ 2018/0006

Maalaea Agricultural Subdivision

(P. Fasi)

DESCRIPTION OF THE PROJECT

In a letter dated July 11, 2018, MVI, LLC, ("Applicant") transmitted to the Planning Department, a revised proposal for the following land use designation changes: (Exhibit 8)

1. Community Plan Amendment for approximately 257 acres from "Project District 12" to "Agriculture" (Exhibit 9)
2. Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture" (Exhibit 10)
3. Change of Zoning for approximately .06 acre (2,613 s.f.) from "R-3" to "Agriculture" (Exhibit 10a)
4. Change of Zoning for approx. 0.8 acre from "Road/Street Reserve Zone" to "Agriculture"

The proposed project site is 257 acres total and located at Maalaea, Maui, TMK: (2) 3-6-001:018. The owner plans to subdivide the property upon approval of the CPA and CIZ. The proposed project will consist of creating 21 agricultural parcels with lot sizes ranging in size from approximately 3.3 acres to 44.7 acres consistent with Maui County Code 19.30A.030.

The project site is presently located on lands classified as "Agricultural" by the State Land Use Commission. The property is currently designated for residential development as

"Project District 12" in the 1998 Kihei-Makena Community Plan District which allows the development of the property for residential use. With the proposed CPA from Project District 12 to Agriculture, it will preserve the property for agricultural use. The property is currently fallow and vacant. It was formerly used for cultivating sugar by the Wailuku Agribusiness Company and more recently used by small independent farms along the northern portion of the project site and a portion of the project site is being used for cattle and horse grazing. The property was previously planned for 1,100 residential homes based on its current Community Plan Project District 12 designation. Due to community concerns regarding the high density and the potential impact of the project density, the Applicant has decided to amend the community plan consistent with County and State Ag zoning and Maui Island Plan designations.

The Maui Planning Department (Department) is the processing agency for the Community Plan Amendment and Change of Zoning applications. The Maui Planning Commission (MPC) will review the CPA and CIZ applications and provide a recommendation on each application respectively to the Maui County Council for further action. (Exhibits 11-14)

DESCRIPTION OF THE PROPERTY

1. The property is located mauka of Honoapiilani Highway in Maalaea. Southeast of the project site is the Maalaea commercial business complex and Maui Ocean Center and further east of the project site are various multi-family residential developments. To the south of the project site is the Maalaea Small Boat Harbor, while agricultural lands are located to the north.

2. Land Use Designations

State Land Use DistrictAgriculture
 Maui Island Plan Outside the Urban Growth Boundary
 Kihei-Makena Community PlanProject District 12
 County ZoningAgriculture w/ a portion of the property designated "Open Zone" and "Road/Street Reserve" and a small portion of the property "R-3 Zone"
 Other.....Special Management Area (por.)

3. Surrounding Uses

SouthMaalaea Boat Harbor
 North.....Ag land
 West Honoapiilani Hwy; pali towards Lahaina; State Conservation District.
 EastHonoapiilani Hwy; residential

The community of Maalaea is situated along the southern coastline. Central to this neighborhood is the Maalaea Small Boat Harbor, which is home to a number of fishing and sightseeing charter boats, as well as private recreational vessels. The U.S. Coast Guard has a small office and a dock for its vessels. Included within the Maalaea community are a small number of older oceanfront residences, and 10 oceanfront condominium projects. The condominium developments within the Maalaea community account for approximately 560 residential apartment units, the majority of which are rented on a short-term transient basis. The Maalaea Triangle commercial complex located makai of the project site is home to a variety of commercial uses, and predominantly caters to tourism, including shops, restaurants, a small amusement park, and the Maui Ocean Center Aquarium. The nearest employment centers, shopping centers and schools are located in Kihei, Kahului, and Wailuku, an approximate 10-minute drive from the project site. The project site is located approximately fifteen miles southeast of Lahaina and approximately eight miles southwest of the Kahului airport.

Northeast of the project site are agricultural lands and former sugar cane cultivation. Sugar cane operation by HC&S has since ceased operation in December 2016. Immediately north of the project site is the King Kamehameha Golf courses. Waikapu is located approximately three miles to the north, and the town of Wailuku and the Maui County government center are located about one mile north of Waikapu village. North Kihei Road and Honoapiilani Highway intersection is located in the southeast with the Maui construction and demolition landfill located adjacent to the north Kihei Road and Honoapiilani Highway intersection. The construction and demolition landfill is no longer in operation.

As noted earlier in this report, the project site was formerly used for sugar cane cultivation and more recently for small scale agricultural farming, horse pasturing and cattle grazing – all under a month-to-month licensing agreement.

The project site lies on gently sloping land, extending from Honoapiilani Highway up to the edge of the foothills of the West Maui Mountains. Vegetation consists primarily of open grasslands with few scattered trees.

The subject property was formerly owned by the Wailuku Sugar Company. It was sold to Maalaea Properties, LLC and was purchased by the Applicant, MVI, LLC on October 21, 2008.

APPLICABLE REGULATIONS

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to Title 2, Chapter 2.80B, Section 2.80B.110, Maui County Code (MCC), Non-decennial Amendments to Community Plans Proposed by a Person. Applications shall follow the procedures set forth out in sections 19.510.010 and 19.510.020 MCC, as

amended.

2.80B.110 - Nondecennial amendments to community plans proposed by a person.

A. Nondecennial amendments to community plans other than those enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person at any time. Nondecennial amendments to any community plan enacted pursuant to section 2.80B.090 of this chapter, except the Molokai community plan, may be proposed by a person during July of each year, provided that such amendments shall not be accepted within one year after the enactment of the community plan pursuant to section 2.80B.090 of this chapter. Nondecennial amendments to the Molokai community plan enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person during July of each year, provided that such amendments shall not be accepted within five years after the enactment of a decennial revision to the community plan pursuant to section 2.80B.090 of this chapter.

B. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of this code, shall include the application fee as set forth in the County budget, and shall be processed as if prepared by the planning director pursuant to section 8-8.4 of the charter. An environmental assessment or environmental impact statement prepared in accordance with chapter 343, Hawaii Revised Statutes, shall be submitted along with the application.

C. No later than one year after receipt of the planning commission's transmittal pursuant to section 8-8.4 of the charter, the council shall review and act upon any proposed amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter.

D. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.

E. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment.

F. Effect of Adoption of the General Plan and the Community Plans. Until revised or amended pursuant to this chapter, the general plan and the current community plan for each community plan district shall remain in full force and effect.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to: Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

CH. 343 HRS Environmental Assessment

Since the proposed Community Plan Amendment is to re-designate the property to Agriculture, an Environmental Assessment (EA) is *not* required pursuant to Chapter 343-5(a)(6), Hawaii Revised Statutes (HRS):

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;

PROCEDURAL MATTERS

1. On June 8, 2018, the Applicant mailed a "Notice of Application" to owners and recorded lessees within 500 feet of the subject property notifying them of the Applicant's intent to file CPA and CIZ permit applications with the County of Maui.
2. On July 11, 2018, the Applicant submitted to the Planning Department (Department) applications for the CPA and CIZ.

3. On July 31, 2018, the Maui Planning Department mailed a notice to the Applicant notifying them of the completeness of the applications and date of the scheduled public hearing.
4. On August 6, 2018, the Applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts are on file in the Planning Department.
5. On August 10, 2018, a "Notice of Hearing" on the applications was published in the Maui News by the Maui Planning Department.
6. On August 10, 17, & 24, 2018, the Applicant published a "Notice of Hearing" and location map in the Maui News for three consecutive weeks prior to the date of the public hearing for the applications.

REVIEWING AGENCIES

Applicant's response immediately follows the Exhibit.

County:	Comment	Exhibit
Dept. of Public Works	Yes	1, 1a, 1b
Dept. of Water	Yes	2

State:	Comment	Exhibit
Dept. of Health, Maui District	Yes	3
Dept. of Transportation	Yes	4
DLNR, SHPD	Yes	5, 5a, 5b
DLNR, DoFAW	Yes	6
Land Use Commission	Yes	7

ANALYSIS

LAND USE

State Land Use Districts

Pursuant to Chapter 205, Hawaii Revised Statutes, all lands in the State of Hawaii have been placed into one (1) of four (4) land use district categories by the State Land Use Commission. These land use districts have been designated "Urban", "Rural", "Agricultural", and "Conservation".

Analysis: The property is currently designated "Agricultural" by the State Land Use District criteria and therefore, no change is requested. The Applicant is proposing to keep the existing Agricultural designation of the property.

Hawaii State Plan, Chapter 226, HRS

Chapter 226, HRS, also known as the Hawaii State Plan, is a long-range comprehensive plan which serves as a guide for the future long-range development of the State by identifying goals, objectives, policies, priorities, as well as implementation plans. The proposed project is consistent with the following State goals, objectives, and policies of the Hawaii State Plan:

- (a)(2) Growth and development of diversified agriculture throughout the State.*
- (b)(2) Encourage agriculture by making the best use of natural resources.*
- (b)(10) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.*

Analysis: The proposed 21-lot agricultural subdivision conforms to and is consistent with the objectives and policies of §226-7 HRS *Objectives and policies for the economy--agriculture*. By keeping the agricultural designation unchanged, this will help safeguard that the property will be used for agricultural and residential purposes. All lots will be served with three existing wells that meet the water demand for the agricultural/residential lots.

County of Maui Community Plans

Within the County of Maui, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a Community Plan which sets forth desired land use patterns.

Analysis: The land underlying the project site is designated as "Project District 12" by the Kihei-Makena Community Plan. As described in the Kihei-Makena Community Plan, project districts provide a "flexible and creative planning approach rather than specific land use designations" establishing "continuity in land uses and designs while providing for orderly growth of the community as well as comprehensive and concurrent provision of infrastructural facilities and systems". The proposed 21-lot agricultural subdivision and to amend the community plan for the subject property from its current Project District designation to Agriculture is partially in response of the community's desire to preserve and maintain the property in low density residential/agricultural use.

Maui Island Plan

The Maui Island Plan, adopted on December 28, 2012, provides direction for the future growth, the economy, and social and environmental decisions on the island through 2030.

The Maui Island establishes vision, founded on core values that break down into goals, objectives, and actions.

Analysis: The approximately 257-acre property is outside the Urban Growth Boundary (UGB) within the Maui Island Plan, therefore, it will remain as an "Agricultural" use designation. The proposed Community Plan Amendment of the subject property from Project District 12 to Agriculture is consistent with the intent and purpose of the Maui Island Plan to keep the subject property in agricultural use designation.

Countywide Policy Plan

The County of Maui 2030 General Plan Countywide Policy Plan was adopted by Ordinance No. 3732 (2010) and took effect on March 24, 2010. The Countywide Policy Plan provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. This includes: (1) a vision statement and core values for the County of the year 2030; (2) an explanation of the plan-making process; (3) a description and background information regarding Maui County today; (4) identification of guiding principles; and (5) a list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

- *Protect the natural environment*
- *Preserve local cultures and traditions*
- *Improve education*
- *Strengthen social and healthcare services*
- *Expand housing opportunities for residents*
- *Strengthen the local economy*
- *Improve parks and public facilities*
- *Diversify transportation options*
- *Improve physical infrastructure*
- *Promote sustainable land use and growth management*
- *Strive for good governance*

The proposed amendments are in keeping with the following Countywide Policy goals, objectives, policies and actions:

Theme: *Strengthen the Local Economy*

Goal: *Maui County's economy will be diverse, sustainable, and supportive of community values.*

Objective: *Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.*

Policy: *Support and promote locally produced products that benefit the local communities and meet local demand.*

Analysis: With the infusion of capital expenditure to construct the needed infrastructure for the proposed 21-lot agricultural subdivision, the proposed project will create construction jobs for Maui's residents on a short-term basis. Over the long term, individual lot owners will be able to farm their agricultural lots and could potentially sell their farm products to the local community.

Theme: *Protect the Natural Environment*

Goal: *Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.*

Objectives:

(a) Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations;

(b) Improve the stewardship of natural environment.

Policies: *Protect the natural state and integrity of unique terrain, valued natural environments, and geological features.*

Analysis: By amending the community plan and changing the zoning to Agriculture and without any plans for mass grading of the site, this will help to preserve the "openness" of the area and maintain its natural topography. Access to the popular "Lahaina Pali Trail" will also be maintained.

Theme: *Expand housing opportunities for residents*

Goal: *Quality, island-appropriate housing will be available to all residents.*

Objective: *Increase the mix of housing types and neighborhood to promote sustainable land use planning, expand consumer choice, and protect the County's rural character.*

Policy: *Encourage a mix of social, economic, and age groups within neighborhoods.*

Analysis: The proposed twenty-one lot subdivision will provide Maui's residents with an island-appropriate low-density "rural-like" residential development. It preserves the open character of the area and promotes sustainable land use planning that is appropriate for the location and is consistent with the Maui Island Plan Agricultural designation.

County Zoning Title 19, MCC

As noted earlier, the majority of the project site is currently zoned "Agricultural" by Title 19 MCC. However, there are three smaller portions of the property zoned "Open Zone" (14.7 acres) and "Road/Street Reserve" (.8 acres), and "R-3 Zone" (.06 acres).

Analysis: The majority of the property is already designated agricultural by Maui County Zoning and therefore, no change is requested for this portion. As noted above, the three smaller portions of the property will require a Change of Zoning to "Agriculture." It is the Department's conclusion that re-

zoning these small portions will not have any effect on the environment or add to any substantial increase in use.

Further, the proposed community plan amendment to designate the subject property from Project District 12 to Agriculture is to make it consistent with the current County agricultural zoning for the majority of the subject property. The 21-lot agricultural subdivision project and the proposed CPA designation will meet the intent and purposes of Chapter 19.30A, MCC.

AGRICULTURE

The State Department of Agriculture has established three categories of Agricultural Lands of Importance to the State of Hawaii (ALISH). These are:

1. "Prime" agricultural lands which have soil quality, growing season, and the moisture supply needed to produce a sustained high yield of crops economically when treated and managed according to farming methods.
2. "Unique" agricultural lands which have the special combination of soil quality, location, growing season, moisture supply, and is used to produce sustained high quality and high yields of specific crop when treated and managed according to modern farming methods.
3. "Other" important agricultural lands are land other than Prime or Unique agricultural lands that are also of statewide or local importance for agricultural use. As indicated by the ALISH map, a major portion of the subject property falls within the "Prime" agricultural lands although small portions of the project site fall into the "Other" and "Unclassified" agricultural lands categories. The Land Study Bureau (LSB) classification utilizes clear, quantifiable criteria based on underlying soil characteristics, specifically for predominant crops in Hawaii. The University of Hawaii, LSB developed the overall productivity rating, in association with the detailed land classification for the island of Maui, which classifies soils according to 5 levels, with "A" representing the highest productivity soils and "E" representing the lowest rating. These classification letters are followed by numbers which further classify the soil types: texture, drainage, and stoniness.

The project site is located on lands designated as "B72i" by the Land Study Bureau. B72i designated lands are characterized as stony, well-drained lands moderately suited for machine till ability. These lands are most frequently used for sugarcane cultivation and grazing. With the proposed Community Plan Amendment to designate the subject property from Project District to Agriculture and a change in zoning of small portion of the subject property from open zone and road/street future reserve zone to agriculture will preserve the property to agricultural use.

Analysis: The Community Plan Amendment application is to designate the subject property from Project District 12 to Agricultural use and CIZ from open zone and road/street future reserve zone, and R-3 zone to agriculture. Since CPA and CIZ is to designate the property to agricultural use, there's no anticipated adverse impacts on agriculture, and no mitigative measures are anticipated.

ARCHAEOLOGICAL RESOURCES

Scientific Consultant Services (SCS), Inc. conducted an Archaeological Inventory Survey (AIS) on the proposed project site in April of 2005. The AIS work consisted of historical background and archival research; pedestrian survey and inspection of the parcel; mapping and a description of site features; subsurface testing (excavation by backhoe); consultation with State Archaeologist; and analysis, interpretation, and reporting of all relevant data. Field work was conducted on January 31 to February 11, 2005 by Jon Wilson and Eric Pope under the supervision of Principal Investigator Michael F. Dega, PH.D. of SCS, Inc. Archaeological work in the project area was conducted to determine the presence/absence of archaeological features in surface and subsurface contexts through complete pedestrian survey and representative subsurface testing. The ultimate goals of the project were to determine if significant cultural and/or historic resources occurred on the parcel; and, to provide significance assessments and recommendations to the State Historic Preservation Division (SHPD).

According to SCS, Inc., the main results of the AIS were as follows: three historic sites, all related to sugarcane agriculture, were identified, documented for the first time, and assigned SIHP numbers: Site 50-50-09-5657 (clearing mounds), Site 50-50-09-5658 (irrigation modifications), and Site 50-50-095659 (dirt road). These three sites were the only archaeological sites found within the project area. Per the AIS report, the pedestrian survey concluded that no prehistoric sites exist on the surface of the project area. Subsurface testing was comprised of twenty backhoe trenches which did not reveal any subsurface historic, or prehistoric, cultural material. No burial features or human remains were observed during pedestrian survey or encountered during subsurface testing.

The following actions were recommended by SCS, Inc: no further archaeological work is necessary within the project area, with the exception of a period of observation during future earth-moving activity. An archaeologist must be on site during the leveling of a representative sample (a minimum of four) of the thirteen clearing mound features that comprise State Site 50-50-09-5657. This archaeological observation is necessitated by the possibility of historic and/or prehistoric features or artifacts having been buried under/within the large clearing mounds. It is important to note that the AIS for the project site performed by SCS, Inc. was reviewed and accepted by the State Historic Preservation Division (SHPD) on June 29, 2005.

As a follow up to the approved AIS, the Archaeological Monitoring Plan (AMP) was prepared by Scientific Consultant Services (SCS), Inc. in April of 2008. The AMP will ensure that any human remains found during the subdivision of the subject property are identified and appropriately mitigated, as deemed appropriate and lawful pursuant to Hawaii State Law for the Discovery of Human Remains (pursuant to 13-300-40a, b, c, HAR). Archaeological Monitoring will also ensure that significant cultural resources identified in the project area are adequately sampled, documented, and evaluated for their historical significance.

Again, it is important to note, the AMP for the subject property prepared by SCS, Inc. has been reviewed and accepted by the State Historic Preservation Division (SHPD) in its letter of May 22, 2008. (Exhibits 5, 5a, 5b)

Analysis: As noted in the AIS report prepared by Scientific Consultant Services, Inc., there are no burial features and did no subsurface historic, or prehistoric or cultural materials were found.

However, there were three sites identified by the AIS that are all related to sugarcane agricultural activity and fully documented in the AIS. As a precautionary measure, the archaeological consultant recommended archaeological monitoring during construction and ground-altering activities as a prudent course of action. The proposed CPA and CIZ for the 21-lot agricultural subdivision project is not expected to have significant adverse impacts upon the archaeological resources of the area.

The following is reprinted from the Applicant's supporting documentation:

Scientific Consultant Services (SCS), Inc. conducted Archaeological Inventory Survey (AIS) on a 257-acre parcel in Maalaea (proposed project site) located at TMK: (2) 3-6-01:18. The AIS was done on April 2005. The AIS work consisted of historical background and archival research; pedestrian survey and inspection of the parcel; mapping and a description of site features; subsurface testing (excavation by backhoe); consultation with State Archaeologist; and analysis, interpretation, and reporting of all relevant data. Field work was conducted on January 31 to February 11, 2005 by Jon Wilson and Eric Pope under the supervision of Principal Investigator Michael F. Dega, PH.D. of SCS, Inc. Archaeological work in the project area was conducted to determine the presence/absence of archaeological features in surface and subsurface contexts through complete pedestrian survey and representative subsurface testing. The ultimate goals of the project were to determine if significant cultural and/or historic resources occurred on the parcel; and, to provide significance assessments and recommendations to the State Historic Preservation Division (SHPD).

According to SCS, Inc., the main results of the AIS were as follows: three historic sites, all related to sugarcane agriculture, were identified, documented for the first time, and assigned SIHP numbers: Site 50-50-09-5657 (clearing mounds), Site 50-50-09-5658 (irrigation

modifications), and Site 50-50-095659 (dirt road). These three sites were the only archaeological sites found within the project area. Per AIS report, a 100 percent pedestrian survey concluded that no prehistoric sites exist on the surface of the project area. Subsurface testing was comprised of twenty backhoe trenches (a volume of approximately 292 cubic meters) which did not reveal any subsurface historic, or prehistoric, cultural material.

Rather, excavation confirmed the extent, both in physical and temporal depth, of historic and modern agricultural activity within the project area. No burial features or human remains were observed during pedestrian survey or encountered during subsurface testing.

The following actions were recommended by SCS, Inc: no further archaeological work is necessary within the project area, with the exception of a period of observation during future earth-moving activity. An archaeologist must be on site during the leveling of a representative sample (a minimum of four) of the thirteen clearing mound features that comprise State Site 50-50-09-5657. This archaeological observation is necessitated by the possibility of historic and/or prehistoric features or artifacts having been buried under/within the large clearing mounds. It is important to note that the AIS for the project site performed by SCS, Inc. was reviewed and accepted by the State Historic Preservation Division (SHPD) on June 29, 2005. As a follow up to the approved AIS, the Archaeological Monitoring Plan (AMP) was prepared by Scientific Consultant Services (SCS), Inc. in April 2008. The AMP will ensure that any human remains found during the subdivision of the subject property are identified and appropriately mitigated, as deemed appropriate and lawful pursuant to Hawaii State Law for the Discovery of Human Remains (pursuant to 13-300-40a, b, c, HAR). Archaeological Monitoring will also ensure that significant cultural resources identified in the project area are adequately sampled, documented, and evaluated for their historical significance.

It is important to note, the AMP for the subject property prepared by SCS, Inc. has been reviewed and accepted by the State Historic Preservation Division (SHPD) in its letter of May 22, 2008. (Exhibits 5, 5a, 5b)

Analysis: An archaeological inventory survey (AIS) has been completed for the proposed project by Scientific Consultants Services, Inc. in compliance with all applicable historic preservation requirements. The AIS has been reviewed and approved by the State Historic Preservation Division (SHPD), Department of Land and Natural Resources. Also, an Archaeological Monitoring Plan (AMP) has been prepared and approved by SHPD, and the AMP will be implemented during construction activities for the project in accordance with all applicable laws as required. As noted in the Archaeological Inventory Survey (AIS) report prepared by Scientific Consultant Services, Inc., there are no burial features and did not reveal any subsurface historic, or prehistoric, or cultural material.

Cultural Assessment

A Cultural Impact Assessment (CIA) study was prepared by Scientific Consultant Services (SCS), Inc. by Leann McGerty and Robert Spear. Both are experienced in the cultural and archaeological history of Maui and the State of Hawaii. The cultural impact assessment was conducted by SCS in June 2005 for the subject property.

The purpose of the cultural impact assessment study is to compile a summary based on various historical, cultural and topographical accounts and facts regarding the proposed project site. The assessment contained in the cultural study of the area was acquired by SCS, Inc. through archival research, literature searches, and oral interviews with persons knowledgeable with the immediate project area. The personal experiences of the authors of the cultural impact assessment report are also interspersed within the report narrative.

The CIA report was prepared in accordance with the methodology and content protocol provided in the Guideline for Assessing Cultural Impacts (OEQC 1997). The report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, and its practices and beliefs.

According to the CIA report, analysis of the potential effect of the proposed Community Plan Amendment for the subject property on cultural resources, practices or beliefs. The project area has not been used for traditional cultural purposes within recent times, according to SCS' report. Based on historical research and the responses of the Maui office of Hawaiian Affairs; Community Resource Coordinator, Maui; the Office of Hawaiian Affairs, Oahu, the Cultural Resource Planner for the Maui Planning Department; and the Hawaiian Civic Club, it is reasonable to conclude, according to SCS, *"that Hawaiian rights related to gathering, access or other customary activities will not be affected and there will be no direct adverse effect upon cultural practices and beliefs"*.

Analysis: As reported in the Cultural Impact Assessment report, prepared by Scientific Consultant Services, there are no continuing cultural practices currently occurring within the project site based upon the findings of investigations, conducted for the project area and its immediate surrounding environs, as well as oral testimonies obtained from various individuals and government agencies. Hence, the proposed project is not anticipated to have significant adverse impacts upon the cultural resources at Maalaea area. No further mitigation measures are required.

INFRASTRUCTURE, PUBLIC FACILITIES AND SERVICES

Water – There is no Maui County Department of Water Supply's system currently servicing the project site or adjacent properties. There is irrigation water for the parcel which was previously used for the agricultural activities on the property.

Analysis: The proposed 21-lot agricultural subdivision project will be served by three existing wells that are privately-owned and operated. These wells have been drilled, cased, and pump tested to serve as the source of domestic water for the project site. These three wells are identified as Pohakea wells 1, 2, and 3 and are also identified by State No. 4930-01, 02, and 03, respectively. Pohakea 1 was constructed and initially pump tested in 2004. Pohakea 2 and 3 were completed and initially pump tested in 2007. In addition to the three wells, a 750,000-gallon storage tank has been constructed at the well site to service the subject property. State Department of Health approval is required for the existing wells and storage tank to be used for domestic purposes.

The adjacent Maalaea Triangle Subdivision and condominiums on the makai side of Honoapiilani Highway are serviced by the County water system. There is a 300,000-gallon storage tank at approximately elevation 220' located to the south of the project site on the adjacent State-owned lands that services this area. The existing County facilities are not sufficient to service the proposed project hence, a private water system has been constructed to service the project site.

In a letter dated February 27 2018, the Water Department commented that the Applicant's three proposed wells (Pohakea Wells 1, 2, and 3) would be competing with the Waikapu Country Town Project and that both projects will be drawing water from the same Waikapu aquifer which has a 3 mgd sustainable yield. The Waikapu project is estimated consumption from 1.6 to 2.4 mgd. The Applicant's water consumption estimate is 486,000 gpd. The Water Department estimates by its standards is 1.1 to 1.2 mgd. The draw on the aquifer has the potential to exceed the 3 mgd sustainable yield when including the demand from the Waikapu project. (Exhibit 2)

The Water Department will review each building application for water demand and remaining source availability before signing off on each building permit. If the projected demand outpaces the estimated source availability, it is highly likely that the Water Department will give approval on a building permit(s).

Wastewater - There is no existing County wastewater system servicing the subject property.

Analysis: Each individual lot will have to have its own engineered and DOH-approved IWS. The existing Maalaea community on the makai side of Honoapiilani Highway such as the Maalaea Triangle and the condominiums on Hauoli Street are also serviced by independent private wastewater treatment facilities.

Drainage – A preliminary drainage report dated October 2017 was prepared by Otomo Engineering, Inc. for the proposed project. The existing ground slopes in the northwest to southeast direction from approximate elevation 210 feet above mean sea level at the north western corner of the subject property to elevation 40 feet at Honoapiilani Highway (southeastern boundary), with an average slope of approximately 6.5%. As noted earlier, the

project site is currently vacant and previously used for sugarcane cultivation by Wailuku Agribusiness Company and more recently used by small independent farms mainly along the northern portion of the subject property.

Analysis: According to the "Soil Survey Database for the Island of Maui, Hawaii (September 2014)" prepared by the U.S. Department of Agriculture Natural Resources Conservation Service, the soils within the subject property are classified as Ewa Silty Clay (EsB), Ewa Cobbly Silty clay (EtB), Pulehu Cobbly Clay Loam (PtB), and Stony Alluvial Land (rSM). Ewa Cobbly Silty Clay and Pulehu Cobbly Clay loam is characterized as having moderate permeability and slow runoff with a slight erosion hazard. Stony Alluvial Land is high in permeability and consists of stones, boulders, and soil deposited by streams along the bottom of gulches and on alluvial fans.

According to the Flood Insurance Map (FIRM), dated September 19, 2012, prepared by the U.S. Federal Emergency Management Agency (FEMA), the project site is situated in Flood Zone "X" which represents an area of minimal flooding with 0.2% annual chance flood plain.

Roadways, Curbs, Gutters, and Sidewalks – Honoapiilani Highway is under the jurisdiction of the State of Hawaii Department of Transportation and is the main arterial highway to West Maui. It is a two-way roadway with varying widths of two and four lanes. In the vicinity of the project site, Honoapiilani Highway is a four-lane highway along a majority of the subject property. It becomes two-lanes at the southern end of the property fronting the Maalaea Triangle on the makai side of the highway. On the north side, the highway becomes merges into two lanes north of the intersection with Kuihelani Highway.

Maalaea Road is a two-way, two-lane roadway, which loops onto Honoapiilani Highway along its makai side. It provides access to the apartments and residential areas along the Maalaea coastline and Maalaea Harbor. At its north terminus with Honoapiilani Highway, only right turn movements are allowed northbound onto Honoapiilani Highway. At its south terminus, only right turn in and right turn out movements are allowed to and from the northbound lane on Honoapiilani Highway.

Analysis: A Traffic Impact Analysis Report (TIAR) was prepared on October 4, 2017 by Austin, Tsutsumi & Associates, Inc. for the purposes of assessing traffic impacts attributed to the proposed development and to mitigate potential impacts.

In memo titled "Engineering Division Review Checklist" dated 2/26/18 and 3/19/18, DPW made several comments regarding the total number of lots, future roadways to remain private or transfer to the County and other TIAR related questions. (Exhibit 1a)

The following excerpt (*italicized*) is reprinted directly from the TIAR:

5.1 Existing Conditions

All movements currently operate at overall LOS D or better during the AM and PM peak hours of traffic. This is with the exception of the Honoapiilani Highway/Kuihelani Highway intersection, where the low-volume northbound left-turn and the shared eastbound movements operate at LOS E during the AM peak hour of traffic.

5.2 Base Year 2019

There are currently no known developments and no roadway improvements that are anticipated to be constructed in Maalaea by Year 2019. Therefore, only ambient traffic growth was used to increase traffic in the study area to Year 2019. Traffic growth was based off of the Maui Regional Travel Demand Model (MRTDM) growth for forecast years of 2007 and 2020.

The resulting annual growth rate along Kapoli Street and North Kihei Road resulted in a 1.7-2.1 percent growth. Traffic growth along Honoapiilani Highway and Kuihelani Highway was calculated to be approximately 1.5 percent based on the MRTDM. However, a more conservative 4 percent annual growth was used along these highways to account for potentially higher regional traffic growth generated by various West Maui developments

All study intersections are expected to operate with LOS similar to existing conditions.

5.3 Future Year 2019

The Project's density has downsized from its previous plans and now consists of 21 residential agricultural lots with optional accessory dwelling units (ohana units) on each lot. For purposes of this Traffic Impact Analysis Report (TIAR), 42 total single family residential units were conservatively analyzed to account for full build-out with an ohana unit on each lot. A single driveway access is proposed at the existing Honoapiilani Highway/North Kihei Road tee-intersection, where a new west leg will be constructed, resulting in a 4-legged signalized intersection. The proposed development is expected to be completed by Year 2019.

The Project is anticipated to generate approximately 40(49) AM(PM) trips. All movements are projected to operate at LOS D or better with the exception of the Honoapiilani Highway/North Kihei Road/Project Access intersection. The northbound left-turn movement is expected to operate at LOS E during both the AM and PM peak hour of traffic. This movement is anticipated to be low-volume with 5(10) AM(PM) trips.

Section 6 provides recommended roadway mitigation measures at the Honoapiilani Highway/North Kihei Road intersection for the Project.

TIAR RECOMMENDATIONS:

- Construct new Project Access road (west leg), to create a 4-legged intersection.
- Construct a new traffic signal system with optimized signal timing and phasing plan to accommodate the new Project Access leg.
- Widen Honoapiilani Highway southbound approach to provide a southbound right-turn lane for entry into the Project site. Right-turn lane should provide at least 100 feet of storage, with additional deceleration length and taper length to be determined upon design.
- Widen Honoapiilani Highway northbound approach to provide a northbound left-turn lane for entry into the Project site. Left-turn lane should provide at least 100 feet of storage, with additional deceleration length and taper length to be determined upon design.

- *Restripe North Kihei Road westbound approach to provide an exclusive westbound left-turn lane, shared westbound left-turn/through lane and exclusive westbound right-turn lane.*

Solid Waste – Solid waste collection services for residents are provided by Maui County Department of Environmental Management. For commercial, solid waste is collected by private waste disposal companies. Collected solid waste is disposed at the Maui County's 55-acre Central Maui Landfill, located approximately four to six miles east of the subject property. This county-owned landfill is managed and operated by Maui County Department of Environmental Management. A green waste recycling facility is located at the Central Maui Landfill and is a privately-operated facility.

Analysis: Solid waste collection services for the development will be provided by Maui County Department of Environmental Management and deposited at the County's Central Maui Landfill site. There are no significant anticipated adverse impacts to the County's solid waste facilities. No further mitigation measures are expected to be required.

Public Services - Police and Fire

Police protection for the Kihei-Makena region is provided by the Maui Police Department (MPD) located along Piilani Highway at the South Maui Station in Kihei located approximately six miles east of the project site. An alternative could also be provided from the Wailuku Station on Kaahumanu Avenue in Wailuku. This is located approximately four miles north of the project area.

Fire prevention, protection, rescue, and emergency services for the Kihei- Makena region are provided by the Maui County Department of Fire and Public Safety. The department's two Kihei stations, which services the Maalaea and Kihei areas are located on South Kihei Road in central Kihei and the Wailea Fire Station situated on Kilohana Drive. Both are located approximately five and six miles east of the project site, respectively. Other central Maui stations are in Wailuku town and in Kahului, Dairy Road both located within approximately three to four miles of the project site.

Analysis: The proposed development is not anticipated to impact the service capacity or capability of police and fire. There are existing police and fire locations in close proximity of the subject property. No further mitigation measures are expected to be required.

Medical Facilities

Maui Health System (MHS) Maui Memorial Medical Center, manage by Kaiser Permanente effective July 1, 2017, is the only major medical facility on Maui. Acute, general, and emergency care services are provided by the 200+ beds at the MMMC facility located in Mahalani Street, Wailuku, about four miles north of the project site. Also, MHS Kula Hospital

manage by Kaiser Permanente is located approximately twenty miles east of the subject property provides emergency and long-term care services.

Clinics and offices in the Kihei region offer medical services on a lesser scale. Such clinics include Kihei Clinic and Wailea Medical Services, Kihei Pediatric Clinic, Kihei Physicians and the Kihei-Wailea Medical Center. In addition, Kaiser, Maui Medical Group, Maui Medical Clinic, and Liberty Dialysis Clinic serve health care needs on Maui. All are located in Wailuku and Kahului, about four miles north of the subject property. Dental and other medical offices are also located within the Wailuku-Kahului region to serve its residents and visitors and are within four miles or less from the subject property.

Analysis: The proposed development will not expand nor extend the existing service area limit for emergency medical services. Medical facilities are in close proximity of the subject property. No mitigation is required.

Schools

The subject property is located between the communities of Wailuku-Kahului and Kihei-Makena regions and is within the Kihei-Makena Community Plan District. Per State DOE, Maalaea area students are currently served by Puu Kukui Elementary School, Maui Waena Intermediate School, and Maui High School. The applicant acknowledges that decisions on which areas are served by a new school or which schools will serve new residential areas are determined at the local level by the DOE complex area superintendent. Also, according to recent announcements, the site work for the construction of the new Kihei High School is expected to start in very near future.

Analysis: There are no anticipated adverse impacts to the existing educational facilities or resources with regards to the proposed development.

SOCIO ECONOMIC IMPACTS

Population

The population of Maui has increased dramatically over the last two decades. In 2000, the population was estimated at 117,644, an increase from 1990 of 91,361 (Maui Island Plan). According to the Maui Island Plan, Maui's resident population is expected to grow from 129,471 in 2005 to 176,687 in 2030. This is a 1.46% annual growth rate, which equates to a 36.5% increase in population over the 25-year period. These projections, according to the Maui Island Plan indicate a population increase of 16% between 2010 and 2020, and an increase of 12% between 2020 and 2030.

According to the *Socio-Economic Forecast* as noted in the Maui Island Plan, the total population is not expected to increase equally throughout the island, rather, there are specific regions where population growth is more likely to occur. There are four areas where population growth will likely occur faster than others: Kihei-Makena, Wailuku-Kahului, Makawao-Pukalani-Kula, and Paia-Haiku regions. The combined population growths within these regions are illustrated by the following figures: population in 2005 was 107,621; in 2010 was 112,716, and in 2020 is expected to reach 130,774. In 2030, the combined population of these regions is expected to reach 146,777 (Maui Island Plan).

The Kihei-Makena Community Plan region has experienced a significant population growth over the last three decades. In the year 2000, the population of Maui was 117,644, with 22,870 people (19.4 percent) of the island's population residing in Kihei-Makena Community Plan region (SMS, 2002). The growth in the population of the Kihei-Makena Community Plan region since 1970 has been considerable, with the population increasing from 1,636 in 1970, to approximately 7,263 in 1980, and to 15,365 in 1990. Over the past 40 years, the Kihei-Makena Community Plan region has experienced a fourteen-fold increase in resident population, and is expected to rise further over the coming years.

Analysis: If the proposed Community Plan Amendment and Change of Zoning applications are approved, it will result in substantially limiting the number of lots that can be created. Based on Section 19.30A.030 MCC, the maximum agricultural lots that can be developed on the subject property is twenty one. Hence, the proposed project will not significantly increase the population parameters. No further mitigation measures are required.

Economy

The Wailuku region is the island's center of governmental activities, as well as a focal point for professional and business services. Combined with neighboring Kahului, the region's economic character includes a wide range of commercial, service, and governmental activities. Another important economic engine in the Kahului region is the harbor and airport transportation systems critical to Maui's economy. Also, within the Kahului region is the University of Hawaii Maui College and the Maui Center for Cultural Arts that contributes significantly to our economy in the region.

The Kihei-Makena Community Plan region is one of the island's well-planned visitors resort destination, the primary economic engine for the island of Maui. This same region contains the home of the research and technology park which contributes significantly to the island's economy. As we all know, the economy of Maui is heavily dependent upon the visitor industry, and the Kihei-Makena area provides a fine illustration of this characteristic. The presence of a high number of vacation condominiums along South Kihei Road reflects the growth of the Maui south coast as one of the most popular destinations in the State. The

Wailea and Makena Resorts affirm the island's economic dependence on tourism and luxury homes combined with renowned private golf courses.

The Maalaea Small Boat Harbor and the Maalaea Ocean Center aquarium located immediately east of the project site are another important economic engine as it represents one of the focal points for tourism on the island. At the said harbor, many of the commercial boat operators conduct snorkeling trips to popular destinations, whale-watching tours, and deep-sea fishing expeditions. The popularity of the harbor as a tourist gateway can be attributed to its proximity to the airport in Kahului and the hotel resorts in the Kihei-Makena region. Another important economic engine in close proximity of the project site is the Maui Tropical Plantation located at the base of Waikapu Valley at West Maui Mountains. This tourism-related activity is located approximately one mile north of the project area.

In addition, the region is surrounded by significant agricultural acreages which were formerly used for sugar cane cultivation. These vast expanse of agricultural lands, managed by Hawaiian Commercial and Sugar Company (HC&S), is now fallow since the closing of its sugar cane operation in December 2016. Also, another important agricultural activity that contributes to Maui's economy is Monsanto Seed Farm located approximately three miles east of the project area.

Another important key economic driver that fuels the economy within the Kahului-Wailuku region and the island of Maui are healthcare-related businesses such as the Maui Medical Group, Kaiser Permanente, and the 200+ beds at Maui Health System Hospital managed by Keiser Permanente starting in July 2017. There are also elderly long-term residential facilities that substantially contribute to the region's economy such as Hale Makua and Roselani Place residential complexes. These facilities are located within two to three miles north of the subject project site. It is estimated that these health-care related facilities have a combined number of direct employees of approximately over 2,000.

Analysis: The proposed 21-lot agricultural subdivision will create immediate short-term benefits as a result of design and construction employment during the subdivision development of the proposed project. Infusion of capital for the project during the subdivision improvements and construction of the dwelling units by individual lot owners will help the island economy. No further mitigation measures are required.

Employment

Maui recorded a 2.9 percent unemployment rate in April 2017, up from the 2.8 percent rate recorded in March, and unchanged from the 2.9 percent rate reported in April of last year. According to a recent report, Maui County's economic picture is marked by an impressive tourism industry rebound, which is the major economic driver for Maui's economy.

Analysis: As noted above, the proposed project will create immediate construction employment during the development of the subdivision improvements. Also, on a long-term basis will create construction jobs for local residents when individual lot owners build homes within the proposed subdivision. No mitigation measures are necessary in response to the anticipated increase of employment opportunities.

ENVIRONMENTAL IMPACTS

Site Description

The project site lies on gently sloping land, extending from Honoapiilani Highway up to the edge of the foothills of the West Maui Mountains. Vegetation consists primarily of open grasslands with few scattered trees. The subject property was formerly used for sugarcane cultivation by Wailuku Sugar Company, and part of the property is presently used for grazing.

The community of Maalaea is situated along Maui's southern coastline. Central to this neighborhood is the Maalaea Small Boat Harbor, which is home to a number of fishing and sightseeing charter boats, as well as private recreational vessels. The U.S. Coast Guard has a small office and a dock for its ships. Included within the Maalaea community are a small number of older oceanfront residences, and ten oceanfront condominium projects. The condominium developments within the Maalaea community account for approximately 560 residential apartment units, the majority of which are rented on a short-term hotel basis. The Maalaea Triangle commercial complex located makai of the project site is home to a variety of commercial uses, and predominantly caters to tourism, including shops, restaurants, a small amusement park, and the Maui Ocean Center Aquarium. The nearest employment centers, shopping centers and schools are in Kihei, Kahului, and Wailuku, a 10-minute drive from the project site. The project site is located approximately fifteen miles southeast of Lahaina and approximately eight miles southwest of Maui's main airport in Kahului.

Northeast of the project site are agricultural lands, and formerly used for sugarcane cultivation. Sugarcane operation by HC&S has since ceased operation in December 2016. Immediately north of the project site is the King Kamehameha Golf courses. Waikapu is located approximately three miles to the north, and the town of Wailuku and the Maui County governmental center are located about one mile north of Waikapu village. North Kihei Road and Honoapiilani Highway intersection is in the southeast with the Maui construction and demolition landfill located adjacent to the north Kihei Road and Honoapiilani Highway intersection. This construction demolition landfill is no longer in operation.

The property was formerly owned by Wailuku Sugar Company, sold to Maalaea Properties, LLC and it was purchased by the applicant, MVI, LLC in October of 2008.

Topography and Soil

The project site's existing ground slopes in a northwest to southeast direction from an elevation of 210 feet above mean sea level at the north western corner of the property to an elevation of 40 feet at Honoapiilani Highway (southeastern boundary), with an average slope of approximately 6.5%. The project site is currently vacant and previously used for sugarcane cultivation by the Wailuku Agribusiness Company and more recently used for cattle grazing and horse pasture.

According to the "Soil Survey database for the Island of Maui, Hawaii (September 2014), prepared by the United States Department of Agriculture Natural Resources Conservation Service, the soils within the project site are classified as having very slow runoff with no more than a slight erosion hazard.

Flood and Tsunami Hazard

The project site is located near the base of the West Maui Mountains and is situated in Flood Zone X. Flood Zone X represents areas outside of the 0.2% annual chance floodplain.

Analysis: The classification of the subject property as Flood Zone X is further confirmed by the Department's Zoning and Flood Confirmation Form and therefore, no flood or tsunami hazards exist at this site. Furthermore, the subject site is not located within the tsunami inundation zone.

Flora and Fauna

As noted in this report, the subject property is vacant and fallow. It was formerly used for sugarcane cultivation, and more recently used for cattle grazing and horse pasture.

Biological Resources survey was conducted at the property by Robert W. Hobdy (Environmental Consultant) in March of 2014. A walk-through botanical survey method was used by the consultant following a route to ensure complete coverage of the area. The primary purpose of the field survey was to determine if there were any federally listed endangered, threatened, proposed, or candidate flora and fauna species within the proposed project site. The objectives of the field survey were to:

1. Document what plant and animal species occur on the property or may likely occur in the existing habitat;
2. Document the status and abundance of each species;

3. Determine the presence of likely occurrence of any native flora and fauna, particularly, any that are federally listed as Threatened or Endangered. If such occur, identify what features of the habitat may be essential for these species;
4. Determine if the project area contains any special habitats which if lost or altered might result in a significant negative impact on the flora and fauna in this part of the island; and
5. Make recommendations to the landowner with respect to any sensitive species or habitats found in the project site.

According to the flora and fauna field survey by Mr. Robert Hobdy, the vegetation throughout the entire proposed project area is open grassland consisting primarily of two abundant grasses, guinea grass and buffalo grass, along with a variety of other shrubs and trees. The consultant found that the vegetation throughout the project site is dominated by non-native species. This is a result of over a century of intensive agricultural activity.

Analysis: As a result of the flora inventory field survey by Mr. Robert Hobdy (Biological Survey Consultant), has confirmed that *"no officially Listed Threatened or Endangered plants were found on the site, nor do any plants proposed as candidates for such status occur on the property"*. No special habitats were found on the property either. The report further states, because the vegetation on the site is dominated primarily by non-native plants and because there are no rare protected native species within the project area the proposed project is not expected to have a significant negative impact on the botanical resources and no special habitats were found on the property.

The proposed project does not anticipate any adverse impact on wetlands and the flora and fauna resources. No further mitigation measures are required.

Scenic and Open Space Resources

The West Maui Mountains, including Haleakala Mountain to the east define the scenic resources of the project site. Surrounding the project site to the east, north and west is open space, primarily former sugarcane lands and conservation lands. Immediately southeast of the project site (across Honoapiilani Highway) is the Maalaea Triangle commercial complex and the Maalaea State Harbor. Approximately 0.5 miles east of the project site is the Kealia Pond bird sanctuary. The subject property has an unobstructed view of the East Maui Mountain and Haleakala Mountain it is noted that the project area is not designated by the County of Maui as a scenic or natural resource requiring special attention.

Analysis: The subject property is not designated by the County of Maui as a scenic or natural resource requiring special attention. The proposed 21-lot agricultural subdivision is a very open and low-density project. The agricultural subdivision will maintain the agricultural

OTHER GOVERNMENTAL APPROVALS

The project will require construction permits and a Special Management Area Assessment.

TESTIMONY

As of August 29, 2018 the Department has not received any further communications regarding this matter.

ALTERNATIVES

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the requests.
2. *Recommend Approval without Conditions:* The Commission may take action to recommend that the Maui County Council approve the requests without imposing any conditions.
3. *Recommend Approval with Conditions:* The Commission may take action to recommend that the Maui County Council approve the requests with conditions.
4. *Recommend Denial:* The Commission may take action to recommend that the Maui County Council deny the requests.

APPROVED:



MICHELE MCLEAN
Planning Director

18/1456

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

March 8, 2018

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: *DCG* DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: APPLICATION FOR COMMUNITY PLAN AMENDMENT FOR MAALAEA
AGRICULTURAL SUBDIVISION; TMK: (2) 3-6-001:018
CPA 2018/0002

We reviewed the subject application and have no comments at this time.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Engineering Division

S:\DSA\Engr\CZM\Draft Comments\36001018_maalaea_ag_subd_cpa.rtf

COUNTY OF MAUI
DEPT. OF PLANNING & CURRENT

MAR 21 2018

RECEIVED

EXHIBIT 1



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 10, 2018

Mr. David C. Goode
Director
Department of Public Works
200 S. High Street
Wailuku, HI 96793

**Subject: Application for Community Plan Amendment (CPA 2018/0002)
Ma`alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI**

Dear Mr. Goode:

This is to acknowledge receipt of your letter dated March 8, 2018 regarding the above subject matter. Per your letter, your department have "no comments at this time." Thank you again and we appreciate for taking the time to review the draft CPA application.

Should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbago-ov-devgroup@hawaii.rr.com.

Sincerely,


Vince Bagoyo

Cc: Mr. Paul Fasi (Planner, Maui Planning Department)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

**REPLY TO
EXHIBIT 1**

**COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
REVIEW CHECKLIST**

MAALAEA AGRICULTURAL SUBDIVISION

Subject:

Tax Map Key: (2) 3-6-001: 018

Due Date: 2/26/18

We have reviewed the above request and offer the following comments

- A road widening lot may be required for the adjoining half of _____ to provide for future _____ foot wide right-of-way and improved to County standards, to include, but not be limited to, pavement widening, construction of curb, gutter and sidewalk, street lights and relocation of utilities underground. Development Services Administration shall determine whether the aforementioned are enforceable by Maui County Code. If applicable, said lot shall be dedicated to the County upon completion of the improvements.
- The existing _____ road does not meet County standards based on roads located in _____ zoning. Therefore, shall be improved to County standards.
- Applicant shall have U.S. Army Corps of Engineers review the drainage plan affecting _____ Stream. The Corps response shall be provided to the Engineering Division for confirmation of action.
- The applicant shall be responsible for all required improvements, as required by Hawaii Revised Statutes, Maui County Code and rules and regulations.
- As applicable, construction plans shall be designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standard Details for Public Works Construction, 1984, as amended.
- As applicable, worksite traffic control plans/devices shall conform to "Manual on Uniform Traffic Control Devices for Streets and Highways", 2003.
- Comments from traffic section attached.



Prepared by: Cary Yamashita **Date:** 03/28/18

Note: Marked items require action. If you have any questions, contact Engineering Division at 270-7745.

EXHIBIT 1a

Comments (3/19/18)

Maalaea Agricultural Subdivision

TMK: (2) 3-5-001:018

- 1. Project proposes 21 lots with future plans to subdivide remaining lots. Provide the total number of possible lots since this may affect recommendations for the number of accesses serving this subdivision.**
- 2. Confirm whether future roadways will remain private or the intent is to eventually transfer the roadways to the County of Maui.**
- 3. Roadway section should be designed appropriately to accommodate intended agricultural uses. If roadways are to be dedicated to the County of Maui in the future, ensure that a report addressing the design is submitted for review and approval as part of the permitting and plan review process.**
- 4. Add language to the TIAR and application to the effect that the TIAR dated October 4, 2017 analyzes only 21 total lots with accessory dwelling units for a total of 42 single family dwelling units and that future plans to subdivide the remainder of the property will be contingent on review and approval of a new TIAR and subdivision access plan.**
- 5. Explain the rationale for using a 4% annual growth for regional traffic.**
- 6. Based on the provided layout and future plans to subdivide lots further, the single roadway shown should be designed as a collector roadway with appropriate pavement widths.**
- 7. Preliminary Engineering Report states that the subdivision roadway will be improved to County Standard with "...20 ft. of pavement...". Please revise as County standard is a minimum of 22 feet for a collector class roadway.**



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 11, 2018

Mr. Cary Yamashita
Engineering Division
Department of Public Works
200 S. High Street
Wailuku, HI 96793

Subject: Community Plan Amendment Application (CPA 2018/0002)
Ma'alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI

Dear Mr. Yamashita:

The following are responses to your comments dated March ²⁶~~28~~, 2018:

Comment 1. Project proposes 21 lots with future plans to subdivide remaining lots. Provide the total number of possible lots since this may affect recommendations for the number of accesses serving this subdivision.

Response: Based on the Maui County Code (MCC) for agricultural lots, the subject property can be subdivided into a maximum 21 lots.

Comment 2. Confirm whether roadways will remain private or he intent is to eventually transfer the roadways to the County of Maui.

Response: The proposed subdivision roadway intended to remain private.

Comment 3. Roadway section should be designed appropriately to accommodate intended agricultural uses. If roadways are to be dedicated to the Cunty of Maui in the future, ensure that addressing the design is submitted for review and approval as part of the permitting and plan review process.

Response: The roadway section will be designed for the intended uses and will be reviewed as part of the construction plan approval process.

Comment 4. Add language to the TIAR and application to the effect that the TIAR dated October 4, 2017 analyzes only 21 total lots with accessory dwelling units for a total of 42 single family dwelling units and that future plans to subdivide the remainder of the property will be contingent on review and approval of a new TIAR and subdivision access plan.

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.

REPLY TO
EXHIBIT 1a



BAGOYO

DEVELOPMENT
CONSULTING GROUP

Response: The TIAR will be updated to reflect this comment. As noted earlier, based on the Maui County Code for agricultural lots, the subject property can be subdivided into a maximum of 21 lots.

Comment 5. Explain the rationale for using 4% annual growth for regional traffic.

Response: At the time the TIAR was done, various West Maui developments are planned to be constructed such as the Kahoma Village, Kahoma Residential subdivision, West Maui Hospital and Medical Center and Kai a Ula Development. This 4% growth reflects ambient regional growth plus traffic generated by a portion of these West Maui developments.

Comment 6. Based on the provided layout and future plans to subdivide lots further, the single roadway shown should be designed as a collector roadway with appropriate pavement widths.

Response: The property is proposing to be subdivided into 21 lots which is the maximum based on the zoning standards. The subdivision roadway will be designed to meet County standards and will be reviewed as part of the construction plan approval process.

Comment 7. Preliminary Engineering Report states that the subdivision roadway will be improved to County standard with "...20 ft. of pavement..." Please revise as County standard is a maximum of 22 feet for a collector class roadway.

Response: The subdivision roadways will be improved to meet the minimum County Standard for the appropriate designated roadway classification and will be reviewed as part of the construction plan approval process.

Thank you again for taking the time to review the CPA application and should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbagoYO-devgroup@hawaii.rr.com.

Sincerely,



Vince Bagoyo

Attachment

Cc: Mr. Paul Fasi (Planner, Maui Planning Department)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

LESLIE L. OTANI, P.E., L.S.
Highways Division

June 3, 2016

Mr. Douglas R. Spencer
Spencer Development
67 East Waiko Road
Wailuku, Maui, Hawaii 96793

Dear Mr. Spencer:

SUBJECT: MA'ALAEA PLANTATION; TMK: (2) 3-6-001:018

This is in response to your May 11, 2016 letter regarding determining consistency of various land use designations for the purpose of submitting a plat for preliminary subdivision approval. I was able to meet with Planning Director William Spence and his staff to get more information on the Department of Planning's perspective as relates to consistency of the land use designations for the Ma'alaea Plantation parcel.

I first conferred with our staff who process subdivisions, and the process we follow is one set out by Maui County Code, Section 18.04.030 whereby "The director shall determine whether a proposed subdivision is consistent with the County general plan, community plans, State land use classification, and zoning after consultation with the planning director" (emphasis added).

The Planning Department does the analysis on which land uses are consistent with the Maui Island Plan, community plan designation, State land use designation, and County zoning. When consistency is in question, and consistent uses are nonetheless identified, the Department of Planning would work with the applicant and finalize a Unilateral Agreement identifying such uses as part of the subdivision process.

In the zoning confirmation process, the Department of Planning determined that the land use designations for the subject property are not consistent and there are no uses that are consistent to warrant the processing of a Unilateral Agreement. I am

EXHIBIT 1b

Mr. Douglas R. Spencer
June 3, 2016
Page 2

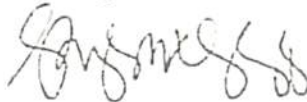
advised that a Community Plan amendment is required, and such an amendment does not require an Environmental Assessment (EA) if the designation is to Agriculture [Hawaii Revised Statutes (HRS), §343-5(a)(6)]. I do not know if there are other HRS, Chapter 343 EA triggers for your project, but at least an EA is not required for the change to Agriculture. The Department of Planning indicated to me that they are supportive of such a change in community plan designation to Agriculture as it would be consistent with the Maui Island Plan for your property.

Our department will be following the advice of the Department of Planning in not processing a subdivision given their position on consistency.

However, we are amenable to begin processing a subdivision application while a community plan designation change to Agriculture has been commenced. Please understand that processing the subdivision will not in any way guarantee any rights to a final subdivision approval, until all conditions are met, including but not limited to completing a community plan amendment.

If you have any questions regarding this letter please contact me at any time.

Sincerely,



DAVID C. GOODE
Director of Public Works

DCG:jso
xc: Development Services Administration
Department of Planning
s:\david2\douglas spencer_maalaea plantation

ALAN M ARAKAWA
Mayor



DAVID TAYLOR, P E
Director

GLADYS C BAISA
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

February 27, 2018

Paul Fasi, Staff Planner
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

RE: Maalaea Agricultural Subdivision
Community Plan Amendment (CPA) 2018/0002 District 12 to Agriculture on 257 acres
TMK: (2) 3-6-001:018

Dear Mr. Fasi:

Thank you for the opportunity to offer the following comments on this CPA application changing from Project District 12 to Agriculture on 257 acres and subdividing into 21 lots for residential development. Please see the attached previously signed DWS letter dated April 17, 2015 which includes Best Management Practices (BMPs).

Source Availability

The applicant anticipates constructing a private water system with water use taken from three wells on an adjacent property, Pohakea Wells 1, 2, and 3. These wells overlie the Waikapu aquifer which has a 3 mgd sustainable yield. Competing uses for the Waikapu aquifer includes the Waikapu Country Town Project with an estimated consumption from 1.615 to 2.495 million gallons per day (mgd) including agricultural uses according to Water System Standards, Hawaii, 2002.

Consumption and Infrastructure

The Department of Water Supply (DWS) notes the consumption demand in the document for 257 agricultural acres is calculated at an estimated 486,100 gallons per day. According to system standards, consumption in this dry area is estimated at 1.165 to 1.2058 mgd (depending upon open space irrigation) for these agricultural lots. The draw on the aquifer has the potential to exceed the 3 mgd sustainable yield when including the competing use demand from the Waikapu Country Town Project.

DWS has a 12-inch water line adjacent to the property on Honoapiilani Highway at the south end of the property and no other infrastructure on the property.

Should you have any questions, please contact staff planner Audrey Dack at (808) 463-3109 or audrey.dack@co.maui.hi.us.

Sincerely,

Gladys C. Baisa, Deputy Director
apd
cc: DWS Engineering Division
Attachment

"By Water All Things Find Life"

EXHIBIT 2



**DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU MAUI HAWAII 96791-2154
www.mt.water.hawaii.gov**

April 17, 2015

Mr. Paul F. Fasi, Staff Planner
County of Maui, Department of Planning
2200 Main Street, Ste. 315
Wailuku, HI 96793

Dear Mr. Fasi:

RE: Project: Maalaea Plantation Subdivision
Applicant: MVI, LLC (Consultant: Vince G. Bagoyo, Jr.)
Description: Single-Family Subdivision and Park
TMK: (2) 3-6-001:018
Permit No.: EA 2015/0003

Thank you for the opportunity to offer the following comments on the referenced project.

Source Availability and Consumption

The proposed project will have a private water system. The applicant's water source in the Waikapu aquifer, are three existing wells with a proposed total use of 1.5 million gallons per day.

The applicant's estimate of the average daily water demand for the project determined by using County of Maui, Department of Water Supply *WATER SYSTEM STANDARDS* dated 2002 is 486,960 gpd. The maximum daily demand is estimated at 730,440 gpd.

System Infrastructure

There is currently three existing wells, a 0.75 million gallon tank, and a 2600 feet 12-inch waterline to the project site.

Pollution Prevention

Although the project site is not in a wellhead protection area (WHPA), Department of Water Supply recommends that the applicant implement appropriate construction mitigation measures to ensure the protection of the Waikapu aquifer.

"By Water All Things Find Life"

Mr. Paul F. Fasi, Staff Planner
April 17, 2015
Page 2

Conservation

The Department of Water Supply recommends that the applicant include the following conservation measures for implementation in the project:

Indoor Conservation Measures:

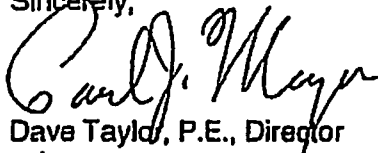
- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.
- Install showerheads with a flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).
- Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi. Laundry facilities and/or individual unit machines must use Energy Star labeled washers.

Outdoor Conservation Measures:

- Use Smart Approved WaterMark irrigation products. Examples include ET irrigation controllers, drip irrigation, and water saving spray heads.
- Avoid plant fertilizing and pruning that would stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible.
- Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.
- Dust control: Reclaimed water for dust control is available from the Kihei and Kahului Wastewater Treatment Plants at a reasonable cost. It should be considered as an alternative source of water for dust control during construction.

Should you have any questions, please contact Arnold Y. Imae, Staff Planner, at Arnold.Imae@co.maui.hi.us or at (808) 463-3110.

Sincerely,



Dave Taylor, P.E., Director
ayi

c: DWS Engineering Division
DWS Water Resources & Planning Division



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 12, 2018

Ms. Gladys C. Baisa
Deputy Director
Maui Department of Water Supply
200 S. High Street
Wailuku, HI 96793

Subject: Community Plan Amendment Application for Ma'alea Agricultural Subdivision
CPA 2018/0002
TMK: (2) 3-6-001:018, Island of Maui, HI

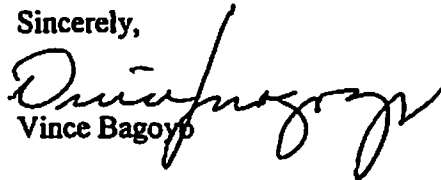
Dear Ms. Baisa:

This is to acknowledge receipt of your letter dated February 27, 2018 regarding the above subject Community Plan Amendment application. Regarding your comment on consumption and infrastructure for the propose project, the water system will be privately owned. Sizing of the agricultural use is based on an average of 2500 GPD per acre on approximately 175 irrigated acres. This is less than he DWS design guidelines but is in keeping with the State Commission on Water Resources Management (CWRM) accepted irrigation use rates and for the agricultural use envisioned for the project. Well supply capacity is based on providing the maximum day use calculated at 1.5 times the average use.

Per DWS' earlier letter dated April 17, 2015, the applicant will fully comply with your recommendations regarding implementing Best Management Practices (BMPs) concerning conservation measures for the proposed project.

Thank you again for taking the time to review the application and for your comments. Should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbagoYO-devgroup@hawaii.rr.com.

Sincerely,


Vince Bagoyo

Attachment

Cc: Mr. Paul Fasi (Planner, Maui Department of Planning)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

REPLY TO
EXHIBIT 2

18/1163

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

February 28, 2018

Mr. William R. Spence
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

Attn: Paul Fasi

Dear Mr. Spence:

COUNTY OF MAUI
DEPT. OF PLANNING & CURRENT
MAR 2 2018
RECEIVED

Subject: Maalaea Agricultural Subdivision
Applicant: MVI, LLC
Permit No.: CPA 20180002
TMK: (2) 3-6-001:018
Location: 1215 South Kihei Road, Kihei, Hawaii 96753
Description: Community Plan Amendment from Project District 12 to Agriculture on 257 acres & subdivide into 21 lots for residential development

Thank you for the opportunity to review this project. We have the following comments:

1. A private water system will serve the subdivision. Please contact the Safe Drinking Water Branch at 808 586-4258.
2. National Pollutant Discharge Elimination System (NPDES) permit coverage may be required for this project. The Clean Water Branch should be contacted at 808 586-4309.
3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

EXHIBIT 3

Mr. William R. Spence
February 28, 2018
Page 2

4. The land was formerly used in the production of sugarcane and/or pineapple. Please contact the Department of Health, Hazard Evaluation and Emergency Response office at 808 586-4249.
5. Please provide additional information regarding the existing drinking water wells. This information is needed for us to complete our review and comments under Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems." If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,



Patti Kitkowski
District Environmental Health Program Chief

c EPO



BAGOYO

DEVELOPMENT
CONSULTING GROUP

April 12, 2018

Ms. Patty Kitkowski
District Environmental Health Program Chief
State Department of Health – Maui District
54 High Street
Wailuku, HI 96793-3378

Subject: Community Plan Amendment Application for Ma'alea Agricultural Subdivision
CPA 2018/0002
TMK: (2) 3-6-001:018, Island of Maui, HI

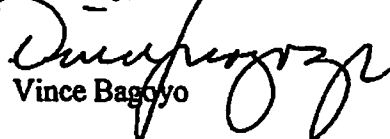
Dear Ms. Kitkowski:

This is to acknowledge receipt of your letter dated February 28, 2018 regarding the above subject application. Following below are responses to your comments in the order as noted in your letter:

1. Comment acknowledged.
2. Comment acknowledged.
3. Comment acknowledged.
4. Comment acknowledged.
5. See attached report prepared by Tom Nance Water Resource Engineering on the project's three water wells.

Should you have any further questions regarding the proposed project, please contact me at (808) 357-3842 or by email at vbagoovo-devgroup@hawaii.rr.com.

Sincerely,



Vince Bagoovo

Attachment

Cc: Mr. Paul Fasi (Planner, Maui Department of Planning)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

REPLY TO
EXHIBIT 3

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Director
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO
DIR 0176
HWY-PS 2.6962

March 13, 2018

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

MAR 27 2018

RECEIVED

Mr. William Spence
Director
County of Maui
Planning Department
250 South High Street
Wailuku, Hawaii 96793

Attention: Paul Fasi

Dear Mr. Spence:

Subject: Request for Comments with Application for
Community Plan Amendment (CPA 2018/0002)
Maalaea Agricultural Subdivision
Tax Map Key No: (2) 3-6-001: 018, Maui, Hawaii

Thank you for the opportunity to review the subject application and a Traffic Impact Analysis Report dated March 31, 2015. We understand that an application with a prior proposal for 1,100 dwelling units was withdrawn, which was related to our response letter dated May 12, 2015 to the Applicant (HWY-PS 2.9867).

The proposed 257-acre development will consist of 21 agricultural lots ranging from 3.3 acres to 44.7 acres and will include retention basins along the entirety of the site frontage. The project site is on the west side of the State Honoapiilani Highway, between North Kihei Road and Kapioli Street within the Maalaea community. Primary access to the development will be on the Honoapiilani Highway, where North Kihei Road intersects and will result in a 4-legged signalized intersection.

The Hawaii Department of Transportation (HDOT) has the following comments:

1. The development should set aside adequate road widening setbacks abutting Honoapiilani Highway for future road improvement. The HDOT will be evaluating the need for an additional through lane (Lahaina-bound) and auxiliary lanes.
2. The storage lane at the Honoapiilani Highway/Project access (Northbound left-turn) should have adequate length to ensure the thru movements will not be affected.

EXHIBIT 4

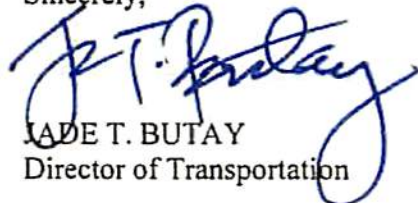
Mr. William Spence
March 13, 2018
Page 2

HWY-PS 2.6962

3. If it has not already been done so, the signalized intersections of North Kihei Road/Honoapiilani Highway and Honoapiilani Highway/Kuihelani Highway should be interconnected.
4. The speed limit on Honoapiilani Highway is 45-mph; therefore, the HDOT recommends an acceleration and deceleration lane at the access point should be considered.
5. Submit conceptual layouts for approval by HDOT to ensure recommended improvements are constructible.
6. No access is permitted along the entire site frontage except at the proposed access onto the Honoapiilani Highway. Therefore, lots designated for the retention basins and drainage way should be restricted to only have access from the development's internal road.
7. Access driveway connections to Honoapiilani Highway including auxiliary lanes shall follow Federal and State/AASHTO Highway Design Standards and Specifications, and shall be approved by HDOT.
8. This project should not result in additional discharge of surface water run-off onto the State highways. Also, a drainage study for the retention basin should be submitted for review and acceptance to the Maui District Engineer.
9. Vehicular activities on the site shall be monitored to prevent debris such as gravel/dirt/mud etc. from being tracked onto the State highways.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch at (808) 587-1830. Please reference File Review No. PS 2015-064.

Sincerely,



WADE T. BUTAY
Director of Transportation



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 10, 2018

Mr. Jade T. Butay
Director
State Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

**Subject: Proposed Community Plan Amendment (CPA 2018/0002)
Ma'alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI**

Dear Mr. Butay:

This is to acknowledge receipt of your letter dated March 13, 2018 regarding the above subject matter. Following below are responses to your comments in the order as noted in your letter:

1. The proposed agricultural subdivision will provide road widening setbacks abutting Honoapiilani Highway as required by HDOT. HDOT will have the opportunity to provide the necessary setbacks as part of the subdivision process.
2. Page 19 of the TIAR, bullet point #4 of the draft application provides a recommendation to "Widen Honoapiilani Highway northbound approach to provide a northbound left-turn lane for entry into the Project site. Left-turn lane should provide at least 100 feet of storage, with additional deceleration length and taper length to be determined upon design."
3. Comment acknowledged.
4. Comment acknowledged.
5. Comment acknowledged.
6. No access will be designated along the entire property frontage along Honoapiilani Highway except for the approved access by HDOT.
7. Comment acknowledged.
8. The project will not result in additional discharge of surface water runoff onto the State highway. A drainage study will be submitted to the Maui District Engineer for review and acceptance during the subdivision process.
9. Vehicular activities on the site will be monitored to prevent debris from being tracked onto the State highways. This will include Best Management Practices (BMPs) that will be installed and remain in place during the construction period of the subdivision improvements.

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842

VBAGOYO-DEVGROU@HAWAII.FRE.COM

REPLY TO
EXHIBIT 4



BAGOYO

DEVELOPMENT
CONSULTING GROUP

Thank you again for your comments and should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbago-devgroup@hawaii.rr.com.

Sincerely,



Vince Bagoyo

**Cc: Mr. Paul Fasi (Planner, Maui Planning Department)
Mr. Doug Spencer (MVI, LLC)**

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.COM

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR, WATER

AQUATIC RESOURCES
HISTORY AND CULTURAL RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KURELAKE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 19, 2018

Mr. William Spence, Director
County of Maui
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

IN REPLY REFER TO:
Log No. 2018.00344
Doc. No. 1803LS13
Archaeology

Dear Mr. Spence:

SUBJECT: Chapter 6E-42 Historic Preservation Review
Community Plan Amendment (CPA) Permit Application – CPA 2018-0002
1215 S. Kihei Rd., Kihei – Change from Project District 12 to Agriculture
Owner: MVI, LLC
Waikapū Ahupua‘a, Pū‘ali Komohana District, Island of Maui
TMK: (2) 3-6-001:018

This letter provides the State Historic Preservation Division’s (SHPD’s) review comments on this permit application proposing to amend the Community Plan designation of approximately 257 acres of land from Project District 12 to Agriculture for the proposed Mā‘alaea Agricultural Subdivision, 1215 S. Kihei Road. The SHPD received this submittal on February 9, 2018. The submittal indicates that the primary purpose of the CPA is to be consistent with the County agricultural zoning, State Land Use District agricultural land use designation, and the Maui Island Plan, and to preserve the agricultural character of the area.

An archaeological inventory survey report related to the subdivision was accepted by our division in 2005 (Log No. 2005.1191, Doc. No. 0506MK18). Three agricultural historic properties were documented, including 13 clearing mounds (SIHP 50-50-09-5657), field irrigation modifications (SIHP 50-50-09-5658), and a historic roadway (SIHP 50-50-09-5659). An archaeological monitoring program was established and the plan was accepted by our division in 2008 (Log No. 2008.1558, Doc. No. 0805PC40). Additionally, SHPD reviewed a subdivision application on March 24, 2016 (Log No. 2016.0034, Doc. No. 1603MD34).

Therefore, SHPD’s determination is **no historic properties affected** for the proposed CPA. The permit process may continue.

SHPD requests the opportunity to review any future proposed projects involving ground disturbing activities.

Please contact me at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions regarding this letter.

Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
Archaeology Branch Chief

cc: Paul Fasi, Staff Planner, paul.fasi@mauicounty.gov

18 MAR 27 AM 11:41

BLD OF PLANNING
CURRENT DIV. RECEIVED

EXHIBIT 5

LAND USE
Division of State



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAUAIOLA DRIVE, ROOM 113
KAUAI, HAWAII 96761

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAUAIOLA DRIVE, ROOM 113
KAUAI, HAWAII 96761

June 29, 2005

Michael Doga, Ph.D.
Scientific Consultant Services
711 Kapiolani Blvd, Suite 075
Honolulu, HI 96813

LOO NO: 2005-1191
DOC NO: 0506MK13

Dear Dr. Doga:

SUBJECT: Historic Preservation Review - 68-42 - Archaeological Inventory Survey
259,503 Acres in Ma'aloa, prepared for AFK Development
Urumahama, and Waikapu Ahupua'a, Waikolu District, Maui Island
TMK (7) 3-8-01:10

Thank you for the opportunity to review this report which our staff received on April 19, 2005 (Wilson and Doga 2005, An Archaeological Inventory Survey Report on 259,503 Acres in Ma'aloa, Urumahama and Waikapu Ahupua'a, Waikolu District, Maui Island, Hawaii (TMK (7) 3-8-01:10)). Scientific Consultant Services, Inc. ma.

The background section acceptably establishes the ahupua'a's traditional pattern and predicts the likely site pattern in the project area. The historical information provided summarizes the history of the post-contact period land uses. The summary of previous archaeological work in the area provides a baseline for the current work. The project area has been utilized for commercial agriculture for probably over a century, and the report suggests that Henry Cornwall was in possession of the land in 1876, and subsequently sold it to Cass Sprickets. By the turn of the 19th century to the 20th, the parcel was under sugarcane production. The parcel was more recently used for commercial pineapple production followed by smaller scale truck garden plots.

The survey has adequately covered the project area documenting three historic properties. All three sites related to the historic use of the property for agriculture. SHP 50-50-09-5657 consists of 13 "clearing mounds", the ubiquitous piles of large boulders and cobbles scattered throughout the agriculturally used areas on Maui. The mounds on the subject parcel are confined to the area of the subject parcel comprised of the Pu'uhu Series Soil. SHP 50-50-09-5659 consists of historic field irrigation modifications associated with sugarcane production. The features are modified drainages resulting from the perennial water courses. The drainages show alteration by hand tools. Finally, SHP 50-50-09-5658 is an historic dirt road paralleling the general project area boundary. It is currently used by vehicles approaching the Ma'aloa turnoff of the Lahaina Pali Trail. The trail ends at the project boundary, although it is assumed that the turnoff formerly crossed or skirted portions of the subject parcel. Subsurface testing

Michael Doga
Page 2

(twenty backhoe trenches) were negative for evidence of cultural deposits. The stratigraphy within the trenches exhibited comparability with the two soil series evident on the parcel (Puhua Series and Ewa Series). The site descriptions are acceptable.

We concur that all three sites are significant under Criterion "D" and have the potential to yield information important to understanding the history of the region. We also concur that the SHP - 5658 and -5659 have yielded adequate information and no further archaeological work is necessary. We also agree that SHP - 5657, the clearing mounds, warrant some additional work. It has been suggested that the mounds may contain historic/cultural materials that were placed there during initial clearances, or that the mounds utilized pre-existing "built" areas in the environment. As such, we concur with the mitigation recommendations detailed below.

We agree that some monitoring on the parcel is appropriate, especially in the vicinity of the rock mounds/piles. We also agree that an initial "sampling" of this area during initial earthmoving, will allow a better assessment of the probability for historic properties being identified beneath the piles. We concur with the general recommendation that during deconstruction, an archaeological monitor will be present. Based on the initial findings, and in consultation with the Maui SHPD office, a determination will be made regarding how carry of the mounds merit such a monitoring program. We also believe that because of the proximity of the project area to the Ma'aloa coastal zone, any submitted monitoring plan should include a pre-consultation meeting between the construction crew and the SHPD office to alert the workers of the importance of halting work during construction in the event of inadvertent finds. This meeting will facilitate a relationship between our office, the construction crew, and your archaeologist, to ensure no historic properties are inadvertently impacted. We recognize that this is a relatively unusual approach, but given the paucity of findings in an area in which we know prehistoric activity would have occurred merits a special approach.

We find this report to be acceptable. We will email a monitoring plan detailing the innovative measures suggested in your report and above. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kikandari (Maui/Lana'i SHPD 243-6169) as soon as possible to resolve these concerns.

Aloha,

MELANGE A. CHINEN, Administrator
State Historic Preservation Division

MJC:M

cc: Bori Rafie, DPWEM, County of Maui
Michael Foley, Director, Dept of Planning, 250 S. High Street, Waikolu, HI 96793
Maui Cultural Res Commission, Dept. of Planning, 250 S. High Street, Waikolu, HI 96793

EXHIBIT 5a

230



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
200 KAMEHAMEHA BOULEVARD, ROOM 1115
HONOLULU, HAWAII 96813

LARRY B. DEGEN
Principal
1000 KALANANAKU AVENUE, SUITE 1000
HONOLULU, HAWAII 96813
PHONE: (808) 943-1000
FAX: (808) 943-1001
WWW: WWW.SVCSINC.COM

January 31, 2008

Dr. Michael P. Dege
Scientific Consultant Services, Inc.
711 Kapolei Blvd., Suite 975
Honolulu, Hawaii 96792

LOG NO: 1007.1064
DOC NO: 6441T030
Archaeology

Dear Dr. Dege:

Subject: Chapter 6E-47 Historic Preservation Review of an Archaeological Inventory Survey Report for the Proposed Ma'aloa Water Treatment Plant and Associated Infrastructure, Waialapa Ahupua'a, Waialua District, Island of Maui
TRIS (7) 3-6-04.03 (par.)

Thank you for submitting the subject archaeological inventory survey report for three disconnected land parcels comprising approximately 115 acres (*An Archaeological Inventory Survey of an Approximately 115 Acre Property for the Proposed Ma'aloa Water Treatment Plant Effluent Race Area including the Potential Water Tank Location and Detention Ponds A and B, Waialapa Ahupua'a, Waialua District, Island of Maui, Hawaii*, M. P. Dege and C. A. Dugher March 2007). The report was submitted to the Kapolei office for review March 22, 2007. We apologize for the delay in responding to your submittal, and we recognize that the statutory review period has lapsed.

The project area includes a rectangular 85-acre effluent race area, located along the west side of Honoapiʻiani Highway; a 15-acre rectangular detention basin (Pond A) area, located to the northwest of the effluent race parcel; a 5-acre detention basin (Pond B) area, adjoining the south end of the effluent race area; a c. 5-acre potential tank site, located to the west of the Pond B area; and a water treatment facility, to be located at the southeast corner of the effluent race area, along Honoapiʻiani Highway.

The report contains the appropriate background information, maps, and discussion of methods, as specified in Hawaii Administrative Rules (13-276-4 regarding inventory survey reports. Seven early identified historic properties were documented (SHIP 50-50-09-6231 through 6254). All of these sites are associated with historic/modern commercial agriculture and include three concrete dikes, three large mechanical, clearing, concrete piles, and one stone-faced drainage feature. Subsurface testing was conducted in suitable portions of the project area, where 26 backhoe trenches were excavated. No subsurface findings are reported.

We note that surface visibility was severely limited in portions of the project area, particularly the Pond A area which was under sugar cane cultivation at the time of the survey. Subsurface testing was not conducted in the 15-acre area, due to the sugar cane. We concur with the recommendation made in the report (page 23) that, "...areas currently under sugar cane cultivation should be re-examined after the cane is harvested next year".

Dr. Michael P. Dege
Page 2

We concur with the preliminary significance assessments provided for the recorded commercial agricultural sites, which are determined to be significant under HDUP criteria "d", and we agree that no further work is needed to mitigate the project impacts to these sites.

Regarding the recommendations for further work, we agree that archaeological monitoring should occur during initial grubbing and grading, due to the poor visibility in general within the project area. If additional pedestrian survey work is conducted in case fields after harvesting, while the ground surface is clear, the extent of subsequent monitoring can be limited to the fallow case field areas only. We also recognized that removal of the stone clearing piles be monitored, due to the possibility that latent or residual structural features could be present at the base of these piles. Such findings have been documented for other project areas on Maui. We also recognized that the monitoring plan include monitoring of subsurface excavation within the Pond A area, as this area was not subjected to subsurface testing. The Pond A area is adjacent to known pre-contact era agricultural and habitation complexes, and could contain complex subsurface features beneath the plow zone.

If you have the opportunity to conduct additional pedestrian survey in harvested cane areas, please submit an addendum report of this activity and any findings. Otherwise, we look forward receiving to a monitoring plan that will include these case field areas as well as the fallow fields for monitoring during grubbing and grading. The monitoring plan should also include measures as outline above, and should be consistent with specifications as listed in HARP (13-279-4 regarding monitoring plans.

Please direct any questions or comments regarding this review to Thomas K. Donham (808-381-4620) or James L. Pickett (808-243-4641).

Aloha,

Handwritten signature: Mary A. McMillan

Mary A. McMillan
Acting Archaeology Branch Chief

cc: Don Raine, DPWEM, County of Maui
Jeffrey Hunt, Director, Maui County Planning Dept., 250 E. High Street, Waialua, HI 96792
Maui County Cultural Resources Commission, 230 E. High Street, Waialua, HI 96792

EXHIBIT 5b



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 10, 2018

Ms. Susan A. Lebo, PhD
Dept. of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd, Ste 555
Kapolei, HI 96707


Subject: Application for Community Plan Amendment (CPA 2018/0002)
Ma'alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI

Dear Ms. Lebo:

This is to acknowledge receipt of your letter dated March 19, 2018 regarding the above Community Plan Amendment application. We are pleased to know per your letter that "no historic properties affected for the proposed CPA." Also, according to your letter that the archaeological inventory survey and the monitoring plan for the subject property have been accepted by your division. Thank you again for taking the time to review the CPPA application.

Should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbagoyo-devgroup@hawaii.rr.com.

Sincerely,


Vince Bagoyo

Cc: Mr. Paul Fasi (Planner, Maui Planning Department)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HA..AII.RR.COM

REPLY TO
EXHIBIT 5

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 28, 2018

Mr. William R. Spence, Director
Planning Department, County of Maui
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Mr. Spence:

**Re: Community Plan Amendment Application for
Proposed Ma'alaea Subdivision at TMK: (2) 3-6-001:018.**

Thank you for the opportunity to comment on the subject application. We have reviewed the proposal and provide the following comments.

The Lahaina Pali trail is one of Maui's most popular and frequently used trails. The trail comprises an historic overland route that connects leeward West Maui to the central valley, crossing the pali to connect the Wailuku and Lahaina districts on the southern slopes of the West Maui mountains. It is owned by the state in fee simple, pursuant to section 264-1, Hawai'i Revised Statutes, and is maintained and managed by the department's Na Ala Hele Trails program.

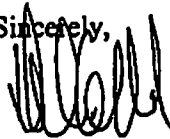
At its eastern side, historic maps show the trail crossing through Tax Map Key (2) 3-6-001:018, the subject parcel, for which the subdivision is proposed. This portion of the trail has not been used by the public in recent times because alternative routes have been established through other locations of the parcel by agreements with the current and previous landowners. Those agreements were pursuant to terms and conditions contained in a Declaration dated January 25, 1993, recorded in the Bureau of Conveyances as Document No. 93-014788, to run with the land, which required that public access be provided to the Lahaina Pali Trail. Under those agreements, the routes used to access the Lahaina Pali Trail did not follow the historic route crossing through the subject property, but instead used existing roads through the property, which enabled users to drive up to a parking area maintained by the department, thereby avoiding having to park along the highway, which may present public safety concerns, and avoiding the need to construct a new road.

EXHIBIT 6

Our primary concerns regarding the subject application, are to ensure that public access to the Lahaina Pali Trail is provided in perpetuity through the establishment of a public right of way across the property, that the right of way include vehicular access to the state parking area, in order to avoid potentially hazardous conditions that may result from users parking along the highway, and that the subdivision exclude the historic trail route through the property, which comprises state lands owned in fee simple. As submitted, the application does not appear to address these issues adequately. We appreciate that there may be alternative approaches to resolve these concerns to the mutual benefit of the applicant and the public, and have been in discussions with the applicant to seek resolution, but as of this date have not concluded those discussions.

Thank you for your consideration. If you require additional information, please contact Scott Fretz, Maui Branch Manager, at 984-8107.

Sincerely,

A handwritten signature in black ink, appearing to read 'David G. Smith', written over a white background.

DAVID G. SMITH
Administrator

cc: Mr. David Goode
Maui County Director of Public Works



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 10, 2018

Mr. David G. Smith
Dept. of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

Subject: Community Plan Amendment Application (CPA 2018/0002)
Ma'alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI

Dear Mr. Smith:

This is to acknowledge receipt of your letter dated February 28, 2018 regarding the above Community Plan Amendment application. We appreciate your comments with regards to access to the Lahaina Pali Trail through the subject property. Attached for your information is a copy of a letter dated March 28, 2018 from Mr. Douglas Spencer (Member, MVI, LLC) providing assurance to work closely with DLNR to provide ongoing access to the trail at a location that is agreeable to both MVI, LLC and DLNR.

Thank you again for taking the time to review the CPA application and should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbago-DEVGROUP@HAWAII.RR.COM.

Sincerely,


Vince Bagoyo

Attachment

Cc: Mr. Paul Fasi (Planner, Maui Planning Department)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

REPLY TO
EXHIBIT 6

**MVI LLC
1215 S. Kihei Rd., #534
Kihei, Hawaii 96753**

March 28, 2018

**Department of Land and Natural Resources
1151 Punchbowl Street, No. 325
Honolulu, Hawaii 96813**

Attn: David G. Smith

**Re: Community Plan Amendment
Maalaea Agricultural Subdivision
TMK: 2-3-6-001:018**

Dear Mr. Smith:

I am in receipt of your letter of February 28, 2018 regarding the above referenced matter. This letter will serve as our response to your comments regarding our application for a Community Plan Amendment.

We have been in regular contact with Scott Fretz of DLNR regarding ongoing access to the Lahaina Pali Trail. Our intention is to continue to work with DLNR to provide trail access at a location that is agreeable to both MVI LLC and DLNR.

Mahalo,



**Douglas R. Spencer
Member, MVI LLC**

**REPLY TO
EXHIBIT 6**



DAVID Y. IGE
Governor

DANIEL E. ORODENKER
Executive Officer

LUIS P. SALAVERIA
Director
MARY ALICE EVANS
Deputy Director

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

February 16, 2018

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

FEB 26 2018

RECEIVED

Mr. William Spence, Director
Department of Planning
County of Maui
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

CPA 2018/000

Dear Mr. Spence:

Subject: Community Plan Amendment (CPA) Application
Mā'alaea Agricultural Subdivision
Mā'alaea, Maui, Hawai'i
TMK: (2) 3-6-001: 018

We are in receipt of the CPA Application for the subject project forwarded your department's transmittal dated February 1, 2018.

We understand that the Applicant, MVI, LLC (MVI), proposes to amend the Community Plan designation of the project site, consisting of approximately 257 acres of land, from Project District 12 to Agriculture. We further understand that MVI intends to subdivide the project site into 21 agricultural lots, ranging in size from 3.3 acres to 44.7 acres, consistent with Maui County Code, chapter 19.30A.030.

We note that the Land Use Commission (LUC) reclassified a 20.644-acre portion of the project site from the State Land Use Conservation District to the State Land Use Agricultural District under Docket No. A91-672/C. Brewer Properties, Inc., to bring it in conformance with past and existing agricultural uses at that time. The reclassification was originally subject to nine conditions. Upon subsequent motion by Wailuku Agribusiness Co., Inc., the LUC released three of the conditions pursuant to Order Granting in Part and Denying in Part Motion to Release Conditions of Approval Due to Satisfaction of Conditions filed on April 7, 2000.¹ The remaining six conditions require (1) that the 20.644 acres continue in agricultural use; (2) that

¹ Wailuku Agribusiness Co., Inc., fka Wailuku Sugar Company, a Hawai'i corporation, was the successor-in-interest to C. Brewer Properties, Inc.

Mr. William Spence, Director
February 16, 2018
Page 2

notice of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the 20.644 acres be provided to the LUC; (3) that should any archaeological resources be encountered during crop cultivation or any subsequent development activity all work should stop and the State Historic Preservation Division should be contacted; (4) that access through the 20.644 acres be provided to the Old Lahaina Pali Trail; (5) that annual reports to the LUC, Office of Planning, and the Department of Planning be provided; and (6) that the conditions of approval may be fully or partially released by the LUC upon timely motion and upon provision of adequate assurance of satisfaction of these conditions. As you know, these conditions run with the land and continue to be in full force and effect until otherwise released, modified, or deleted by the LUC.

Maalaea Properties, LLC, and Lodi Development, Inc. (Maalaea/Lodi), subsequently acquired the project site and filed a Petition for Land Use District Boundary Amendment (Petition) with the LUC on May 22, 2006, to urbanize the site. Maalaea/Lodi eventually sold the project site and filed a motion to withdraw the Petition, which was granted by the LUC by Order filed on March 11, 2010.

According to our records, no annual report has been filed in this docket by any owner of the 20.644-acre Petition Area since August 1999 as required by Condition No. 6. As the current landowner, MVI is bound by this condition and therefore should immediately file the required annual report in compliance with said condition.

Finally, we note that the project site was previously in sugarcane cultivation as well as used for small-scale agricultural farming and grazing. A portion of the project site is presently used for horse pasture and cattle grazing. Pursuant to Hawai'i Revised Statutes §205-4.5(4), dwellings in the State Land Use Agricultural District are required to be located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. Agricultural activities should be actively and intensively pursued rather than be a secondary and passive endeavor. Additional information therefore should be provided on the specific agricultural uses that will be undertaken on the proposed 21 agricultural lots.

We have no further comments to offer at this time. Should you have any questions or require further clarification, please call our office at 587-3822.

Sincerely,



Daniel E. Orodener
Executive Officer



BAGOYO
DEVELOPMENT
CONSULTING GROUP

April 12, 2018

Mr. Daniel E. Orodener, Executive Director
Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

Subject: Community Plan Amendment (CPA) Application for
Ma'alaea Agricultural Subdivision
TMK: (2) 3-6-001:018, Island of Maui, HI

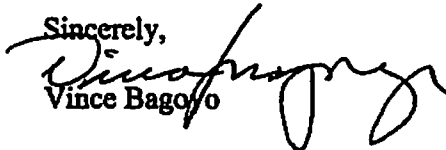
Dear Mr. Orodener:

This is to acknowledge receipt of your letter dated February 16, 2018 regarding the above subject Community Plan Amendment application. In response to your comment concerning annual report under Docket No. A91-672/C, attached is a report from Mr. Douglas R. Spencer (Member, MVI, LLC) dated March 28, 2018 of the status of the subject property under the said Docket No. A91-672/C. Mr. Spencer's letter further gives assurance that an access to the Lahaina Pali Trail is currently being provided with close coordination with DLNR.

As noted in the draft CPA application, should the CPA be approved, the subject property will be subdivided into 21 agricultural lots, maximum allowed under the Maui County Code (MCC) agricultural zoning district. As you noted in your comment letter, any farm dwellings located on parcels within the State Land Use Agricultural District and Maui County Agricultural Zoning District are required to file a "Farm Plan" subject to approval by the Maui Department of Planning. When the subject property is subdivided into 21 agricultural lots, each subsequent lot owner will need to file an ag plan and comply with all State and County ag requirements.

Should you have any further questions or require additional information regarding the proposed project, please contact me at (808) 357-3842 or by email at vbago-devgroup@hawaii.rr.com.

Sincerely,


Vince Bago

Attachment

Cc: Mr. Paul Fasi (Planner, Maui Department of Planning)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

REPLY TO
EXHIBIT 7

**MVI LLC
1215 S. Kihei Rd., #534
Kihei, Hawaii 96753**

March 28, 2018

**Daniel E. Orodeneker
Land Use Commission
235 South Beretania Street, #406
Honolulu, Hawaii 96813**

**Re: Community Plan Amendment
Maalaea Agricultural Subdivision
TMK: 2-3-6-001:018**

Dear Mr. Orodeneker:

I am in receipt of your letter of February 16, 2018 regarding the above referenced matter. On behalf of MVI LLC we apologize for not filing our annual status report, but we were unaware that there was any such requirement. Please accept this letter as our annual report.

As you have correctly stated the property is currently being used for grazing purposes, as it has for the last several years and since we have owned the property. Currently we have no intent sell and are pursuing a Community Plan Amendment, the application for which you have received and submitted the aforementioned letter. We are currently providing access to the Lahaina Pali Trail in conjunction with DLNR.

Assuming our CPA is granted and we proceed with subdividing the property into 21 lots, each subsequent lot owner will need to file an ag plan and comply with all State and County ag requirements.

Mahalo,



**Douglas R. Spencer
Member, MVI LLC**

**REPLY TO
EXHIBIT 7**

18/3663



BAGOYO
DEVELOPMENT
CONSULTING GROUP

July 11, 2018

Mr. Paul Fasi
Planner
Maui Planning Department
2200 Main Street
Wailuku, HI 96793

Subject: Community Plan Amendment (CPA) and Change-In-Zoning (CIZ)
To Agriculture Applications for Proposed Ma'alea Agricultural Subdivision
Located at TMK: (2) 3-6-001:018, Ma'alea, Maui, HI

Dear Mr. Fasi:

Transmitted herewith is a revised Community Plan Amendment and Change-In-Zoning Application for the proposed Ma'alea agricultural subdivision. Also attached is an electronic CD on PDF copy of the revised CPA and CIZ applications. As briefly discussed with you earlier the revision is in response to Mr. Paul Critchlow's latest revision on the Zoning and Flood Confirmation Form that eliminated open zone designation of small portion of the subject property along Honoapiilani Highway. In the same revised Zoning and Flood Confirmation Form a very small portion of R-3 residential zone is identified and proposed to be changed to agriculture zone.

Should you have any further questions regarding the proposed project, please contact me at (808) 357-3842 or by email at vbago-yo-devgroup@hawaii.rr.com.

Sincerely,

Vince Bagoyo

Attachment

Cc: Mr. Doug Spencer (MVI, LLC)

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

JUL 11 2018

RECEIVED

1500 KILINOE PLACE
WAILUKU HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

EXHIBIT 8

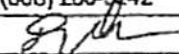
COMMUNITY PLAN AMENDMENT/MAUI ISLAND PLAN AMENDMENT APPLICATION

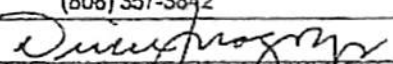
Permit Number(s): CPA 2018-0002
MIPA _____

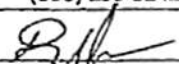
Please print legibly or type the following.

PROPERTY ADDRESS INFORMATION	
Project Name: Ma'alea Agricultural Subd.	Tax Map Key No.: (2) 3-8-001:018
Total Area: 257 Acres	Valuation*: <u>\$4.0 MILLION</u>
Physical Address/Location of Project: Honoapiilani Highway, Ma'alea, Maui, Hawaii	
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs, or, by the administrator of Dept. of Public Works, Development Services Administration.	

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT		
Please check the box for the type(s) of actions being sought:		
<input checked="" type="checkbox"/> Community Plan Amendment	<input type="checkbox"/> Maui Island Plan Amendment	
<input type="checkbox"/> Both Community Plan & Maui Island Plan Amendment		
Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s) of any proposed development, any text, Growth Boundary or Protected Area map changes in a Maui Island Plan Amendment, and statement of objectives of the proposed action. Attach additional sheets, if needed.		
Describe the existing use:	The subject property is currently used for grazing	
Describe the proposed use (and/or text amendment):	The Applicant is requesting Community Plan Amendment of the property from Project District 12 to Agriculture designation	
LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary	Agriculture	No Change
Maui Island Plan	Outside Growth Boundary	No Change
Community Plan	Project District 12	Agriculture
County Zoning	Agriculture	No Change
Other (i.e. SMA)		

CONTACT INFORMATION	
APPLICANT INFORMATION	
Applicant's Name(s): MVI, LLC	Email: douglnmaui@gmail.com
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 283-5242	
Signature(s): 	Date: 1-15-18

CONSULTANT INFORMATION	
Consultant's Name(s): Vince Bagoyo	Email: vbagoyo-devgroup@hawaii.rr.com
Mailing Address: 1500 Kilinoe Place, Wailuku, Hawaii 96793	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 357-3842	
Signature(s): 	Date: 1-25-18

OWNER INFORMATION	
Owner's Name(s): MVI, LLC	Email: douglnmaui@gmail.com
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 283-5242	
Signature(s): 	Date: 1-15-18

CHANGE OF ZONING APPLICATION

Please print legibly or type the following.

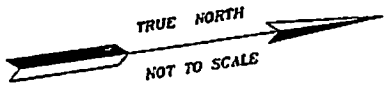
Permit Number(s): CIZ 2018 - 0006

PROPERTY ADDRESS & INFORMATION			
Project Name: Ma'alaea Agricultural Subdivision		Tax Map Key No.: (2) 3-8-001:018	
Total Area: 23.8 acres and .8 acres		Valuation*: \$4 million	
Physical Address/Location of Project: Honopiʻani Highway, Ma'alaea, Maui, HI			
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.			
DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT			
Describe the existing use: The subject property is currently use for grazing			
Describe the proposed use: The applicant is requesting a change in zoning of the subject property from Open Space Zone and Road/Street Future Reserve Zone to Agriculture			
LAND USE DESIGNATIONS	Existing	Proposed	
State Land Use District Boundary	Agriculture	Agriculture	
Maui Island Plan	Outside Growth Boundary	Agriculture	
Community Plan	Project District 12	Agriculture	
County Zoning	Open Space and Road/Street Future Reserve	Agriculture	
Other (i.e. SMA)	Small Portion is within SMA		
CONTACT INFORMATION			
APPLICANT INFORMATION:			
Name(s): MVI, LLC		Email: dougimmaul@gmail.com	
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753			
Phone Number(s) (808) 283-5242	(bus)	(hm)	(cell) (fax)
Signature(s):	Date: 5-16-18		
CONSULTANT INFORMATION:			
Name(s): Vince Bagoyo		Email: vbagoyo-devgroup@hawaii.rr.com	
Mailing Address: 1500 Kānoe Place, Wailuku, HI 96793			
Phone Number(s) (808) 357-3842	(bus)	(hm)	(cell) (fax)
Signature(s):	Date: 5-16-18		
OWNER INFORMATION:			
Name(s): MVI, LLC		Email:	
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753			
Phone Number(s) (808) 283-5242	(bus)	(hm)	(cell) (fax)
Signature(s):	Date: 5-16-18		

MAY 13 2018

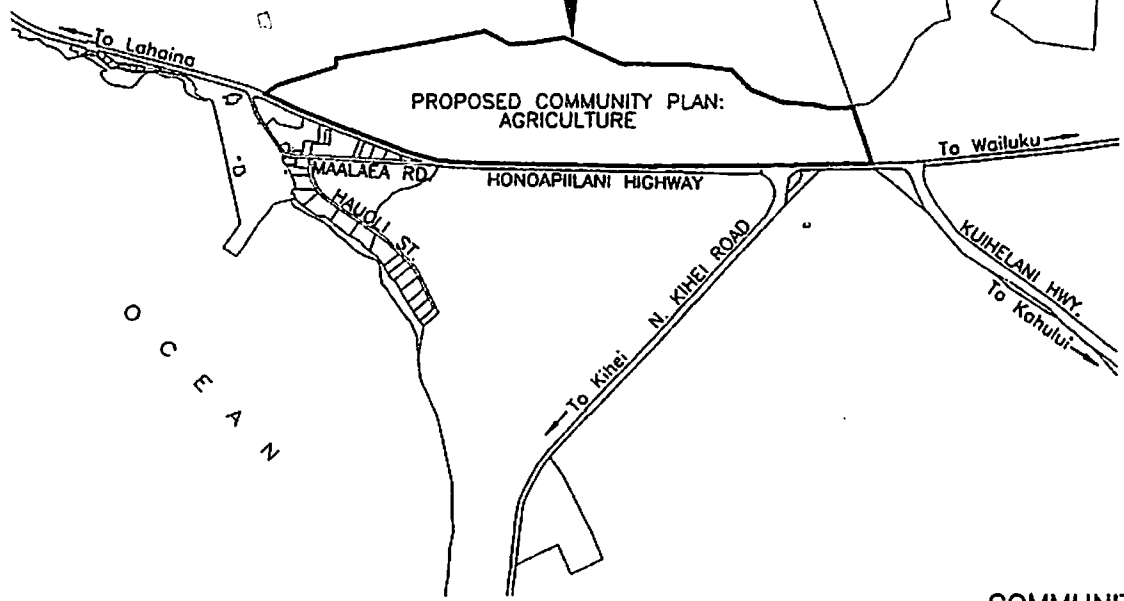
RECEIVED

EXHIBIT 10



**PROJECT
SITE**

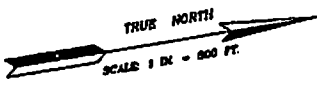
**PROPOSED COMMUNITY PLAN:
AGRICULTURE**



O
C
E
A
N

EXHIBIT II

**COMMUNITY PLAN
AMENDMENT EXHIBIT**



TMK: (2) 3-6-01. 014

TMK: (2) 3-6-004: 003

TMK: (2) 3-6-004: 007

TMK: (2) 3-6-004: 003

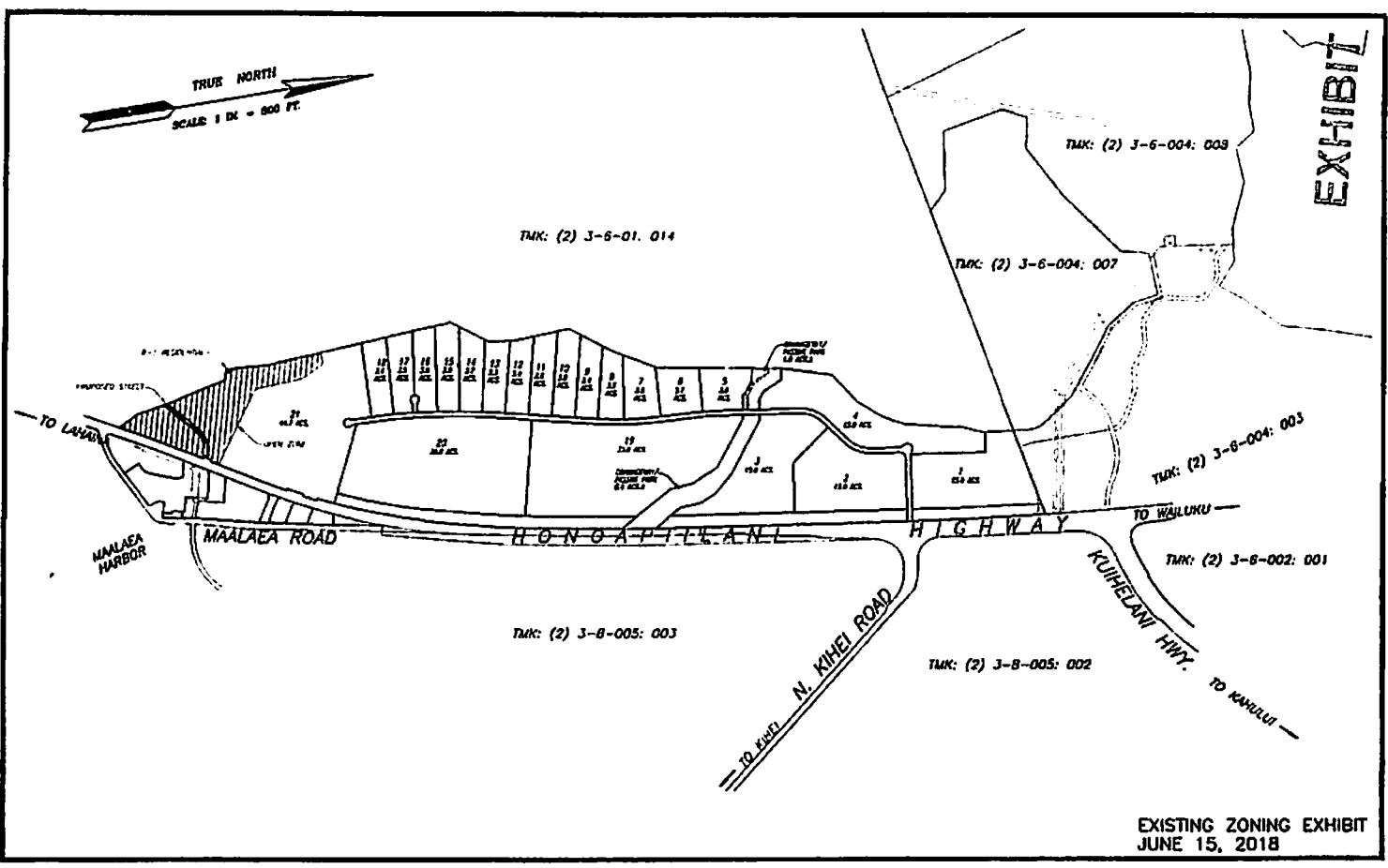
TMK: (2) 3-6-002: 001

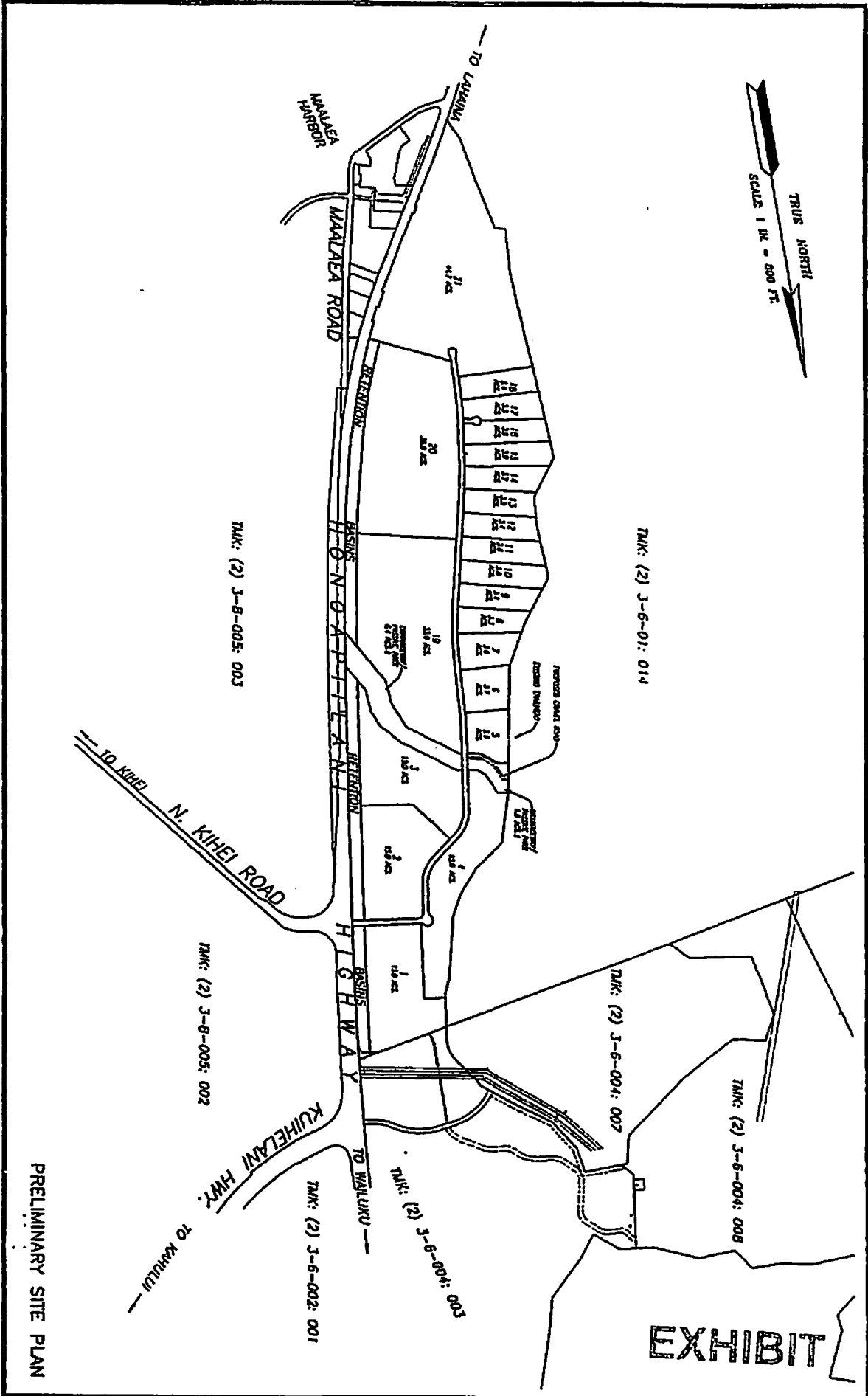
TMK: (2) 3-8-005: 003

TMK: (2) 3-8-005: 002

EXISTING ZONING EXHIBIT
JUNE 15, 2018

6/15/18 10:45 AM C:\Users\j\OneDrive\Documents\Zoning\Zoning.dwg

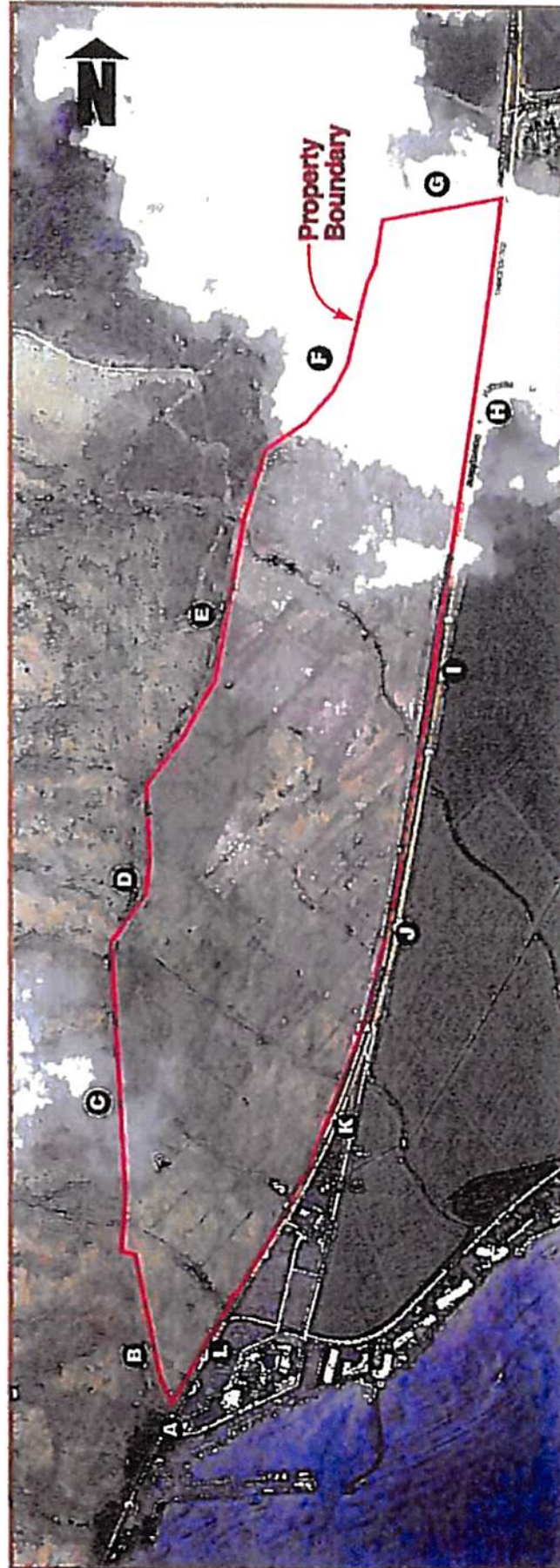


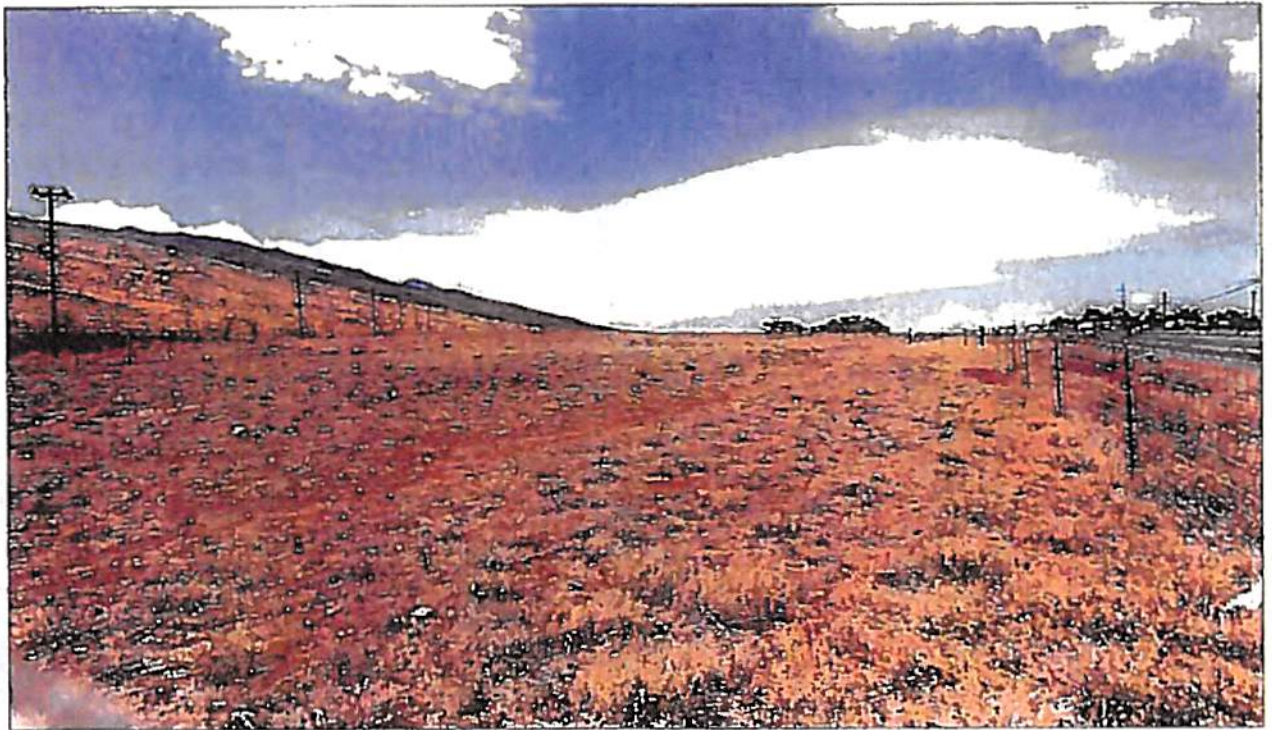


PRELIMINARY SITE PLAN

EXHIBIT

Aerial Photo of Project Site

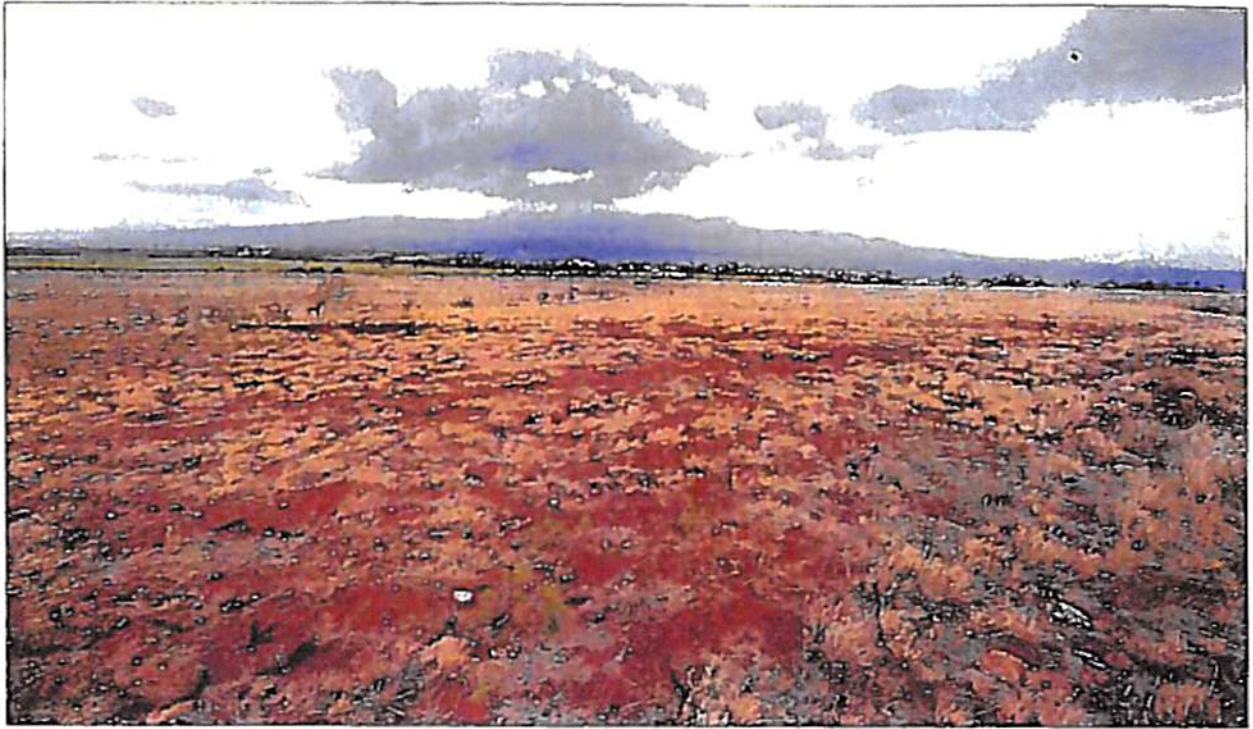




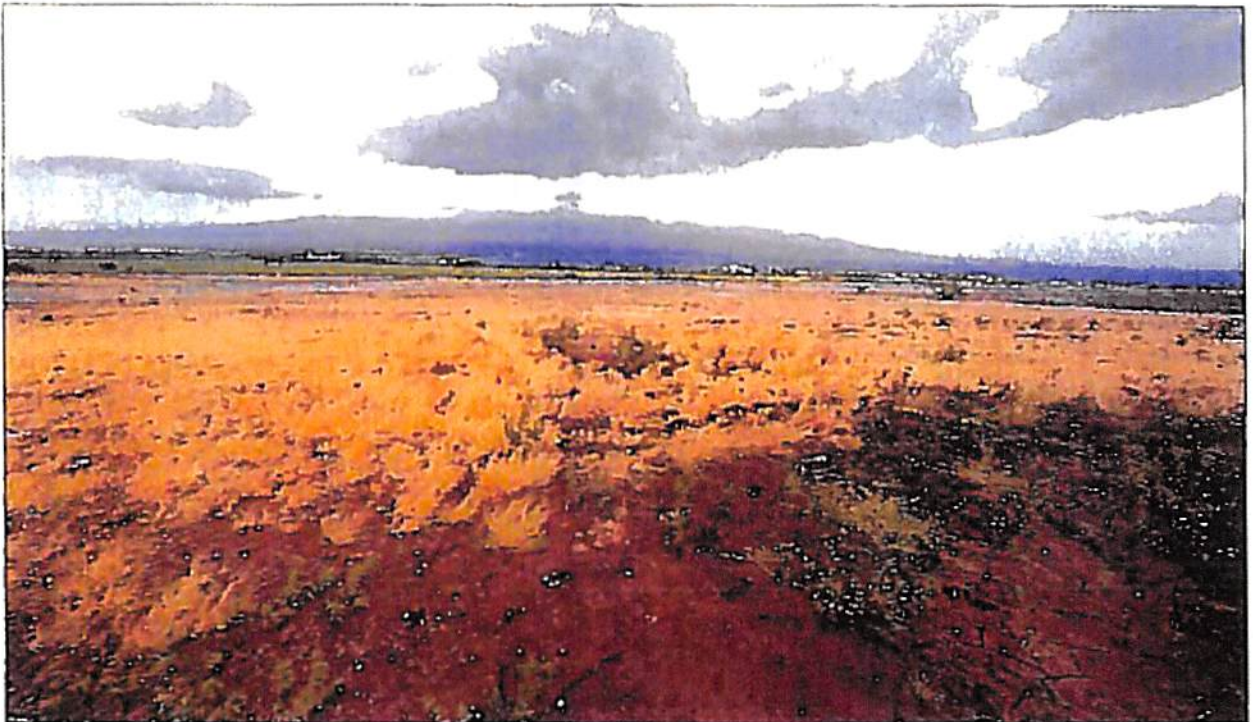
A View facing North from South corner of proposed property



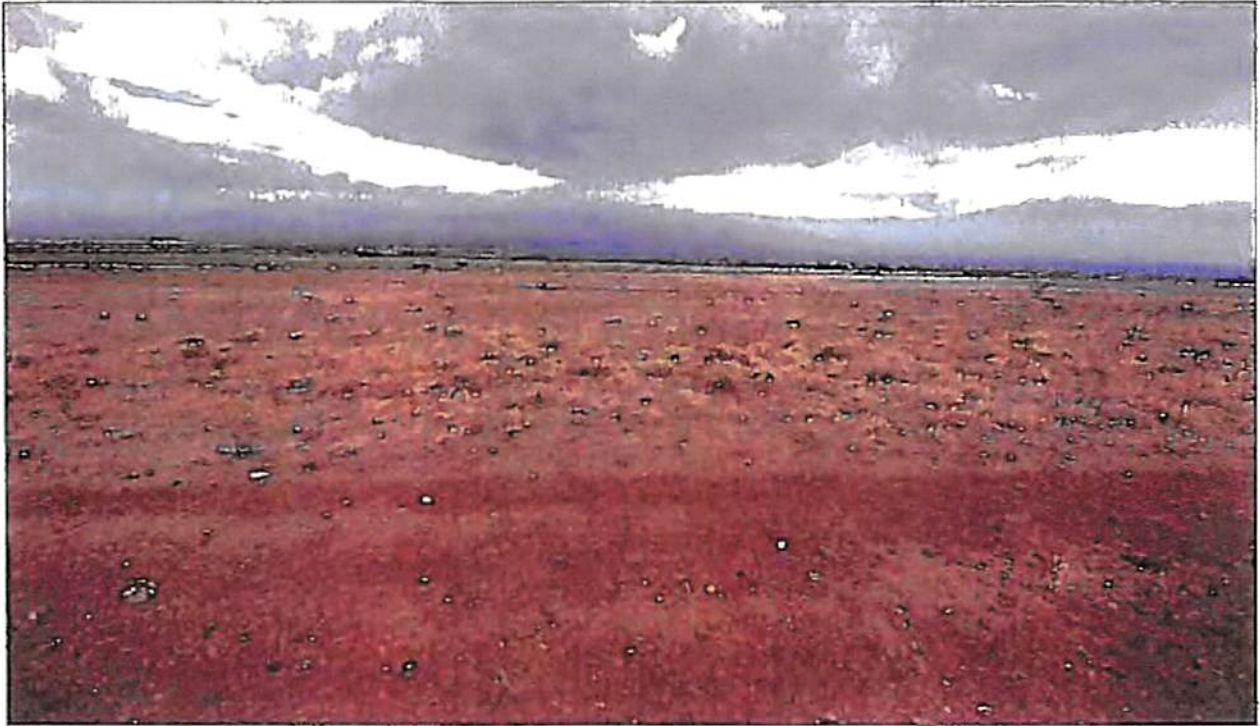
B View facing East from West adjoining property



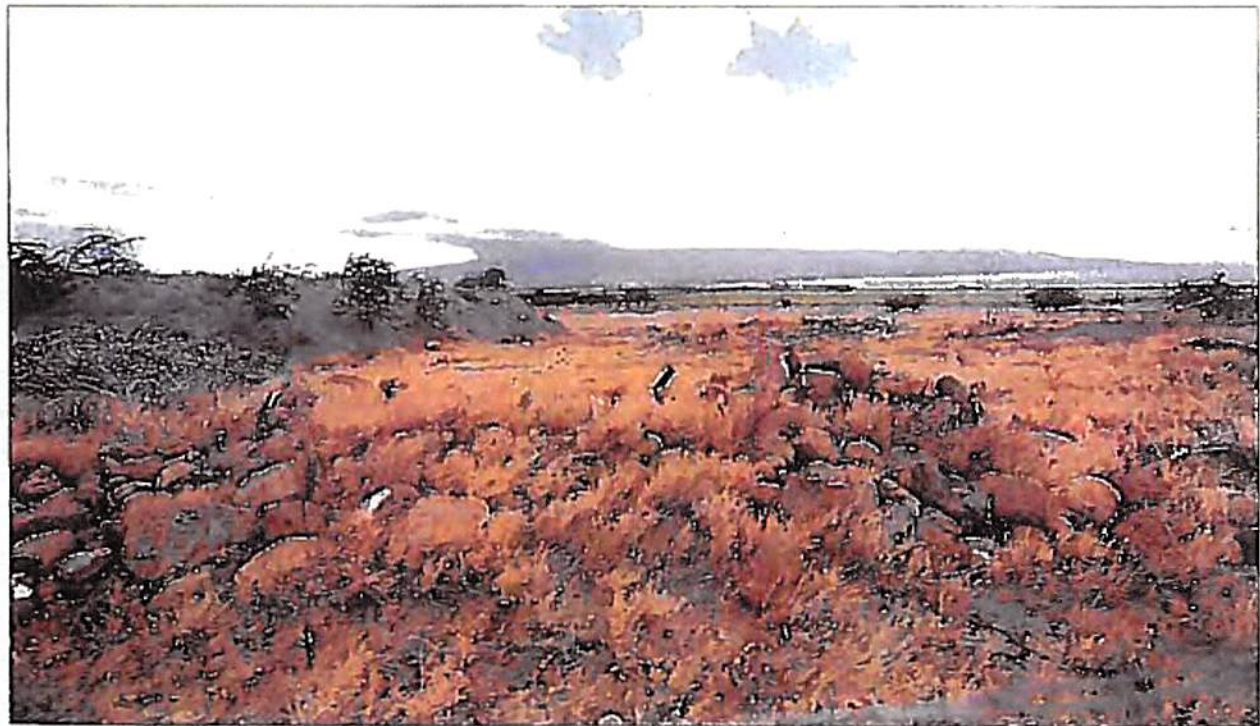
© View facing East from West adjoining property



© View facing East from West adjoining property



E View facing East from West adjoining property



F View facing East from West adjoining property



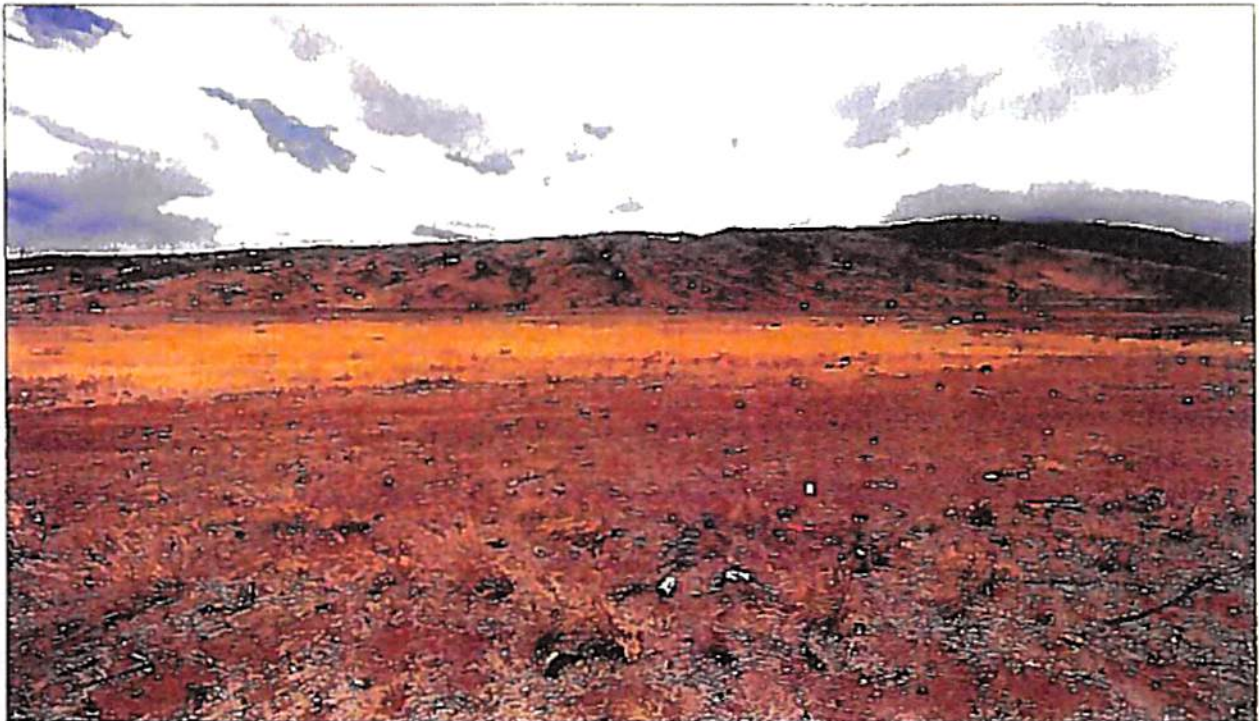
Ⓒ View facing South from Northern boundary of property



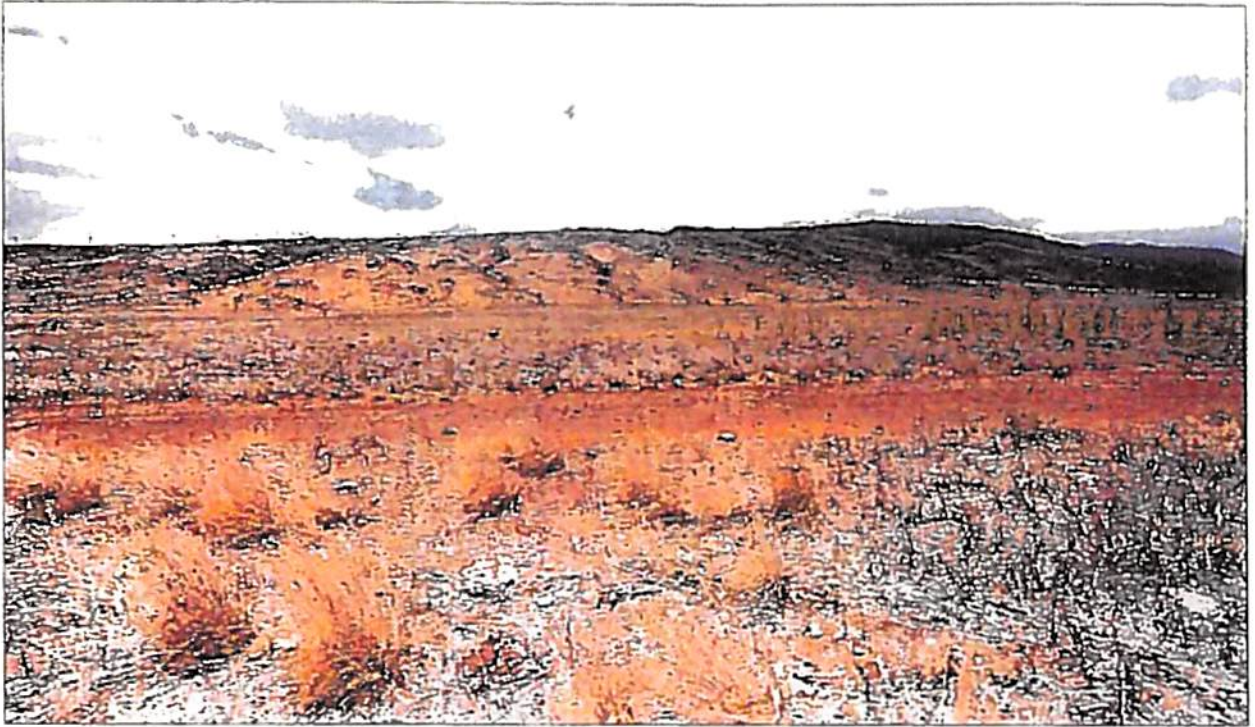
Ⓓ View facing West from Eastern adjoining property across Honapi'ilani Highway and corner of North Kihei Road



① View facing West from Eastern adjoining property across Honapi'ilani Highway



② View facing West from Eastern boundary of property



Ⓚ View facing West from Eastern boundary of property



Ⓛ View facing West from Eastern boundary of property

CHAPTER 343
ENVIRONMENTAL IMPACT STATEMENTS

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

- 6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;

(Note: Underlining added for clarity)

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications for:

MVI, LLC

To obtain a Community Plan Amendment on approx. 257 acres from "Project District 12" to "Agriculture" and a Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture," a Change of Zoning of approximately 0.8 acre from "Road/Street Reserve Zone" to "Agriculture," and a Change of Zoning for approximately .06 acre from "R-3" to "Agriculture" located at Maalaea, Wailuku, Hawaii, TMK: (2) 3-6-001:018

DOCKET NOS. CPA 2018/0002
CIZ 2018/0006

Maalaea Agricultural Subdivision

(P. Fasi)

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION
TO THE MAUI PLANNING COMMISSION

September 11, 2018 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications for:

MVI, LLC

To obtain a Community Plan Amendment on approx. 257 acres from "Project District 12" to "Agriculture" and a Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture," a Change of Zoning of approximately 0.8 acre from "Road/Street Reserve Zone" to "Agriculture," and a Change of Zoning for approximately .06 acre from "R-3" to "Agriculture" located at Maalaea, Wailuku, Hawaii, TMK: (2) 3-6-001:018

DOCKET NOs. CPA 2018/0002
CIZ 2018/0006

Maalaea Agricultural Subdivision

(P. Fasi)

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to: Maui County Code (MCC) Title 2, Chapter 2.80B, Section 2.80B.100, Non-decennial amendments to community plans proposed by the planning director or the council. Applications shall follow the procedures set forth out in sections 19.510.010 and 19.510.020 of the MCC, as amended.

2.80B.100 – Nondecennial amendments to community plans proposed by the planning director or the council.

- A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.***
- B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.***
- C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.***

Conclusion: The Community Plan Amendment is to reclassify the project area's community plan designation from "Project District 12" to "Agriculture" on the Kihei-Makena Community Plan Map. This is consistent with Chapter 2.80B, Section 2.80B.100, MCC.

As mentioned previously in the Department's report, since the proposed Community Plan Amendment is to re-designate the subject property to "Agriculture", an Environmental Assessment (EA) is *not* required pursuant to Chapter 343-5(a)(6), Hawaii Revised Statutes, (HRS) (see Exhibit 15). This is further confirmed in a letter dated June 3, 2016 by Mr. David Goode, Director, Department of Public Works (see Exhibit 1b).

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The Title 19 Change of Zoning will change the zoning district from Change of Zoning on approximately 14.7 acres from "Open Zone" to "Agriculture," a Change of Zoning for 0.8 acre from "Road/Street Reserve" to "Agriculture," and a Change of Zoning of approximately .06 acre from "R-3 Zone" to "Agriculture".

Provided that the Maui County Council grants the Community Plan Amendment, the Applicant's proposed action will be consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC.

RECOMMENDATION

COMMUNITY PLAN AMENDMENT

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the following Community Plan Amendment request:

1. Community Plan Amendment for approximately 257 acres from "Project District 12" to "Agriculture"

The Department is not recommending any conditions for the Community Plan Amendment.

CHANGE OF ZONING

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the following CIZ requests:

1. Change of Zoning for approximately 14.7 acres from "Open Zone" to "Agriculture" (Exhibit 10)
2. Change of Zoning for approximately .06 acre (2,613 s.f.) from "R-3" to "Agriculture" (Exhibit 10a)
3. Change of Zoning for approx. 0.8 acre from "Road/Street Reserve Zone" to "Agriculture"

The Department is not recommending any conditions for the Change of Zoning.

Therefore, in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission recommend approval of the Community Plan Amendment and Change of Zoning requests and adopt the Department of Planning's Report and Recommendation statements prepared for the September 11, 2018, meeting and authorize the Planning Director to transmit said Report and Recommendation to the Maui County Council.

APPROVED:



MICHELE MCLEAN
Planning Director

**MVI LLC
1215 S. Kihei Road, #534
Kihei, Hawai 96753
(808)283-5242**

July 6, 2017

**William Spence
Director
County of Maui Planning Department
2200 Main Street, Suite 303
Wailuku, HI 96793**

**Subject: Maalaea Plantation 21 Lot Agricultural Subdivision
TMK: (2) 3-6-001:18; TMK: (2) 3-6-004:003 (por.), and 008 (por.)
Maalaea, Wailuku, Island of Maui, Hawaii**

Dear Mr. Spence:

MVI LLC (Owner) hereby authorizes V. Bagoyo Development Consulting Group, LLC (Consultant) and its representatives to prepare, file, and process all land use entitlement approvals for the above subject proposed project, including but not limited to, a Community Plan Amendment.

Should you have any questions or need additional information, please feel free to call me at (808)283-5242.

Sincerely,



**Douglas R. Spencer
Member
MVI LLC**

cc: V. Bagoyo Development Consulting Group

State of Hawaii)

County of Maui)

Document Description: Letter of Authorization

Document Date: July 6, 2017

No. Pages: 1

On this 6th day of July, 2017, before me personally appeared DOUGLAS R. SPENCER, to me personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



TERI A. I. FERREIRA

Notary's Signature

TERI A. I. FERREIRA

Date:

~~Expiration Date: August 11, 2017~~

TERI A. I. FERREIRA

Notary's Printed Name

My commission expires:

8-11-2017

TRANSCRIPT OF PROCEEDINGS
BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

The above-entitled matter came on for public hearing on September 11, 2018, at the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii.

PRESENT:

Keaka Robinson, Chairperson
Lawrence Carnicelli
Steven Castro
Tina Gomes
P Denise La Costa
Kelli Pali
Christian Tackett

OTHERS PRESENT:

Michele McLean, Director, Planning Department
David Galazin, Deputy Corporation Counsel, Department of Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works

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1 CHAIRMAN ROBINSON: Good morning, everyone. Welcome to the
2 September 11th Planning Commission.

3 There was a question regarding testimony and yielding to
4 people's time. If somebody is unable to testify for a disability,
5 please let us know, we may consider that at that time. If not, we
6 prefer for the people to wait until maybe after that person that they
7 were thinking about yielding time to. Maybe that person's testimony
8 might be extended, and he might be able to have all his testimony
9 done, but we don't normally just yield time, to yield time. It's a
10 precedent setting thing that might be really tough for us in other
11 meetings. And hopefully today, given the agenda, hopefully it will
12 give opportunity for that testifier to happen. So, that's where we
13 stand with that.

14 Testimony is taken after the Applicant has spoken at each
15 agenda item. It is not taken at the beginning before everything of
16 that. So, testimony is only taken at that time. We were waiting for
17 a couple members. We're hoping that they will be able to make it
18 back, some parking issues, but we'll let them jump in and hopefully
19 that will get people here.

20 But who we do have is Commissioner Carnicelli.

21 COMMISSIONER CARNICELLI: Good morning, Chair.

22 CHAIRMAN ROBINSON: Good morning. Commissioner Pali,
23 Commissioner La Costa.

24 COMMISSIONER LA COSTA: Oh, here.

25 CHAIRMAN ROBINSON: Good morning, Commissioner Tackett.

1 COMMISSIONER TACKETT: Good morning, Chair.

2 CHAIRMAN ROBINSON: I have the Director with me.

3 DIRECTOR MCLEAN: Good morning, Chair.

4 CHAIRMAN ROBINSON: Good morning.

5 CHAIRMAN ROBINSON: And I have Corporation Counsel David
6 with me.

7 MR. GALAZIN: Good morning.

8 CHAIRMAN ROBINSON: And we'll jump right into it. Director,
9 first on the Agenda.

10 DIRECTOR MCLEAN: Thank you, Chair. There is one public
11 hearing item on the agenda today. That is a request from MVI LLC for
12 a Community Plan Amendment from Kihei-Makena Project District 12
13 (Maalaea Mauka) to Agriculture District, and a change in zoning from
14 Open Zone, and Road/Street Future Reserve, and R-3 Residential to
15 Agriculture for the Maalaea Agricultural Subdivision consisting of 21
16 agricultural lots and related improvements on approximately 257 acres
17 of land at Honoapiilani Highway, TMK: 3-6-001, Parcel 18 in Maalaea.
18 Paul Fasi is the project planner.

19 MR. FASI: Good morning, Commissioners. Good morning, to
20 the members of the public.

21 CHAIRMAN ROBINSON: Good morning, Mr. Fasi.

22 MR. FASI: In a letter dated July 1, 2018, MVI, the
23 Applicant, transmitted to the Planning Department a revised proposal
24 for the following land use changes:

25 Community Plan Amendment for approximately 257 acres from

1 Project District 12 to Ag, and then there's three smaller requests for
2 a change of zoning. Part one is for -- I don't like to put my back to
3 the public.

4 CHAIRMAN ROBINSON: Okay.

5 MR. FASI: You never know who's going to sneak up behind
6 you.

7 CHAIRMAN ROBINSON: I want the Commissioners would be able
8 to see you that's all.

9 MR. FASI: It's just my survival instinct.

10 CHAIRMAN ROBINSON: Okay.

11 MR. FASI: Can anybody not see me? Okay. The second item
12 is a change in zoning for 14.7 acres from Open Zone to Ag, excuse me,
13 change of zoning for approximately .6 acres from R-3 to Ag, and a
14 change of zoning for approximately 0.8 from Road/Street Reserve Zone
15 to Ag. And all of these are exhibits in the report.

16 The proposed project site is 257 acres total. The project
17 site is located in Maalaea. Its lands is classified Ag by the State
18 Land Use Commission. It is currently designated for Residential
19 Project District 12 use, which allows the development to be
20 residential use.

21 As you recall, the property was previously planned for 1100
22 residential homes based on its current Community Plan Project District
23 12 designation, but due to community concerns, the high density, and
24 potential impact of the project density, the Applicant has decided to
25 amend the community plan to be consistent with the County and State Ag

1 Zoning Maui Island Plan and scaled back the project.

2 So, we have gone from a potential of 1100 homes down to 21.
3 And we wonder why we don't have any houses on Maui. So, this body
4 will review the Community Plan Amendment, Change in Zoning
5 applications, and provide a recommendation on each application,
6 respectively, to the Maui County Council.

7 The Land Use designations is State Land Use Ag. The Maui
8 Island Plan is outside the urban growth boundary. As I mentioned the
9 Kihei-Makena Community Plan is Project District 12. County Zoning is
10 kind of a hodgepodge of Ag with a portion of the property designated
11 Open Zone, Road/Street Reserve, and a small portion of the property
12 designated R-3. And there's a very tiny corner under the Special
13 Management Area.

14 So, the applicable regulations are the Community Plan
15 Amendment, which is reviewed pursuant to Title 2, Chapter 2.8B.
16 Change in zoning, which is reviewed through Title 19, Chapter 19.510.
17 Those are the two regulations we will be considering today.

18 The Maui County Community Plan, the underlying project sites
19 is designated Project 12, as I mentioned before. So, the proposed 21
20 lot Ag is to amend the Community Plan from its current project
21 designation to Ag, is partially in response to the community's desire.
22 As I mentioned earlier, it's interesting the community's desire is
23 coming from all of the condos in Maalaea, some of the most dense areas
24 on Maui to begin with.

25 The 257-acre property is outside the urban growth boundary.

1 It will remain as an Ag use in designation and the Community Plan
2 Amendment, and Project District 12 to Ag will ensure that it hopefully
3 will be used for agricultural purposes. County zoning is also Ag.
4 The majority of the property is already designated Ag. Therefore, no
5 change is requested for this portion for the majority of it. There
6 are three smaller portions that will require change in zoning back to
7 Ag. These are 14.7 acres, .8, and .06 acres.

8 It's the Department's conclusion that this change in zoning
9 will have no effect on the environment or add to any substantial
10 increase in use. You're only considering a 21-lot subdivision, even
11 if the 21 lots are developed with single-family houses.

12 Archaeological resources. Scientific Consultant Services
13 conducted an archaeological inventory survey back in April of 2005.
14 The main results of the AIS were three historic sites all related to
15 sugar cane agriculture, which was the previous use for this parcel of
16 land. The three sites were the only archaeological sites within the
17 project area. No burial features or human remains were observed.

18 The following actions were recommended by Scientific
19 Consultants Services. That with the exception of this one site, there
20 shall be no further archaeological work necessary within the project
21 area except for this one site that had the three mounds on it. It's
22 important to note that the AIS for the project site was approved and
23 accepted by SHPD on June 29, 2005.

24 The Water Department did comment that there's no County
25 water servicing the project site or any adjacent properties. The

1 proposed 21-lot Ag subdivision will be served by three existing wells
2 that are privately owned. However, in a letter dated February 27,
3 2018, which is Exhibit 2 in your report, the Water Department
4 commented that the Applicant's three proposed wells, the Pohakea Wells
5 1, 2, and 3, would be competing with the Waikapu Country Town Project
6 well water source and that both projects will be drawing water from
7 the same aquifer. This aquifer has a sustainable yield of three
8 million gallons per day.

9 So, what the Water Department is saying is that there could
10 be a potential that the water being drawn out of the aquifer could
11 exceed the three million gallons per day sustainable yield. They're
12 just not saying that it will, but there's a potential for that in a
13 perfect storm scenario.

14 There was a TIAR that was prepared October 4th, 2017, by
15 Austin Tsutsumi & Associates. This is Exhibit 1a in your report, in
16 the memo from DPW Engineering Division Review Checklist, which is your
17 Exhibit 1a. Basically, the Applicant's responses reflect the comments
18 of DPW and the TIAR. So, they're in concert and Public Works will
19 ensure that the project is according to what they do recommend. And
20 we do have Public Works represented here today.

21 This concludes the Department's report. If there are no
22 questions, I'm going to turn it over to Vince Bagoyo. He is MVI's
23 representative. He has a short presentation of the project. Are
24 there any questions as far as government regulations? Okay.

25 CHAIRMAN ROBINSON: Corp Counsel.

1 MR. GALAZIN: Thank you. I just had a question. When
2 you're talking on page 16 about the February 27th letter from the
3 Water Department, and you noted that the Water Department estimated
4 that the drawing aquifer with the Wailuku Country Town Project could
5 have a potential to exceed the three -- the sustainable yield and that
6 the Water Department will review each building current application for
7 water demand before signing off on each permit, the last sentence says
8 that: "The projected demand outpaces the estimated source
9 availability. It is highly likely that the Water Department will give
10 approval on a building permit." Is that -- that seems contrary?

11 MR. FASI: And, Dave, that's why we pay you the big bucks to
12 catch stuff like that. It's supposed to be unlikely.

13 MR. GALAZIN: Okay. Thank you.

14 MR. FASI: Thank you. I'm going to bring Vince Bagoyo up
15 here, and he'll start his presentation. Thank you.

16 CHAIRMAN ROBINSON: Mr. Bagoyo, before you start, are you
17 comfortable with -- that Commissioner Castro coming in at this time
18 without hearing the Planner's opening remarks. Are you comfortable
19 with us adding in our sixth Commissioner and voting on this?

20 MR. BAGOYO: Absolutely.

21 CHAIRMAN ROBINSON: Okay. Thank you. Commissioner Castro,
22 welcome. Thank you.

23 COMMISSIONER CASTRO: Thank you.

24 CHAIRMAN ROBINSON: Please proceed.

25 MR. BAGOYO: Thank you, Mr. Chairman and Members of the

1 Commission. My name is Vince Bagoyo, and I'm representing the
2 Applicant, which is MVI LLC. I just want to make a brief
3 presentations regarding the project, if I can get this thing to work.

4 Let me just say at the outset, the Applicant is proposing to
5 down zone the property from Project District 12, which allows, as
6 noted by Paul Fasi, which allows the development of approximately 1150
7 within the Kihei-Makena Community Plan.

8 Just to give you a brief summary. The project name is
9 Maalaea Agricultural Subdivision and the Applicant is MVI LLC. The
10 project location is mauka of the Honoapiilani Highway, at Maalaea, TMK
11 3-6-001:018. And the total acreage of the property is approximately
12 257 acres. The current County and State Land Use designation of the
13 property is State Land Use Ag District. The Community Plan District,
14 Project District 12. County zoning is Agriculture. Most of the
15 parcel is agriculture. A small portion of the parcel is Open Space
16 and Road/Street Future Reserve Zone, and R-3 Zone.

17 The proposed Land Use Amendments Community Plan District
18 would be from Project District 12 to Agriculture and a change in
19 zoning, a small portion of the property from Open Space to Ag,
20 approximately 14.7 acres, and from Road/Street Future Reserve Zone to
21 Agriculture, approximately .8, and there's a small portion of the
22 property that's currently zoned R-3 to Agriculture, approximately .06
23 acres. The location -- project location, again, is Maalaea, mauka of
24 Honoapiilani Highway within the West Maui Mountains. This is the
25 proposed Community Plan map. It encompasses, again, 257 acres.

1 The proposed change in zoning, if you note on the south end
2 of the property, it's marked in red, I don't know if you can see it,
3 the Future Reserve Street and Road, and then there's a portion at the
4 very tip as an R-3 Zone, and that's being proposed to be down zoned
5 from R-3 to Agriculture. And an Open Space, approximately 14.7 acres.

6 This is the current preliminary agriculture subdivision site
7 map. If I may, I know there was a letter from the Department of Land
8 and Natural Resources regarding the access to the Pali Trail. There's
9 a couple of options that they have suggested to provide access.

10 Currently, there is a kind of undefined access to the Pali Trail and
11 what the Applicant is proposing to do is to provide access through the
12 new proposed road within the subdivision or along the drainage system
13 that is being proposed. The Applicant has been meeting and been
14 talking to DLNR to come up with an acceptable access to the Pali
15 Trail.

16 This is the aerial photo of the project site. As you can
17 see it's surrounded by ag. In fact, makai of the property is Project
18 District 11, I believe, that is owned by A&B, and it's going to be
19 fallow land that was originally used for the sugar operation.

20 Again, the vision and goal of the Applicant is to change the
21 Community Plan and the Zoning Application to keep the entire project
22 site to agriculture. As noted by Paul Fasi, initially, the Applicant
23 wanted to build workforce housing on the site for about 1100 units.
24 We had several meetings with several community organizations, both
25 Maalaea and the Kihei Community Associations, and their desire is to

1 keep this project site to agriculture.

2 Secondly, is to be consistent with the Maui Island Plan,
3 which designate the project site outside of the growth boundary, which
4 essentially keep the project site to agriculture. And, again, it's
5 consistent with the Land Use Ag District designation. And the
6 proposed 21-lot agriculture subdivision is consistent with the Maui
7 County Code 19.30A.30, which allows the developer or the owner a
8 maximum of 21 agricultural lots.

9 With me, if you have any questions, I have Tom Nance who is
10 our Water Resource Consultant, Stacy Otomo who is a civil engineer,
11 and Tyler Fujiwara from ATA, Austin Tsutsumi, as our traffic engineer.
12 Thank you so much for giving us this time.

13 CHAIRMAN ROBINSON: Thank you. At this time, we'll take
14 public testimony. Can you turn that podium a little bit, please?
15 Thank you. At this time, we're taking public testimony. Lynn
16 Britton. Good morning. You have -- please introduce yourself, and
17 you have three minutes.

18 MS. BRITTON: Good morning. I'm Lynn Britton. I'm an owner
19 of Maalaea Properties since 1984 and also and officer and founder of
20 the Maalaea Village Association, which we created last year after the
21 demise of the Maalaea Community Association. I'm here to represent
22 MVA and to refer you to the written testimony from our Vice President
23 Lyndon (phonetic) Lavelle that was, fortunately, thanks to the office
24 copied for you this morning, and I do apologize for the lateness of
25 the testimony.

1 This morning --

2 CHAIRMAN ROBINSON: Lynn, I apologize, can you please have
3 the mic a little closer to you? We want to make sure your testimony
4 is heard.

5 MS. BRITTON: Thank you, Chairman.

6 CHAIRMAN ROBINSON: Yeah, thank you.

7 MS. BRITTON: So, I just wanted to highlight some of the
8 points in the written testimony. MVA certainly supports the switch
9 from -- the down zoning from property -- from Project District to
10 Agriculture, but, unfortunately, we do oppose the development plan
11 submitted, which would create an agricultural subdivision of the area.

12 Ag is the proper classification, and it should have not have
13 been changed in the Community Plan in 1992. It was inserted at the
14 last minute in the Community Plan process. The windy wild fire prone
15 site on the side of the West Maui Mountains led government officials
16 to rightly designate it outside of the Maui Island Plan Urban Growth
17 Boundary. The purpose of the Growth Boundary is to preserve open
18 space and that is, basically, what we're requesting of the Planning
19 Commission in your consideration.

20 The current efforts under way to address the loss of Maui's
21 remaining open spaces, it would be in the wrong direction to subdivide
22 even for 21 agricultural lots in this crucial area. With the Kihei --
23 excuse me -- Kihei-Makena Community Plan coming up for review within
24 the next two years, the fact that this site is still open, provides
25 future planners an opportunity to make decisions that will impact Maui

1 for generations to come.

2 We request the Maui Planning Commission postpone approval of
3 the MVI proposal until the community and government officials have a
4 chance to pursue the possible purchase of this -- of part or all of
5 these crucial lands. The options for this parcel are many. A wayside
6 park would provide park and bathroom facilities, and parking for
7 carpooling, the Lahaina Trail Head, and emergencies. This would
8 provide a safe turnaround for the frequent emergencies that close
9 Honoapiilani Highway between Maalaea and Lahaina.

10 The location is conveniently located near the Harbor Shops,
11 the gas station, convenience store, restaurants, and the small boat
12 harbor. The existing traffic light provides a consistent and safe
13 pedestrian crossing. The site is also identified as a key site for
14 the possible transit corridor that were included in the Maui Island
15 Plan. Preserving this site in open space, meets the Maui Island Plan
16 goals of preserving key environmental and scenic resources.

17 Additionally, the plan, as submitted, is inconsistent with
18 proposed amendments, whose intention is specifically to prevent this
19 type of subdivision. The pending legislation would, instead,
20 encourage the clustering of smaller lots within the subdivision, while
21 preserving a larger contiguous parcel dedicated to agricultural use
22 and open space -- and/or open space in perpetuity.

23 MVA acknowledges that it is unfortunate that the Spencer
24 family bought the property from the previous landowner, Mike Atherton,
25 who was unsuccessful in his attempt to build housing on the site. The

1 Spencers original intent to provide much needed affordable housing was
2 admirable. However, it is the wrong location for such a development.
3 Atherton is now planning a 1400 use unit housing and commercial
4 development in Waikapu.

5 UNIDENTIFIED FEMALE: Three minutes.

6 MS. BRITTON: A far better location, which appears to be
7 headed toward all processes. The 1400 housing units and an estimated
8 two cars per unit, it will add nearly 3,000 additional cars to
9 Honoapiilani Highway within less than five miles of Maalaea --

10 CHAIRMAN ROBINSON: Can --

11 MS. BRITTON: One more second.

12 CHAIRMAN ROBINSON: -- can you please conclude?

13 MS. BRITTON: Thank you.

14 CHAIRMAN ROBINSON: Thank you.

15 MS. BRITTON: Further adding to the long lines of traffic
16 held up for hours at the Pali when fire or traffic accidents close the
17 -- close the highway. In closing, MVA supports the change from
18 Project District to Ag Open Space. We oppose the 21 residential units
19 and ask you to assist us in keeping the space open for Maui's future.
20 Thank you.

21 CHAIRMAN ROBINSON: Thank you. Commissioners, do we have
22 any questions for Ms. Britton? Seeing none, thank you for your
23 testimony.

24 MS. BRITTON: Thank you.

25 CHAIRMAN ROBINSON: Next testifier Dick Mayer. Please

1 introduce yourself, and you have three minutes.

2 MR. MAYER: Thank you. Dick Mayer. I passed out a thing
3 today. I'm going to be using -- I hope you'll have that in front of
4 you. You were given an option to approve this, approve this with
5 conditions, deny it, or defer it. I'm urging that you approve this
6 proposal, but with conditions. Some very strong -- and that's what
7 I'm going to concentrate on. I've got here several items.

8 Number one, safety. We all know this is a very high fire
9 prone area. So, I've indicated three different items there.
10 Firebreak. That an alert go to anybody buying land there that there's
11 a high wind and potential fire spreading in that area on that -- and
12 then, finally, fire flow. I'm surprised that the Planning Department
13 did not require any water tanks for fire flow protection.

14 Number two, transportation corridor. And I've listed here
15 six items in the Maui Island Plan, which talk about a transportation
16 corridor that would pass through this property along the highway, and
17 I'll talk about that in a minute. And those are all statements that
18 are in the Maui Island Plan, and I've quoted them there for you. It
19 would be from -- essentially, from the airport area, Kahului-Central
20 Maui area to West Maui.

21 Number three, affordable housing. I saw nothing in the
22 report indicating that these 21 units plus 21 ohanas would be in any
23 way affordable, something we all know we need. And I would urge you
24 to put an affordable housing condition that it be placed not in that
25 area, but rather in one of the urban areas and let the developer

1 purchase the land, trade it, credits, or whatever it is, but we do
2 need that affordable housing. They talk about 21 ohanas being put on
3 there. You know that those are all going to be vacation rentals. And
4 so, the ohanas will not be taken care of by those ohanas.

5 Number four, there's a retention basin along the highway.
6 Unfortunately, it does not go all the way along the highway. On the
7 southern end of the project you'll see that the retention basin stops.
8 And I'm urging you to make sure -- put that as a condition that that
9 retention basin go all the way along to protect the aquarium and the
10 triangle -- Maalaea Triangle.

11 I urge that you also put a condition in that there be no
12 further subdivision of this project after the 21 lots are established.
13 In fact, there are even more than 21 lots. If you look at the map,
14 you'll see the 21 house lots, but in addition to that they have
15 retention basin lots, they have a stream flow. They have a number of
16 other lots on that property. I would ask you to check with the
17 attorney. I believe the ordinance says that a subdivision of this
18 size should have no more than 21 lots. It doesn't say 21 residential
19 lots.

20 I would like you to turn over to the second page, the map,
21 for a second. And you'll see in there I've indicated with a black
22 line where the transportation corridor was planned by the Maui Island
23 Plan to be put in there. It never got through -- all the way through
24 the planning process, but that was the route that was indicated to go
25 all the way along, and I put it in as a black line. You'll also

1 notice there on the far left hand side of the retention basin, I've
2 written the words "retention basin" with question marks next to it.
3 That's missing on their subdivision map, and I would urge you to have
4 the retention basin go all the way along that part of the property.
5 It's to protect the aquarium and Triangle area. To stop just before
6 you get to that area would be an error, I think, in protecting what's
7 already very, very valuable property and a major tourist center for
8 our Island.

9 So, I'm urging you to put conditions on this project and not
10 just pass it, although I do think it should be reworded to
11 agriculture. It's an excellent change for the project District, which
12 was never -- should never have been put there. Thank you.

13 CHAIRMAN ROBINSON: Thank you. Commissioners, are there
14 any questions for Mr. Mayer? Seeing none, thank you.

15 MR. MAYER: Thank you.

16 CHAIRMAN ROBINSON: Would anyone else like to testify on
17 this item? Aloha. Good morning. Please state your name, and you
18 have three minutes.

19 MS. CROUSE: Thank you, Commissioner. My name is Zandra
20 Amaral Crouse. Last evening, I had the privilege and the opportunity
21 as a candidate, along with other candidates, to attend the Waikapu
22 Association's forum. And prior to that I went to visit the neighbors
23 and the residents that I have known that their ancestors has lived in
24 Waikapu for over 100 years.

25 Their concerns regarding this project was that they felt

1 | though it's towards Maalaea, they felt that the three to six projects
2 | that are contiguous to each other that are coming up has neglected to
3 | address public safety, traffic, infrastructure. And for this
4 | community that is a real, real concern, because I travel that road
5 | most every day in the morning and in the afternoon and the traffic is
6 | always gridlock. From Waikapu all the way to where I make that turn
7 | by Mud Flats to get on to Honoapiilani Highway heading towards
8 | Lahaina.

9 | They did show a lot of enthusiasm and support for Mr.
10 | Atherton's project, which is also being developed contiguous to this
11 | one, I believe. And the reason for that is because he is creating a
12 | vision for the community. He's creating a community that reflects the
13 | lifestyle of the existing community. He's building a cultural center.
14 | He's building a school. He's putting in roads, the infrastructure.
15 | All of these individuals are all for affordable homes, which is one
16 | thing I feel this project is lacking.

17 | What we need is homes for our children. We do not need
18 | subdivisions that they cannot afford. Who and/or what will be able to
19 | afford to purchase these 21 agricultural lots? I don't think any of
20 | our residents. As Ms. Britton has said -- you know, clustering is a
21 | new concept to me -- us. That has been presented before you before,
22 | and, also, the Council meetings that I have been privileged to attend.
23 | And I think that we should look to that in that it provides affordable
24 | homes, but maintains the culture of the given community, and it
25 | maintains some open space, which gives our families and our residents

1 a life of dignity, a life of maintained lifestyle, and not having to
2 sell of their properties --

3 UNIDENTIFIED FEMALE: Three minutes.

4 MS. CROUSE: -- without giving up who and what we are -- who
5 and what they are. Mahalo.

6 CHAIRMAN ROBINSON: Thank you. Commissioners, any
7 questions? Seeing none, aloha. Thank you.

8 MS. CROUSE: Thank you.

9 CHAIRMAN ROBINSON: Would anyone else like to testify at
10 this moment?

11 MR. BROWN: I'm sorry, I may have signed the wrong sheet.

12 CHAIRMAN ROBINSON: That's okay.

13 MR. BROWN: Please forgive me. Don't start your three
14 minutes until I put this up here.

15 CHAIRMAN ROBINSON: Please introduce yourself. You have a
16 little bit less than three minutes.

17 MR. BROWN: I've given the Gettysburg Address in two-and-a-
18 half.

19 CHAIRMAN ROBINSON: There you go.

20 MR. BROWN: Hello. My name is David Henderson Brown. I'm
21 the Executive Director of Public Access Trails Hawaii, which is the
22 501(c)(3) organization started in 2007. The mission of Public Access
23 Trails Hawaii is research, education, and advocacy for public access
24 to public lands. PATH respects private property rights. As Public
25 Access Trails Hawaii who respects private rights, PATH has no opinion

1 or comment on this subdivision.

2 However, I as a citizen of Hawaii claim a fee simple
3 interest in this land. Hold that thought. Everything else comes from
4 what you have. The 2005 archaeology survey, which Mr. Bagoyo referred
5 to, page 16, says: "There's no doubt that the current project area
6 where (indiscernible) lies as a segment of an important trail system
7 in the early 1800s and probably prehistorically as well. This is the
8 Lahaina Pali Trail." Also, on page 17 the map shows the trail dead
9 ending at this project.

10 Now, two new pieces of information, registered map 767 of
11 February 1880 and registered map 1268 of 1885, show the trail going
12 across this property and touching the Honoapiilani Highway at
13 approximately the North Kihei intersection. These trails were both
14 before 1892. You're aware of the Trails and Road Act of 1892.

15 Exhibit 6, letter from Smith of DLNR to Spence of 28
16 February 2018, says: "Our primary concerns regarding the subject
17 application are that the subdivision excludes the historic trail route
18 through the property, which comprises State lands owned in fee
19 simple." Reply to the exhibit by Spencer to Smith of March 2018,
20 said: "We've been working on it. Our intention is to continue to
21 work on it."

22 I'm not asking for Lahaina Pali Trail access. I am
23 demanding, as a citizen of the State of Hawaii, that the Lahaina Pali
24 Trail be surveyed, and marked, and given its own tax key. At that
25 time, I will have no further comments on a subdivision. Thank you

1 very much.

2 CHAIRMAN ROBINSON: Thank you, David. That was less than
3 two-and-a-half. Commissioners, do you have any questions for Mr.
4 Brown? You recited a couple of maps. Do you have any of those maps
5 with you that we could --

6 MR. BROWN: Yes, I do.

7 CHAIRMAN ROBINSON: -- we could -- okay.

8 MR. BROWN: I'd like to refresh your memory too. This just
9 cries for litigation. Does anybody remember Haleakala Trail? We won
10 that one. This just cries for litigation. I'll give -- if somebody
11 wants to make a copy of those maps.

12 CHAIRMAN ROBINSON: Actually, if you could -- if you have
13 just one that we could pass along, so we could kind of take a look at
14 it before --

15 MR. BROWN: Yes.

16 CHAIRMAN ROBINSON: -- we deliberate? I appreciate that.
17 Commissioner Carnicelli.

18 COMMISSIONER CARNICELLI: Thank you for your testimony. The
19 other question I had about this, other than just the trail itself, is
20 parking.

21 MR. BROWN: Ahh, good point.

22 COMMISSIONER CARNICELLI: So --

23 MR. BROWN: Really, really good point. The trail, as
24 defined over 100 years ago, ends at the park and ride with 67 parking
25 spaces. It ends right there within 100 feet. I mean, it goes on. It

1 goes on to the -- to the -- well, the old -- now, the garbage hill..

2 COMMISSIONER CARNICELLI: On the mauka side of the
3 Honoapiilani?

4 MR. BROWN: This is -- here's the intersection right here.
5 There's the parking lot. Sixty-seven spaces. All we have to do is
6 change the lights, so it would be a little bit safer to go across, but
7 people run across anyhow.

8 COMMISSIONER CARNICELLI: Thank you. Chair, thank you.

9 CHAIRMAN ROBINSON: Any other questions? Thank you. Would
10 anyone else like to testify on this item? Aloha. Please introduce
11 yourself. You have three minutes.

12 MR. PEREZ: Good morning. I'm Albert Perez with Maui
13 Tomorrow Foundation. You guys really need to get a taller microphone.
14 You know, we've been involved in this -- in projects that have been
15 proposed for this area. Obviously, we don't like the fact that it's
16 currently community planned for Project District. It's always -- you
17 know, there's always that possibility that someone else might try to
18 put -- this is not a good place for people to live, unfortunately.

19 As we know in September 2016, there was a big storm, and I
20 believe it was in July of 2016, there was a huge fire. I think it was
21 sparked by the power lines. And it spread right up the ridge, very,
22 very quickly. So, we're very concerned. The wind comes through there
23 every afternoon. It's like a wind tunnel. There's a reason that
24 there are windmills up on the ridge there. So, we don't think it's a
25 good place to live.

1 It would be better for open space. And, unlike -- I think
2 someone in the paper accused me of wanting to drive to Lahaina and
3 have a nice view as I drive over for an expensive dinner. That is not
4 me. I don't value expensive dinners, and I don't know if my car would
5 make it. So -- but as far as the project district, we kind of like
6 the idea that the proposal is for it to go into agriculture. We think
7 it would be better for open space because even the farms there would
8 have to have huge firebreaks. I mean when the wind comes through to
9 create defensible open space, that you wouldn't have to worry about
10 your structure burning down. I mean, it was only a few weeks ago that
11 we had the Lahaina fire. We can't -- we can't just ignore that this
12 time.

13 I'm not sure how much time I have left, Chair. So, we kind
14 of have mixed feelings on this. We would rather see it be acquired
15 for open space. One question I had on the staff report, it wasn't
16 clear to me what the open zone is. I don't think it's the same as the
17 Open Space 1 or the Open Space 2. And I couldn't find it in the Code,
18 so I'm not sure what that is, but maybe I didn't look hard enough.
19 Anyway, I would like some clarification on what the Open Zone is.

20 We have some concerns. There's not a place for a lot of
21 cars, a lot of traffic, so we are happy that the proposal is for only
22 21 lots. We don't want to see it subdivided. In the past when we
23 worked with this Applicant, there was a promise that it wouldn't be
24 subdivided, and then we found out that that wasn't necessarily the
25 case. So, we would like to see a condition. I don't know for the no

1 further subdivision, even though that's already on the sliding scale
2 in the ag ordinance. Thank you very much.

3 CHAIRMAN ROBINSON: Thank you. Commissioners, do you have
4 any questions for Mr. Perez. Aloha, Albert. Thank you. Would anyone
5 else like to testify on this item? Seeing none, public testimony is
6 closed. Would the Applicant like to comment and address some
7 questions from the Commission? Thank you.

8 I think you heard testimony of concerns, and why don't we --
9 why don't we start with the easy one for you? Trail and parking. And
10 I remember you mentioned that during your presentation and what did
11 you have in mind for that?

12 MR. BAGOYO: Yes, Mr. Chairman. I actually have a map of
13 the access trail that's being proposed -- suggested by DLNR. I can
14 pass this around.

15 CHAIRMAN ROBINSON: Is it in our packet or?

16 MR. BAGOYO: It's not.

17 CHAIRMAN ROBINSON: Okay.

18 MR. BAGOYO: Yeah, the Applicant is always willing to
19 provide access to the Pali Trail. Right now, there is an undefined
20 trail that's being -- could be used. There's actually parking spaces
21 within the state property on the trail head. So, Mr. Doug Spencer has
22 been in contact with DLNR and whatever they prefer where the trail --
23 access trail will be, I think they're open to providing those trails.

24 CHAIRMAN ROBINSON: Thank you. Commissioner Carnicelli.

25 COMMISSIONER CARNICELLI: The gentleman from -- I'm sorry, I

1 forgot your name from --

2 UNIDENTIFIED MALE: PATH.

3 UNIDENTIFIED FEMALE: PATH.

4 COMMISSIONER CARNICELLI: PATH. Yes, from PATH, he talked
5 about potentially having a deeded access. Is that something that the
6 Applicant would be willing to provide?

7 MR. BAGOYO: Yeah. Yes.

8 COMMISSIONER CARNICELLI: Okay. Thank you.

9 CHAIRMAN ROBINSON: Commissioner Pali.

10 COMMISSIONER PALI: Can you address some of the questions
11 regarding fire -- potential wind tunnel and fires? If this
12 subdivision were to move forward with the 21 homes, can you just
13 address how you envision that would help or hinder the concern about
14 fires?

15 MR. BAGOYO: I think it's -- that's an excellent question.
16 In fact, when I met with the Kihei Community Association, that's one
17 of the concerns that they have as well, and it's also a concern of the
18 Applicant. One of the things that perhaps we could consider is to
19 provide a firebreak within the subdivision as well, in addition to the
20 state land that is mauka of this property. They're already providing
21 some kind of a firebreaks within the boundary of this property and the
22 state property. And we could also further provide firebreak as well.

23 CHAIRMAN ROBINSON: Commissioner La Costa.

24 COMMISSIONER LA COSTA: Thank you, Chair. There was a
25 question about there was no water flow for fires. What precautions or

1 | what are you going to do within the subdivision because there is not
2 | county water, so you don't have hydrants to prevent anything that
3 | happened two years ago?

4 | MR. BAGOYO: Excellent question. The Maui County Code
5 | mandates that the property will have to provide fire protection. For
6 | agricultural subdivisions, the fire requirements would be 500 gallons
7 | per minute for two hour durations. We do have an existing 750,000
8 | gallon storage tank at the site for both domestic and fire protection.
9 | So, there's an adequate that meets -- more than meets the Maui County
10 | Code.

11 | COMMISSIONER LA COSTA: Chair.

12 | CHAIRMAN ROBINSON: Yeah, please.

13 | COMMISSIONER LA COSTA: Thank you. When you said that there
14 | is a 750,000 gallon tank, what happens when that becomes depleted as
15 | the summer goes on. I happen to live in an ag subdivision in
16 | Launiupoko, actually, and went through the fire mess. So, we have
17 | hydrants, but there's nothing here, and I have a real concern about
18 | that.

19 | MR. BAGOYO: Thank you so much. We do have three wells on
20 | the site that yield approximately -- I have a water resource
21 | consultant here, so if he may -- could you answer the question, Tom?
22 | This is Tom Nance.

23 | MR. NANCE: The installed well capacity --

24 | CHAIRMAN ROBINSON: Please introduce yourself, sir.

25 | MR. NANCE: Okay. Sorry about that. This is Tom Nance.

1 I'm a consultant in water resources. The design of the system and for
2 fire protection is that there's three wells, any two of which can
3 operate and provide that protection. And two of the wells operating
4 concurrently can provide 750,000 gallons a minute.

5 The storage reservoir, which I think is actually 800,000
6 rather than 750, would be continually filled by the wells. So,
7 there's more than sufficient capacity, and reservoir storage, and well
8 pumping capacity to provide for fire protection.

9 CHAIRMAN ROBINSON: Commissioner La Costa.

10 COMMISSIONER LA COSTA: Mr. Nance, the discussion of Mr.
11 Atherton's 1400-unit property in Waikapu has come up and the
12 questionable resources of water that will be in both projects. So, if
13 there were to be 1400 homes in Waikapu and the 21 subdivision lots,
14 providing this is approved, and there is an issue with fire then,
15 again, I am incredibly concerned about what's going to happen if you
16 don't have those water resources.

17 MR. NANCE: The water resources are based on moving annual
18 averages. Storage in the aquifer is equivalent to probably 20 years
19 of pumping at three million gallons a day. So, you need to
20 differentiate yourself from what is -- what the aquifer can provide on
21 a sustainable basis long-term, versus what can be drafted on a short-
22 term basis to fight a fire. There's more to that, if I can comment
23 while I'm here.

24 The letter from the Board of Water Supply wasn't actually
25 straight up telling you the full story. This aquifer, the sustainable

1 | yield was set at three million gallons a day based on some very
2 | cursory figuring done in the late 80s, early 90s. There's actually no
3 | (indiscernible) actual pumping on a sustainable basis from this
4 | aquifer. A number of wells have been installed, three in this
5 | project, six in the Atherton project, and one by the State in the
6 | early 70s, but other than the relatively short-term pump test, none
7 | have been pumping on a long-term basis.

8 | The Board of Water Supply letter suggests that the yield set
9 | forth in the Maalaea Agricultural Subdivision and the Tropical
10 | Plantation will exceed the 3 mgd. That's absolutely not correct. The
11 | Board wasn't completely forthcoming about what was planned for using
12 | the wells that are at the Tropical Plantation because a very
13 | substantial amount of that well capacity may actually be exported
14 | outside of the aquifer for uses elsewhere. And if that happens, if it
15 | is in fact possible that pumping could exceed the present sustainable
16 | yield of 3 mgd. Right now, the pumpage is absolutely zero. Getting
17 | to 3 mgd will take some years.

18 | The USGS has done a far more sophisticated and accurate
19 | assessment of the aquifer sustainable yield based on computer modeling
20 | and that modeling suggests the sustainable yield is potentially
21 | substantially higher, possibly as much as double the present 3 mgd,
22 | but certainly higher than 3 mgd, and it will take years of actual
23 | pumping of the aquifer approaching 3 mgd to see if it's in fact
24 | (indiscernible) as we've done in many aquifers throughout the state
25 | and continue to do so, but that sustainable yield number gets revised

1 based on more accurate studies and decades of company experience.

2 COMMISSIONER LA COSTA: Thank you.

3 CHAIRMAN ROBINSON: And before passing to questions,
4 Commissioner Tackett, in the packet it referred to a study from Mr.
5 Nance, and it wasn't in the packet. So, the packet referred to a
6 study, and then as I went through to try to find the study, the study
7 wasn't in there, but when your letter -- I just wanted to let you know
8 that, so hopefully you can maybe -- if you have that somewhere as we
9 come back on, I will be asking for that, but I'm going to keep with
10 the question for Mr. Nance from Commissioner Tackett.

11 COMMISSIONER TACKETT: Thank you. So, my question is these
12 wells, are they located on that property?

13 MR. NANCE: Yes.

14 COMMISSIONER TACKETT: And what are their susceptibilities
15 to being on fire themselves? Could a fire impact their ability to
16 pump the water that they need to fight the fire?

17 MR. NANCE: It's not really my field of expertise, but I
18 think the answer is possibly yes. They are located -- if you drive
19 by, you'll see that stainless steel tank on the mauka side of the road
20 there. The wells are adjacent to that tank there.

21 COMMISSIONER TACKETT: Thank you.

22 CHAIRMAN ROBINSON: Commissioner Carnicelli.

23 COMMISSIONER CARNICELLI: Thanks, Tom. So, this may be an
24 obvious question or an obvious answer, but is there a non-potable
25 water source for the ag part of this particular subdivision?

1 MR. NANCE: If we can change non-potable to very slightly
2 brackish, yes. All three wells produce water of marginal salinity for
3 drinking water use, but certainly acceptable for irrigation use. So,
4 these will actually have a dual system where the well water will be
5 pumped into the 800,000 gallon tank, and then that water will go
6 directly out of that tank for the agriculture use, and I think for the
7 fire protection. Is that right, Stacy? Yeah.

8 Separate from that, will be a small potable treatment plant,
9 the osmosis desal plant that will produce water for drinking water use
10 for the 21 houses. So, there will be a slightly brackish system for
11 the irrigation use, but it's coming out of the wells.

12 COMMISSIONER CARNICELLI: Thank you.

13 CHAIRMAN ROBINSON: Questions. Mr. Nance, while I have you
14 up there, I got the report, but, of course, I don't have time to read
15 it this second, but I want to address the amount of water inside this
16 reservoir. I want to address the concern that we have, because we
17 have a project that is right next to you folks that is supplying a lot
18 of homes, which is what this county needs and water is the concern.
19 And I want to make sure -- because I wasn't comfortable with the
20 volume of output that the Atherton project said that they had on the
21 water stuff, and I noticed that as of this date they did certain
22 pumping tests and certain reclamation tests, but there's no follow
23 through with that second test.

24 So, I know that you're not a consultant for the Atherton
25 Group, but since you're here, and you are doing -- we are talking

1 about that aquifer, is because we want to make sure that the capacity
2 of whatever this project can do, and what the capacity that Atherton
3 does, because I think the Atherton Project understates their demand.
4 How do you feel about that -- about my opinion?

5 MR. NANCE: I don't know what they're saying their demand
6 is, but the reality is the -- you know, six wells have been drilled in
7 the Atherton property. My personal opinion is two are useable and the
8 others are not. And the plan is to add two more in the mauka
9 locations on that property for a total of four wells. The intention
10 is to supply not only the plantation project, but the Department of
11 Water Supply would take some water from that and, potentially -- and I
12 heard the developer as a partner in a tri-party agreement, Department
13 of Water Supply, Atherton, and this third-party. And the Department
14 of Water Supply and the third-party would be using the water
15 elsewhere.

16 I do think that the aquifer at 3 mgd is currently
17 undervalued or understated as to what it's likely sustainable yield
18 is. I think it's at least four -- probably between four and five. It
19 will take, as I said, a couple decades of actual pumping to get there,
20 but in order to do that, there will need to be additional wells on the
21 Atherton property to get to that point. And I am involved with this
22 third-party of --

23 CHAIRMAN ROBINSON: Right.

24 MR. NANCE: -- of the third-party agreement.

25 CHAIRMAN ROBINSON: And so, Mr. Nance, what I'm hearing you

1 saying is even though Atherton might be undersized well rise, the
2 water -- reserve wise, the water is there, they just have to -- you
3 think that they might have to add more wells and that the --

4 MR. NANCE: Yeah, more wells and more properly locate them,
5 so that we can in fact optimize the yield of the aquifer.

6 CHAIRMAN ROBINSON: When does the -- and, you know, I read
7 through this project. There's, you know, 21 lots, I see. You know,
8 42 places, I see 48. What is the maximum output that this project
9 could take, because it's agriculture, so agriculture depends on what
10 you farm, right? I mean, so are we assessing the draw based on what
11 the wells can produce at 100 percent, all the time, 24 hours a day, or
12 are we saying on an eight hour day, we're going to pump so much water?

13 MR. NANCE: No, it's -- the three wells -- one well has a
14 pump with 275 gallons a minute, and the other two have pumps of 475
15 gallons a minute. And pumping the wells 24/7, it's much more than
16 what the project needs, but the 475 gpm pumps are grossly oversized.
17 And so, my recommendation to the owner is that they get downsized to
18 about 260 gallons a minute, but it would run -- a year on average
19 production in round numbers is required about .5 mgd, and in the
20 summer time that's probably up to .7 or .8. Two of the wells with 260
21 gpm pumps can provide that with the third providing standby. So, I
22 think there is capacity, and, in fact, two of the three pumps need to
23 be downsized.

24 CHAIRMAN ROBINSON: But like the calculations that we're
25 using -- the calculations that are used off of the current pump sites

1 that we have and with those compilations running 24 hours, that's what
2 our max output is?

3 MR. NANCE: No. No, the max output would be just two wells
4 running at 24/7 at 260 gallons a minute each.

5 CHAIRMAN ROBINSON: But you're calculations that we used for
6 the -- you know, the high end --

7 MR. NANCE: That is the high end.

8 CHAIRMAN ROBINSON: Okay. So, that's two wells at 275.

9 MR. NANCE: At 260.

10 CHAIRMAN ROBINSON: Well, there's three wells on the
11 property.

12 MR. NANCE: The third would be standby, yeah.

13 CHAIRMAN ROBINSON: And is --

14 MR. NANCE: And if one slows down --

15 CHAIRMAN ROBINSON: Right.

16 MR. NANCE: -- they need to be replaced, you need to have a
17 standby.

18 CHAIRMAN ROBINSON: Now, is -- could they possibly put a
19 bigger pump to draw or keep the 475 or 600, or that's something that
20 they would have to go back to the state to ask to -- I'm sorry. I
21 guess, you know, we're looking at the capacity here. So, is the
22 concern I here is capacity -- my concern is capacity. You know, just
23 because you have a well it doesn't mean -- and you have 250 per
24 minute, we can increase those pumps to make it 500 per minute if we
25 had a larger pump. So, how do you control that?

1 MR. NANCE: So, then the pump water -- the two wells with
2 the larger pumps, that salinity in the test that I did as opposed to
3 the original test by the drilling contractor never reached the stable
4 (indiscernible) level, unless you can pump the water out, but with a
5 salinity consequence. This is a relatively thin (indiscernible)
6 underlined by saving groundwater and over pumping (indiscernible) an
7 accurate salinity result. That's why I want to downsize the pumps,
8 not upsize them. And downsizing it still provide the maximum.

9 CHAIRMAN ROBINSON: Which brings me back to if we're pulling
10 from the same resource, pumping on the Atherton side -- and if we have
11 salinity on one side, we're going to have salinity on both sides. So,
12 if we're pumping at the same (indiscernible) are we affecting the
13 Atherton quality of water as well. And then if they have to go
14 (indiscernible) more water, because they're going to throw away part
15 of it.

16 MR. NANCE: You need to back up a little here.

17 CHAIRMAN ROBINSON: Okay.

18 MR. NANCE: Generally speaking, the Atherton aquifer is
19 where the water is. And chloride levels of 20 to 40 mgs per liter in
20 the two wells that I think are useable, it's certainly possible. And
21 at that location the (indiscernible) is much thicker and much fresher.
22 If one acquirer is ultimately going to affect the other, it's the
23 reverse. (Indiscernible) decades now (indiscernible) the affect in
24 the Maalaea Ag Subdivision wells might happen as a result of the
25 upgradient Atherton wells, not the reverse.

1 CHAIRMAN ROBINSON: Thank you. Commissioners, any other
2 questions? Commissioner Castro.

3 COMMISSIONER CASTRO: Thank you. You mentioned earlier with
4 the possibility of putting in a desalination plant. If that was to be
5 implemented what would you do with the waste?

6 MR. NANCE: That's a good question. We're doing a very
7 small amount, just for the domestic use. And so, the concentrate that
8 disposable amount from the (indiscernible) plant is actually still of
9 a salinity that can be reused to irrigate these runoff retention
10 areas. So, that's the plan of what to do with the concentrate from
11 the (indiscernible) plant.

12 COMMISSIONER CASTRO: Thank you.

13 CHAIRMAN ROBINSON: Yeah. Commissioner Pali.

14 COMMISSIONER PALI: For the project manager. The issue of
15 (indiscernible). We heard a few testimonies regarding once the
16 subdivision is, let's say, complete, will there be CC&Rs, or
17 something, or some kind of an association within the 21 units and
18 would you have restriction about possible -- the use of -- for future
19 use. Like if they did the ohana unit, would you allow them to apply
20 for vacation rental permits, would you allow subdividing within their
21 lots? What do you feel about -- I think it was several requests that
22 say they would like us to make sure that there was no future
23 subdividing. And I know that the project itself mandates the maximum
24 21, which seems like it's already taken care of itself, but what's
25 your comments on that?

1 MR. BAGOYO: Regarding the re-subdivisions, under the
2 current Maui County Code, they cannot subdivide it. Yeah. With
3 regards to the use for short-term rentals, I don't think -- it's
4 probably going to be included in the CC&Rs that there will be no
5 vacation rentals. Yeah. I mean that's something that the Applicant
6 will not -- that we'll probably agree as a condition.

7 CHAIRMAN ROBINSON: Okay. And as we know, projects sell.
8 Commissioner Carnicelli.

9 COMMISSIONER CARNICELLI: So, Vince, a couple of questions
10 for you, and then I have one for the Department. If you could address
11 your 2.96 affordable housing component, how you're going to address
12 that. Mr. Mayer brought up the fact that the retention basin stops
13 instead of continuing all the way on. If you could address that. And
14 you've already addressed the other things that I have here. So, just
15 those two things, and then I have one question for the Department.

16 MR. BAGOYO: With respect to the first questions on the
17 2.96, the Applicant will comply to the 2.96. I think we are required
18 to provide at least four. There is a number of options that they
19 could use. One is credits that they may have, and the other is to pay
20 to the general fund for the County of Maui. So, they will comply.

21 With respect to the drainage, I was just talking to Mark
22 Spencer, who is part owner of the property. That they will -- yeah,
23 they will comply with that as well.

24 COMMISSIONER CARNICELLI: Okay. Thank you. And then my
25 other thing, Chair, is regarding the transportation corridor, I'm a

1 little bit unclear as to -- is this something that's County proposed?
2 I mean, are we going to put -- you know, if we try to make this a
3 condition, are we going to have, okay, a mile-and-a-half stretch that
4 has a corridor, you know, agreement, and then no place else on the
5 whole entire Honoapiilani does it have that. So, if you could just
6 address kind of what that is and how it pertains, please.

7 CHAIRMAN ROBINSON: Director.

8 DIRECTOR MCLEAN: Thank you.

9 CHAIRMAN ROBINSON: You said Chair, so she was looking at
10 me.

11 DIRECTOR MCLEAN: To address the second part of your
12 question, when there are -- when it's desired to have an improvement
13 like this, you take advantage of the opportunity when it comes along,
14 even if it's going to be only one segment now with the hope -- the
15 expectation that the other segments come along when those properties
16 are developed or when the County takes the initiative to acquire it or
17 whatever.

18 In this particular case, I simply don't know how wide the
19 highway right-of-way is and what kind of area might be available in
20 the State right-of-way rather than being on this property. I think it
21 would be important to have this corridor, but whether or not there's
22 already land in the State right-of-way that could allow for it or
23 whether it needs to come from this property, I simply don't know at
24 this time.

25 And we could probably figure out how to word a condition

1 that requires it of the Applicant if it's not available on State land.
2 So, I don't have a solid answer on that, but it would be important to
3 take advantage of the opportunity. And even if it's only a certain
4 segment right now, if we close the door on that, then putting in other
5 segments, you know, you missed this middle part, so --

6 COMMISSIONER CARNICELLI: Okay.

7 DIRECTOR MCLEAN: -- it should be done.

8 CHAIRMAN ROBINSON: Commissioner La Costa.

9 COMMISSIONER LA COSTA: Thank you, Chair. Mr. Bagoyo, thank
10 you for coming. I would like to go back to the PATH, the Pali Trail.
11 You talked about realigning it from where it is now to -- I think the
12 map that you have in red that we have the trail, correct?

13 MR. BAGOYO: Correct.

14 COMMISSIONER LA COSTA: Okay. So, if that is -- is that
15 going to be an easement, is that going to be a different TMK? And, if
16 so, who's going to maintain it and the access to the public? That's
17 what I would like to know, please.

18 MR. BAGOYO: Thank you. One of the options that is marked
19 in red is actually the proposed road within the subdivision. They can
20 use that as part of the trail -- access to the trail head. The other
21 is marked in -- I believe, in blue --

22 COMMISSIONER LA COSTA: Uh-huh.

23 MR. BAGOYO: -- which is --

24 COMMISSIONER LA COSTA: The current trail.

25 MR. BAGOYO: -- along the drainage area. That could also be

1 an option for DLNR to see if they prefer that site. And the Applicant
2 will be more than happy to provide an easement, permanently, to access
3 to the trail head. So, whichever the DLNR prefers we're more than
4 happy -- the Applicant's more than happy to accommodate.

5 COMMISSIONER LA COSTA: Thank you.

6 MR. BAGOYO: Yeah, in fact, I believe DLNR submitted a map
7 on the different options. One is in yellow, which is basically where
8 the drainage is, which is marked in blue and the other one is in red.
9 That's pretty close to the red mark that we have there on the
10 subdivision map.

11 COMMISSIONER LA COSTA: Did you provide that for us?

12 MR. BAGOYO: That's, I think -- I know this was given to me
13 by the Planning Department.

14 CHAIRMAN ROBINSON: That's in this book here or it's in the
15 packet in the back?

16 MR. FASI: Yeah, the exhibit that I passed out this
17 morning --

18 CHAIRMAN ROBINSON: On the table.

19 MR. FASI: -- is from Tori Nohara, and she's from the DLNR.
20 And she is here in the gallery.

21 COMMISSIONER LA COSTA: Thank you.

22 MR. BAGOYO: And I believe the Applicant is also proposing
23 to provide some parking wherever the preferred access trail will be.
24 And, actually, I think it's fully marked within the subdivision map
25 that I submitted earlier.

1 CHAIRMAN ROBINSON: Do you have a number of how many stalls
2 you're proposing?

3 MR. BAGOYO: There's no --

4 CHAIRMAN ROBINSON: Twenty, 30? How many is it?

5 MR. BAGOYO: We don't have any numbers. Right now, there's
6 no parking.

7 CHAIRMAN ROBINSON: Right.

8 MR. BAGOYO: So, whatever the DLNR would suggest to the
9 Applicant, I think that's probably would be the amount of parking that
10 we will provide.

11 CHAIRMAN ROBINSON: Okay.

12 MR. BAGOYO: Right now, according to the gentleman that
13 testified --

14 CHAIRMAN ROBINSON: Mr. Brown from PATH, yeah.

15 MR. BAGOYO: -- yeah. There's actually across the --

16 CHAIRMAN ROBINSON: Across the highway --

17 MR. BAGOYO: -- across the highway, yeah.

18 CHAIRMAN ROBINSON: -- which we don't want, yeah.

19 MR. BAGOYO: Yeah. So, we'll try to provide some parking
20 within the project site.

21 CHAIRMAN ROBINSON: Yeah, thank you. I would hate to have
22 to wait at that light for people to cross the street.

23 MR. BAGOYO: Yeah, exactly.

24 CHAIRMAN ROBINSON: Okay. Commissioner Gomes.

25 COMMISSIONER GOMES: Okay. Thank you. I think this

1 question might be directed for the Department. Can you explain, and
2 pardon me, you may have -- the difference between Agricultural and an
3 Open Zone? Because I think that's what you guys are going for, is to
4 change in zoning from Open Zone to Agricultural, and then a change in
5 zoning of Road/Street Reserve Zone to Agricultural. And can you
6 explain a little about that? I mean, I don't know the difference
7 between Open Zone and then Agri -- you know, going to Agricultural,
8 and then over to Reserve Zone. Yeah.

9 CHAIRMAN ROBINSON: Director.

10 DIRECTOR MCLEAN: Thank you. You're probably most familiar
11 with the Zoning Districts that are listed in the Maui County Code,
12 residential, business, commercial, et cetera.

13 COMMISSIONER GOMES: Yes.

14 DIRECTOR MCLEAN: We do have, countywide, old zoning maps
15 that have labels on them that actually don't have a chapter in the
16 County Code that defines what those mean. Urban Zone is one of those,
17 Road/Street Reserve Zone is one of those. And so, if someone were to
18 ask us what can I do under this zoning, we have to try to come up with
19 what we think those things mean. We do have an Open Space Zoning
20 District, but not Open Zone like this says. So, it's not clear.

21 COMMISSIONER GOMES: Yes.

22 DIRECTOR MCLEAN: We do our best to compare it to actual
23 zonings that we do have and do our best to understand what uses might
24 be allowed in those districts, but those were zonings on an approved
25 zoning map, so they are existing zonings. That's what the zoning map

1 | says, but there aren't clear uses and standards that correlate to
2 | them.

3 | And, like I said, we haven't -- we have Open Space Zoning
4 | Districts, but not Open Zone Zoning Districts, and we don't have a
5 | Roadway Reserve Zoning District. So, this is from an old zoning map
6 | that they're trying to clear up and make consistent with the rest of
7 | the property.

8 | COMMISSIONER GOMES: Chair.

9 | CHAIRMAN ROBINSON: Yes.

10 | COMMISSIONER GOMES: I want to add --

11 | CHAIRMAN ROBINSON: Okay. Go ahead.

12 | COMMISSIONER GOMES: -- this question is for Corp Counsel.
13 | This isn't in the Maui County Code in regards to what Director McLean
14 | is stating. I mean, it's there, basically, because it's old. So, it
15 | seems to be grandfathered, in some way, or at least it's stated there,
16 | but as far as finding it in MCC, like if I went into archives, I would
17 | be able to find this?

18 | MR. GALAZIN: Thank you, Chair. And I understand the
19 | Planning Department's response. No, you'll not find this even in an
20 | archive portion of the County Code.

21 | COMMISSIONER GOMES: Okay. I'm trying to make sense of it.
22 | I'm sorry, Director McLean.

23 | DIRECTOR MCLEAN: If I can add. You may be familiar with
24 | the project that just passed out of one of the Council's Committees to
25 | adopt a digital zoning map to replace all of these old paper maps that

1 we have with a digital map. And in a number of cases, we are taking
2 these old designations and recommending that they be replaced.

3 So, in this case it's a specific application that's coming
4 to you, but elsewhere in the County we're trying to replace them with
5 the most comparable Zoning District that is actually in the Code. So,
6 if we see Open Zone somewhere else, it would probably be recommended
7 to be changed to Open Space, because we have a Zoning District that
8 says Open Space.

9 COMMISSIONER GOMES: Oh, I see.

10 DIRECTOR MCLEAN: So, there are areas throughout the County
11 that have labels on the zoning map and those are adopted lawful zoning
12 maps. So, that is the zoning, but there was never a chapter in the
13 Code adopted to go along with that. So, it's not grandfathered, it's
14 still -- it's still --

15 CHAIRMAN ROBINSON: Active.

16 DIRECTOR MCLEAN: -- on the map. It's still applicable, but
17 we don't have a Zoning District to go along with it, so we're trying
18 to replace those with current --

19 COMMISSIONER GOMES: So, is this just semantics as far as
20 verbage that we're trying to change, or --

21 DIRECTOR MCLEAN: Well --

22 COMMISSIONER GOMES: -- is it with the Community Plan that
23 is being changed?

24 DIRECTOR MCLEAN: Even if this were, let's say, Open Space,
25 I think the Applicant would still be requesting the change to

1 Agriculture, so that the property could have one consistent
2 designation throughout it.

3 COMMISSIONER PALI: Can I interject? What I -- how I
4 process it --

5 CHAIRMAN ROBINSON: Commissioner Pali.

6 COMMISSIONER PALI: Oh, sorry, Chair. How I process it, and
7 we just can confirm with Corp Counsel, is the old labels have no
8 definition. They're labeled, but we don't know what that means. And
9 so, from my understanding, Open Space was called Open Space, but
10 there's not Charter Code that says what Open Space is. So, right now,
11 it's undefined.

12 And I think what's happening now is the developer wants to
13 now put a definition onto the use, which is what we have now. We have
14 labels that are now defined in our new current times. So, by going
15 from Open Space to Ag, they're saying we want to adopt the uses of Ag,
16 because there is a definition. So, we're going from undefined to
17 defined. That's how I -- is that accurate to say? Okay. Does that
18 help?

19 COMMISSIONER GOMES: It helps, but when you do something
20 like that -- and if you don't mind me stating -- then you're setting a
21 precedent for the future, for everything else. And when you do stuff
22 like that, specifically with the Charter, which, you know, this is
23 what governs -- the Charter governs our government, we're setting a
24 precedent for the future. So, you know, just bearing that in mind for
25 the community, so that they understand that as well.

1 If we're going to go that route and state, well, it's there
2 -- you know, it's undefined, then you could use that as an excuse on
3 many applicable other things, you know. And I would hate to see, in
4 the future, that that happens, and we use that as an excuse, well,
5 this would be an example, as a precedence, you know. So, I completely
6 understand that part, which -- thank you, but, you know, I definitely
7 -- you know, it doesn't sit very well, I'll tell you that, because
8 it's undefined even though it's there.

9 You know, it doesn't help us as Commissioners, it doesn't
10 help future individuals who come here, and they want to build, or they
11 want to develop, and then they can use this and say, well, you know,
12 this is -- that was undefined, and you let this one go, or you voted
13 on this. You know, and then we have mayhem between us or between the
14 situation. So, it does need to be defined. And if it's going to be
15 in the Charter, then Corp Counsel or whomever needs to get on it and
16 the Maui County Code, MCC, get it defined.

17 CHAIRMAN ROBINSON: Okay. Thank you. You want to respond
18 to that?

19 MR. BAGOYO: Yeah. What we're trying to do is to make it
20 consistent with all of the Community Plan that's been proposed and the
21 Maui Island Plan, which designate this area as outside, which is
22 Agriculture.

23 CHAIRMAN ROBINSON: Yeah, I think it's more -- we're talking
24 about an internal thing that we need --

25 MR. BAGOYO: Oh, oh.

1 CHAIRMAN ROBINSON: -- to clean up what we have on the books
2 instead of what the Applicant is trying to accomplish. We understand
3 that you're trying to get a designation, which you should. It should
4 be designated instead of just undefined. I would like it if you could
5 touch on your SMA requirement and what part of your parcel is SMA, and
6 if you have a map showing that.

7 MR. BAGOYO: There's a portion, which is -- I think it's on
8 the red -- it approximately about 23 acres. If the owner decide to do
9 something on that property, they would have to come back to the
10 Commission for the SMA.

11 CHAIRMAN ROBINSON: Well, can you show us where that
12 location is, please? Because if it's coming back to us it's one thing
13 that, you know, helps us decide on voting today.

14 UNIDENTIFIED MALE: If I may speak, Mr. Chairman?

15 CHAIRMAN ROBINSON: Please.

16 UNIDENTIFIED MALE: It's about this location over here.

17 CHAIRMAN ROBINSON: I know, sorry, Carolyn.

18 MR. BAGOYO: It's about this area, Mr. Chairman, right here.
19 It's the most southerly part of the property.

20 CHAIRMAN ROBINSON: Is part of the trail on top of that?

21 MR. BAGOYO: No, it's not.

22 CHAIRMAN ROBINSON: Nothing? So, that is just completely
23 the Applicant's property? And is that considered a lot or is that
24 considered undefined space for you?

25 MR. BAGOYO: It's going to be -- no, it's going to be part

1 of the subdivision. It's approximately 44 acres to that particular
2 lot, but a portion of that is within the SMA.

3 CHAIRMAN ROBINSON: What are the shaded -- what is the
4 shaded indicating?

5 MR. BAGOYO: This shade --

6 CHAIRMAN ROBINSON: Yeah.

7 MR. BAGOYO: -- which is about -- that's the Open Space --
8 Open Zone that is undefined.

9 CHAIRMAN ROBINSON: So, the SMA is in an undefined area
10 right now?

11 MR. BAGOYO: Correct.

12 CHAIRMAN ROBINSON: Okay. Thank you.

13 MR. BAGOYO: And this is the -- the future State road and
14 this little portion right here is -- this .06 acres is an R-3 Zone.

15 CHAIRMAN ROBINSON: Okay. Thank you. And, Commissioner La
16 Costa.

17 COMMISSIONER LA COSTA: I'm sorry. Thank you, Chair. I beg
18 your pardon if you have answered this. Was there any designated open
19 space or greenbelt area within the subdivision other than the road?

20 MR. BAGOYO: Currently?

21 COMMISSIONER LA COSTA: Yes. Yeah, for what your plans are.
22 Where is the green space?

23 MR. BAGOYO: It's all going to be agriculturally zoned and
24 that's what we're proposing. To change from -- the Community Plan
25 change it to Agriculture. And most of the property, already, is

1 within the agricultural county zoning.

2 COMMISSIONER LA COSTA: So, you don't have any designated
3 park, or green zone, or anything within the subdivision?

4 MR. BAGOYO: No.

5 COMMISSIONER LA COSTA: Okay.

6 CHAIRMAN ROBINSON: Yeah, the retention basin is a green
7 zone --

8 MR. BAGOYO: Yeah.

9 CHAIRMAN ROBINSON: -- if I'm not mistaken too.

10 MR. BAGOYO: Yeah, the retention and the drainage.

11 CHAIRMAN ROBINSON: Yeah.

12 MR. BAGOYO: Yeah.

13 CHAIRMAN ROBINSON: Okay. And going back to Commissioner
14 Gomes' comment, is the reason why this is an EA is because it's going
15 to agriculture, right. So, if it's going to something, then therefore
16 the needed the EA, but if it was designated something else, it might
17 have triggered that EA. So, there wasn't -- there would have been
18 something to -- you know, that's the part that has to be determined.
19 Commissioners, do you have any other questions at this time?

20 COMMISSIONER LA COSTA: Actually, I do have one.

21 CHAIRMAN ROBINSON: Commissioner La Costa.

22 COMMISSIONER LA COSTA: May I please direct this to Mr.
23 Nance? Thank you, Chair.

24 MR. NANCE: Thank you.

25 COMMISSIONER LA COSTA: Thank you. I didn't see your

1 report, so are you a certified hydrologist?

2 MR. NANCE: No, I'm a certified professional engineer, but
3 not as a hydrologist.

4 COMMISSIONER LA COSTA: Okay. The septic system, the
5 groundwater is 210 feet above, according to what the documents say.
6 Let's see here.

7 MR. NANCE: The groundwater beneath the project is sitting
8 about three or four feet above sea level.

9 COMMISSIONER LA COSTA: Okay.

10 CHAIRMAN ROBINSON: And do you know what that is? Do you
11 know that is, topography wise from the --

12 MR. NANCE: Between the ground level --

13 CHAIRMAN ROBINSON: Yeah.

14 MR. NANCE: -- and down, I don't, to be honest.

15 CHAIRMAN ROBINSON: Okay.

16 MR. NANCE: The wells that are up at the mauka end are about
17 250 or 60 feet to sea level.

18 COMMISSIONER LA COSTA: My question would be then, will
19 septic leaching have any effect on the groundwater or any of the lands
20 around there, specifically? I'm thinking about the Ocean Center.

21 MR. NANCE: This is going to be a little convoluted
22 explanation, but I'm going to try. There is a travel between the
23 leach field area of the septic system to the groundwater below, across
24 the project site that travels through what we call the (indiscernible)
25 zone, unsaturated lavas, is probably between 100 and 250 feet. Once

1 | it reaches the basal groundwater, then it will move laterally toward
2 | the shoreline and toward the improvements down along the Maalaea Bay
3 | shoreline.

4 | There is natural processes that go on as this leach field
5 | discharge moves through the unsaturated lavas. It acts like a
6 | trickling filter. And the most significant example I can give,
7 | something that I was sampling yesterday in Kona, the County's
8 | Kealakehe Wastewater Treatment Plant discharges 1.7 million gallons a
9 | day into a pit that is 3700 feet inland of the upper end of Honokohau
10 | Harbor.

11 | I grabbed samples from the discharge into the pit, I grabbed
12 | samples from what's discharging at the mauka end of the harbor, I got
13 | samples for what I'll call the ambient basal groundwater, and I can
14 | calculate iteratively what removal of the nutrients occurs for, in
15 | that case, about a 50-foot travel between the unsaturated zone to
16 | basal groundwater, and 3700 feet to the Honokohau Harbor. And that
17 | natural removal process, the nitrification for nitrogen and absorption
18 | for phosphorous removes about 90 percent of all the nitrogen and
19 | somewhere between 95 and 98 percent of all the phosphorous.

20 | So, you can't say there won't be an effect, but that effect
21 | definitely gets moderated by the natural filtration process that goes
22 | on through the unsaturated lavas before it reaches groundwater.

23 | COMMISSIONER LA COSTA: Thank you.

24 | CHAIRMAN ROBINSON: Tom, on that question is, you know, we
25 | have the problem with Kahului and Honolulu where the cesspools are in

1 the mountain, but it comes down and starts going out into the ocean.
2 I mean, is that a problem over 20 years to where that water could then
3 seep out and be inside Maalaea Bay because of the slope and the
4 topography?

5 MR. NANCE: It would -- anything discharged in that fashion
6 that gets below the plant food zone will ultimately reach groundwater,
7 ultimately discharge at the shoreline. There's -- you know, that's
8 the natural process that's ongoing and the question is how much will
9 it actually impact the quality of that groundwater at the shoreline.
10 And we were just incredibly fortunate. Another example, if I can --

11 CHAIRMAN ROBINSON: Please.

12 MR. NANCE: -- another Island. The County has the Kahaluu
13 shaft. It's about elevation 600 feet inland of Keauhou Bay and above
14 it are the community that live up mauka and everybody's cesspool does
15 not even have septic systems. The Kahaluu shaft is a horizontal
16 skimming tunnel, not a drilled well, but it's an inclined shaft that
17 goes down to a horizontal skimming tunnel that's about 280 feet long.
18 And it's not adversely impacted by the discharges of the cesspools
19 directly upstream. It sort of an incredible removal process. So that
20 it does get into the groundwater, but there is a natural filtering
21 process that goes along en route to the groundwater.

22 In areas where you don't have much travel on the west side
23 where the County has a park with a restroom that's next to the
24 shoreline. You can pick it up at the shoreline without a whole lot of
25 removal going on, but if you're inland and a couple hundred feet above

1 the ground water table, there's an incredible natural protection that
2 happens. So, I can't say that nothing gets to it, because it does,
3 but there is a natural removal that removes most.

4 CHAIRMAN ROBINSON: Thank you. Anything else for Mr. Nance?
5 Thank you, sir. It's -- we talked about the questions -- counsel,
6 they had two questions, and I want to go back to the one question we
7 had about affordable housing and triggering the amount of homes. And
8 I would like to it over to the Director to what exactly is the amount
9 of homes that can build in this project as currently stated and what
10 the requirement would be on that. Director.

11 DIRECTOR MCLEAN: Thank you, Chair. Under the County
12 Agricultural District and the sliding scale, the property would be
13 limited to 21 lots of varying sizes. Each of those lots could be
14 developed with two farm dwellings, one of which could not exceed 1,000
15 square feet. During the subdivision process, the County's workforce
16 housing ordinance would be applied to the project and that requires 25
17 percent of the units that the Applicant provide, the equivalent of 25
18 percent of the number of units being developed to be subject to an
19 affordable housing agreement with the Department of Housing and Human
20 Concerns. And you round up.

21 So, 25 percent of 21 is 5.25. So, rounding up that would be
22 six affordable housing units that they would have to provide, that
23 they could provide on-site or they could off-site and that would be
24 spelled out in the affordable housing agreement that they would enter
25 into with the County during the subdivision process.

1 CHAIRMAN ROBINSON: So, Director, so these ohana units or
2 second homes you develop there for -- the ohana is going to be a
3 residence. Is that not considered as part of the totals?

4 DIRECTOR MCLEAN: The way it's written is it applies per lot
5 or per unit, but it excludes second farm dwellings. So, it would just
6 be for the 21.

7 CHAIRMAN ROBINSON: Thank you. Commissioners, do you have
8 any other questions for the Applicant? Seeing none, Mr. Fasi, could
9 you please have the recommendation?

10 MR. FASI: Thank you, Director. So, this body will be
11 making a recommendation on the Community Plan Amendment and the change
12 in zoning to the County Council, who will then take action and come to
13 some definitive Agreement.

14 On the Community Plan Amendment for 257 acres, the
15 Department is recommending approval to the Maui County Council from
16 Project District 12 to Ag in the change of zoning. The Planning
17 Department is recommending approval of the change in zoning for
18 approximately 14.7 acres from Open Zone to Ag, change in zoning for
19 approximately .06 acre from R-3 to Ag, and a change of zoning for
20 approximately 0.8 acres from Road/Street Reserve Zone to Ag. On both
21 land use and (indiscernible), the Department is not recommending any
22 conditions on either of them.

23 CHAIRMAN ROBINSON: Thank you. I guess, Commissioners,
24 we're not the final say here. We're only giving recommendations to
25 the County Council. Excuse me. It's -- because the rule didn't state

1 any conditions on either one of those, I want to -- I want to try take
2 these up individually, because I think there's different concerns on
3 different ones from hearing from the testimony.

4 So, we're going to start off with the CPA. Are there any
5 discussion or any motions to get this ball rolling. Commissioner
6 Carnicelli.

7 COMMISSIONER CARNICELLI: I move to approve as recommended
8 by staff.

9 CHAIRMAN ROBINSON: Commissioner Carnicelli recommends the
10 approval by motion. Do we have a second?

11 COMMISSIONER CASTRO: Second.

12 CHAIRMAN ROBINSON: Seconded by Commissioner Castro.
13 Discussion. Who would like to speak to the motion Carnicelli or open
14 up for discussion?

15 COMMISSIONER CARNICELLI: I'll just speak briefly, Chair, to
16 saying that I think in the deliberations we covered all the concerns.
17 My only question would be either for the Department or Corporation
18 Counsel. You know, the Applicant has made certain representations,
19 which will stay as part of the -- you know, what then gets transmitted
20 up to Council. However, if we are going to place conditions, is it
21 best to do it in the Community Plan Amendment, change in zoning? You
22 know, where should we -- if we want to place additional conditions,
23 where should we place them?

24 CHAIRMAN ROBINSON: Good question. Director.

25 DIRECTOR MCLEAN: Thank you. It would be preferable to

1 place this on the zoning, and I say that only because the County Code,
2 Title 19, is quite specific when it talks about conditions of zoning.
3 It's not quite so clear about placing conditions on Community Plan
4 Amendments. Even though that has been done, that's typical when
5 that's the only entitlement that they need, so that's the only
6 opportunity to impose conditions.

7 In this case, because we have the zoning as well, we would
8 want to make clear that it applies to the entire site. So, if a
9 change in zoning applies to the entire site, then you could condition
10 the zoning. But if a significant portion of the site is already
11 agriculture, then the Community Plan would really be the only
12 opportunity to condition it.

13 It's a roundabout answer. Just, in general, the preference
14 is for zoning, but because the majority of the entitlement is right in
15 front of you, it's Community Plan, for it to apply to the whole
16 project it would have to be on the Community Plan Amendment.

17 CHAIRMAN ROBINSON: So, you're saying some Community Plan
18 Amendment?

19 DIRECTOR MCLEAN: Unfortunately, yes. That's the --

20 CHAIRMAN ROBINSON: Okay.

21 DIRECTOR MCLEAN: -- that's the best way to do it.

22 CHAIRMAN ROBINSON: Okay. And I think the testimony we
23 heard today was about the Community Plan and getting out of Project
24 12, you know. I think, you know, moving into Community Plan Amendment
25 to try to get that out and adjust it to the other one, I think that's

1 -- I think that's where most of us are thinking. Any discussion on
2 that, folks? Commissioner Carnicelli.

3 COMMISSIONER CARNICELLI: If I could then go to the
4 Director. In our deliberations and questions, we talked about
5 drafting -- I'm sorry, I actually said, would you please draft
6 something and there you go. If you could please then read that into
7 the record what you have?

8 CHAIRMAN ROBINSON: And we're doing an amendment and --

9 COMMISSIONER CARNICELLI: Well, I want to hear what she has
10 to say, and then --

11 CHAIRMAN ROBINSON: Okay. Yeah. Okay. Perhaps, the --
12 yeah, so the question is during the course is the Director has been
13 writing down our comments and, you know, for the recommendations. And
14 so, she's going to read them off, and then we can discuss it if we
15 want in the CPA or we can move over to the zoning. Okay. Director.

16 DIRECTOR MCLEAN: I noted four areas where you might be
17 interested in imposing conditions. One would be prohibition on short-
18 term rental homes and other vacation rentals, one would have to do
19 with the firebreaks, one would have to do with vehicular access for
20 the trail, and then the last having to do with the roadway -- the
21 multi-modal corridor. So, I can -- you know, if you want to go
22 through those one at a time, I can read what I've --

23 COMMISSIONER CARNICELLI: If I could also, though --

24 CHAIRMAN ROBINSON: Commissioner Carnicelli.

25 COMMISSIONER CARNICELLI: Thank you, Chair. Also, the

1 retention basin. For the retention basin to continue all the way
2 along the entire stretch of the project. I mean, I know that they
3 made representation and, you know, Mr. Spencer had agreed to that, so
4 -- but I didn't know if we wanted to actually make that a condition or
5 not.

6 DIRECTOR MCLEAN: That, actually, we can confirm with Public
7 Works, but drainage requirements are typically handled during the
8 subdivision process. And so, Public Works might have a different
9 design in mind. It may include the continuation all along, it could
10 be in a different area. I don't know that that should be a condition.
11 That should be something that comes from Public Works through the
12 subdivision process.

13 MS. DAGDAG-ANDAYA: Chair --

14 DIRECTOR MCLEAN: If you wanted to --

15 CHAIRMAN ROBINSON: Yes.

16 MS. DAGDAG-ANDAYA: Yeah, it might be problematic in the
17 future if you do place a condition like that to require that the
18 developer place their retention basin along the edge of the property.
19 I think putting a firebreak is -- a condition regarding firebreaks
20 would be more appropriate, because the issue that came about when the
21 retention basin was mentioned was that -- you know, what I hear are --
22 from my limited hearing right now because I have a cold, was that, you
23 know, create the retention basin to protect the properties downstream
24 from any fires. Is that -- I mean, I guess that's what I heard?

25 CHAIRMAN ROBINSON: No, runoff.

1 MS. DAGDAG-ANDAYA: Oh, from any runoff. You know,
2 typically -- you know, it depends on the design of the basin. So,
3 sometimes depending on the topography, it might not be an appropriate
4 place to place the retention basin along the edge. So that's
5 something that the Department and the Applicant will need to work
6 together on. So, again, as I mentioned before if you place a
7 restrictive condition like that, it might be problematic in the
8 future.

9 CHAIRMAN ROBINSON: This could be the buffer zone. It
10 doesn't have to be the retention basin. I mean, and then they -- in
11 that buffer zone, they could put a retention basin. Is that something
12 -- are you trying to get a distance on that highway?

13 COMMISSIONER CARNICELLI: Thank you, Chair. No as I'm
14 looking at the map, we have a retention basin along Lots 1, 2, 3 -- is
15 that 18, 19, something like that, 20, and then 21. There's no
16 retention basin on Lot 21, right. There is all -- so, and I just --
17 you know, because part of what, again, we're tasked with is runoff.
18 And so -- you know, and water flows.

19 So, I'm just looking at it as just like why did we not put a
20 retention basin -- and, like I said, I don't want to get into design
21 or whatever it might be, but that particular lot doesn't have one.

22 CHAIRMAN ROBINSON: Director.

23 DIRECTOR MCLEAN: That's something I would defer to the
24 Applicant to answer because maybe their design, you know, brings the
25 -- any kind of runoff from that parcel onto another section of the

1 property. So, I would defer it to --

2 CHAIRMAN ROBINSON: Okay.

3 DIRECTOR MCLEAN: -- the Applicant.

4 CHAIRMAN ROBINSON: Aloha, Stacy.

5 MR. OTOMO: Good morning, Chair, Members of the Commission.

6 My name is Stacy Otomo. To answer your question, Commissioner, the
7 retention basins were designated in separate parcels along the length
8 of the subdivision that is basically makai of the roadway in the
9 subdivision. That's where the additional runoff from the subdivision
10 would be generated. So, the idea was to bring it down into the
11 retention basin.

12 However, going back to what Rowena said is that we are not
13 precluding that the design to include retention basin on the southerly
14 side; however, we don't want to designate it in a specific retention
15 basin sight, because we might want to put it further mauka where
16 there's no improvements in the subdivision related to that particular
17 area. So, we are planning to get retention basins on that side as
18 well. The side that has the actual lots in them, is where the
19 retention basins will be placed.

20 COMMISSIONER CARNICELLI: You know, I mean if that's an Ag
21 lot, but it just --

22 CHAIRMAN ROBINSON: Commissioner Pali.

23 COMMISSIONER PALI: So, are you saying that you do intend to
24 put a basin in Lot 21, you just don't know where yet?

25 MR. OTOMO: That's correct. The idea is to not allow more

1 runoff to get down across the State highway after the subdivision is
2 built.

3 COMMISSIONER PALI: All right.

4 CHAIRMAN ROBINSON: Yeah, thank you. It's conditions I
5 think we should put in the CPA. I think Corp Counsel agrees as well
6 if you guys come up with that. And I guess we have to ask how do we
7 feel about 21 lots, how do we feel about this project before we jump
8 into conditions. You know, I think if you guys have a discussion or a
9 preference on that. You know, do we want to have, you know, gentleman
10 estates on the highway, you know, going through there? Landowners
11 will build what they want to build, but if there are 21 of them, I'm
12 not so sure. Discussion, Commissioners. Anybody? Commissioner
13 Tackett.

14 COMMISSIONER TACKETT: It seems like a long time ago, things
15 were changed to get a lot of affordable housing in there. Affordable
16 housing that was, maybe not necessarily put in the right place just
17 because of how dry it is and the amount of things that can catch fire
18 upwind from it. So, I haven't seen a lot of community support for
19 this project so far.

20 I do see that it -- probably it's going to generate revenue
21 for some people, and it's probably -- as I understand it's probably
22 going to be similar to Launiupoko where it will be more like gentleman
23 estates, so. And then the fact that more wealthy people come and own
24 that kind of estate is probably not necessarily what we need, but I
25 understand that that happens to be the way things sometimes fall over

1 here.

2 That being said, it's still a dangerous place for
3 development. And what bothers me probably the most is the fact that
4 there was a fire, and they're going to put out the fire with a well
5 that's in the area where the fire is taking place, and the fire could,
6 theoretically, take out the source of the water that's meant to
7 contain the fire. It just seems like a precarious place for it to be
8 put. So, I'm not necessarily in favor at it -- in favor of it at this
9 point. That's just what I've gotten from the information that we've
10 received today.

11 CHAIRMAN ROBINSON: Commissioners? My personal opinion, I
12 think 21 lots is too much. I think I could be more comfortable with
13 11. I think it is going to put a strain on our Fire Department and
14 their resources to try to keep that area protected and dry, just like
15 Launiupoko with how fallow it is and the water it's going to need. I
16 used to live in Maalaea, I know exactly how windy and dry it gets. It
17 is land that if it's not used is going to be a dust ball, and I think
18 -- you know, I think something should be done with it, but 21
19 Launiupoko -- nothing against Launiupoko, but I just -- I don't know
20 if that's the best resource area, but, you know, people should be able
21 to do something with their land I feel. Commissioner Carnicelli.

22 COMMISSIONER CARNICELLI: So, speaking to the motion on the
23 floor --

24 CHAIRMAN ROBINSON: Yes.

25 COMMISSIONER CARNICELLI: -- which is the approval of a

1 Community Plan Amendment with potentially four additional conditions
2 -- well, I'll just start with Dick Mayer and Albert Perez came and
3 spoke in favor of this as long as we put some additional conditions on
4 that. I think that goes a long way in my book.

5 Yes, we need affordable housing and yet there's also a chain
6 that happens when people move up. Is this going to be Launiupoko? We
7 don't know. We're making conjecture. So, to say, hey, listen, you
8 know what, I'm against rich people coming and buying houses and so,
9 then therefore I only want X rather than X, I personally like the
10 project.

11 What it was originally, two times ago, and then last time,
12 and then now, I think this is a good project. I really do. And we
13 can talk all day long about potential for fires. That can be
14 anywhere. Is it windy? Yeah, it's super windy there. If somebody
15 chooses to live there though, knowing that it's windy, then who am I
16 to say you can't live there.

17 So, I'm in support of the project. I do like the fact that
18 we're going to put in some conditions, you know, around vacation
19 rentals, around fire, protecting the trail head, traffic, runoff. So,
20 you know, is it perfect? I would love to see another Atherton project
21 here, you know, like Waikapu Town. You know, I mean that's what we
22 need. We need houses. So, to me, to act another, you know, 20 or so,
23 I'm in support of the project and the motion, Chair.

24 CHAIRMAN ROBINSON: Thank you. But I did hear testimony
25 from Mr. Mayer on his preference. If this goes, it's the difference.

1 So, I think I heard open space, and then if this project does go
2 through, then it should be done this way. Commissioner La Costa.

3 COMMISSIONER LA COSTA: Thank you, Chair. So, if we're
4 talking about conditions, hypothetically --

5 CHAIRMAN ROBINSON: Yes.

6 COMMISSIONER LA COSTA: -- I would like to have that the
7 trail is in either an easement or separate TMK in perpetuity, so that
8 it is always protected. And that there is some designated open space,
9 to be left as open space.

10 CHAIRMAN ROBINSON: Okay. Add that. Any other additions
11 the Commission would like to see? Commissioner Pali.

12 COMMISSIONER PALI: I just have a comment. I guess it's for
13 somebody other than ourselves, Corp Counsel or Planning Director.
14 Just learning my role as a Commissioner, I just don't know my
15 boundaries, and I just want to make sure I'm working within my
16 boundaries. From my understanding, this project has gone through a
17 lot of different changes. They're trying to hear the voice of the
18 community. They started with affordable housing, they changed it now
19 because the testimony was that the people didn't want affordable
20 housing in this area.

21 And so, am I supposed to be making sure that this project
22 has met the certain required laws or am I supposed to -- am I allowed
23 to impose what I would like to see on a personal level on this area?
24 I'm more confused as to the boundaries that I can work within.

25 CHAIRMAN ROBINSON: Corporation Counsel.

1 MR. GALAZIN: Thank you, Chair. And that's really a good
2 question. When you step back, what you're being asked to look at
3 right now is both a request for change in zoning for -- as you can
4 look at that map -- just a very small portion, because it already is
5 Zoned Ag in the Community Plan Amendment to Ag for the entire thing.

6 If the -- whether or not the County Council approves that,
7 then the hope is going to be that they come in for a subdivision
8 application. That may or may not be approved as proposed. There may
9 still be changes. So, what you are supposed to do, at this point, is
10 look at do they meet the requirements for a change in zoning as it
11 applies to this small portion, as I pointed out, and do they meet the
12 requirements for a Community Plan Amendment.

13 Now, you have the Staff report analysis. You do have some
14 comments from the consultants, some, you know, opinion testimony from
15 the members of the public. There is the requirement that public
16 access for that trail be maintained. That was stated clearly by the
17 DLNR. I think that's a requirement that's already in there, but you
18 could, you know, articulate more to the Community Plan Amendment.

19 But so far it is what the project ultimately looks like,
20 it's going to be in the back of your mind, but that's not really the
21 goal here. The goal here is to say if we're going to allow the
22 Community Plan Amendment to go forward, what is the impact going to
23 be, and then what sort of condition should we put on to mitigate those
24 impacts.

25 COMMISSIONER PALI: And a follow-up question, please, Chair.

1 But the allowance, does it fall specifically on us? The allowance
2 that we say yes or no, depends on whether they follow the current
3 requirements legally, at this point? Just a clarification.

4 MR. GALAZIN: Mr. Chair. Thank you. Yeah, that is correct.

5 CHAIRMAN ROBINSON: Commissioner Pali, I think what it is,
6 is we can arbitrarily make up stuff that has to be certain guidelines.
7 We're only doing a recommendation, we're not the final say. This is
8 just recommending that we want the Council -- usually we want Council
9 to look at certain points that we may feel is pertinent to the
10 project. Community Plan Amendments, they're here to ask for a change
11 of it. So, if they weren't asking for a change, then we would have
12 not input anyway.

13 So, when there's a change, that's where we want to make sure
14 that, you know, it follows the different criterium of what we're
15 looking at. You know, sort of Agriculture. You know, like
16 Launiupoko. It's not that we're close to the hub, it's that it's
17 agriculture zoned. It could be zoned something different. It could
18 be R-3, R-5. You know, that's the type of thing. It's not that we
19 don't want a development, it's just what we do categorize these people
20 and what type of property taxes would they pay, not -- you know, we
21 can have an opinion if they develop or not, but it's not our say if
22 there's development.

23 COMMISSIONER PALI: Yeah.

24 CHAIRMAN ROBINSON: Yeah.

25 COMMISSIONER PALI: Okay.

1 CHAIRMAN ROBINSON: There's a lot of opinions on this
2 Commission. That's why we're here. That's why we're here.

3 COMMISSIONER PALI: We can work within --

4 CHAIRMAN ROBINSON: Yeah.

5 COMMISSIONER PALI: -- (indiscernible).

6 CHAIRMAN ROBINSON: Yeah.

7 COMMISSIONER PALI: And one last question. Just for Corp
8 Counsel, Chair, if I may?

9 CHAIRMAN ROBINSON: Of course.

10 COMMISSIONER PALI: Regarding Tina Gomes' comment. If
11 there's something that we don't know about, is there a group working
12 in the background in trying to define the undefined sections right
13 now, or are we just leaving it up to developers to come with undefined
14 properties, and then they're just trying to adopt a current defined
15 definition and label?

16 CHAIRMAN ROBINSON: Director.

17 DIRECTOR MCLEAN: Thank you. As I mentioned, we just had a
18 project come out of one of the Council Committees, and it will be
19 moving on to Full Council for final adoption to replace our existing
20 paper zoning maps with a digital map. And for those Zoning Districts
21 that have designations like Open Zone, we're recommending that those
22 be replaced with Open Space or districts that are actually in the
23 County Code.

24 COMMISSIONER PALI: Okay. So, that's in the works.

25 DIRECTOR MCLEAN: That should be completed within the next

1 month or so, also.

2 CHAIRMAN ROBINSON: There's always something in the works,
3 it's just -- if no further comments, are we ready for the vote? No,
4 but I mean -- I mean, she's going to read the conditions on part of
5 it. I mean, did you (indiscernible)?

6 COMMISSIONER CARNICELLI: There's a motion.

7 CHAIRMAN ROBINSON: Are we going to add -- well, we're
8 always going to add conditions.

9 COMMISSIONER CARNICELLI: If I could, Chair?

10 CHAIRMAN ROBINSON: Yes, please.

11 COMMISSIONER CARNICELLI: Because right now we have a motion
12 on the floor to approve as recommended by Staff. We have not added
13 the conditions in. So, what I would like to do is hear what the
14 recommendations are, and then amend my motion to include those, is
15 what I would like to have done.

16 CHAIRMAN ROBINSON: Okay.

17 COMMISSIONER CARNICELLI: Thank you.

18 DIRECTOR MCLEAN: The first is no short-term rental homes,
19 bed and breakfast homes, or other transient accommodations shall be
20 permitted or conducted.

21 CHAIRMAN ROBINSON: Okay.

22 DIRECTOR MCLEAN: Next, the Applicant shall construct and
23 maintain firebreaks on all perimeter property boundaries, as approved
24 by the Fire Department.

25 CHAIRMAN ROBINSON: Okay.

1 DIRECTOR MCLEAN: Next, the Applicant shall provide
2 vehicular access from Honoapiilani Highway to the Lahaina Pali Trail
3 as shown on the survey map provided by the Applicant at the September
4 11th, 2018, meeting, or as otherwise approved by DLNR and Na Alahele.
5 Such access shall be provided via a separate lot or a recorded
6 perpetual easement.

7 Next, the Applicant shall coordinate with the State
8 Department of Transportation and the Planning Department to ensure
9 that a multi-modal transportation corridor is provided along
10 Honoapiilani Highway -- along the project's Honoapiilani Highway
11 frontage as approved by the Planning Department. The Applicant shall
12 dedicate any additional land that may be required for such corridors
13 at no cost to the State or the County.

14 And then, lastly, Commissioner La Costa made a comment about
15 open space. I need more specificity on that. It could say at least X
16 number of acres shall be left in undeveloped open space, and you might
17 want to specify where you want that to be. I don't know how many
18 acres and where you see that being located.

19 COMMISSIONER LA COSTA: It was my thought, Director, that
20 the section that is currently marked on the map that was hashed
21 across, that that might be the space, but I think that that's
22 something the Developer may need to determine. I would think that
23 perhaps a percentage of the total acreage. Like ten percent of the
24 total acreage be put in open space.

25 CHAIRMAN ROBINSON: So, you know, how you have the

1 suggestion that they should look at --

2 DIRECTOR MCLEAN: Correct.

3 CHAIRMAN ROBINSON: -- designating some -- and that part, if
4 I didn't hear, Commissioner La Costa asked for the separate TMK. Did
5 we address that in the conditions --

6 DIRECTOR MCLEAN: Yeah.

7 CHAIRMAN ROBINSON: -- for the trail?

8 DIRECTOR MCLEAN: Yeah.

9 CHAIRMAN ROBINSON: Okay. All right. Are we --

10 COMMISSIONER CARNICELLI: So, Chair, then I would like to
11 amend my motion to include the four conditions that the Director just
12 read into the record.

13 DIRECTOR MCLEAN: No, we have five.

14 CHAIRMAN ROBINSON: Five?

15 DIRECTOR MCLEAN: We have six.

16 CHAIRMAN ROBINSON: Six.

17 COMMISSIONER CARNICELLI: There were five?

18 DIRECTOR MCLEAN: Five.

19 CHAIRMAN ROBINSON: Five, sorry.

20 DIRECTOR MCLEAN: I'm just not sure how to word the open
21 space condition.

22 COMMISSIONER CARNICELLI: I don't want to include the open
23 space condition --

24 DIRECTOR MCLEAN: Oh, then --

25 COMMISSIONER CARNICELLI: -- in mine. Yes.

1 DIRECTOR MCLEAN: I read four.

2 COMMISSIONER CARNICELLI: Okay. You read four. That's what
3 I want to include in -- that's what I want to amend my motion to say,
4 is the four that you read into the record, or did you read five?

5 COMMISSIONER CARNICELLI: I thought it was four. Vacation
6 rentals, fire, trail head, traffic corridor.

7 CHAIRMAN ROBINSON: TMK.

8 COMMISSIONER CARNICELLI: No, the TMK is part of the trail
9 corridor.

10 DIRECTOR MCLEAN: Short-term rental homes.

11 COMMISSIONER CARNICELLI: Right.

12 DIRECTOR MCLEAN: Firebreaks.

13 COMMISSIONER CARNICELLI: Right.

14 DIRECTOR MCLEAN: Vehicular access to the trail and that
15 includes the language about a separate TMK and an easement.

16 COMMISSIONER CARNICELLI: Right.

17 DIRECTOR MCLEAN: And then the multi-modal corridor
18 including land dedication, if needed.

19 COMMISSIONER CARNICELLI: Correct. Yes.

20 DIRECTOR MCLEAN: So, that's four.

21 COMMISSIONER CARNICELLI: So, I would like to amend my main
22 motion to include the four conditions that the Director just read into
23 the record.

24 CHAIRMAN ROBINSON: Mr. Fasi.

25 MR. FASI: Are we missing the trail easement in perpetuity?

1 CHAIRMAN ROBINSON: It's tied in, in there.

2 MR. FASI: All right. Thank you.

3 CHAIRMAN ROBINSON: Do we have a second?

4 COMMISSIONER CASTRO: Second.

5 CHAIRMAN ROBINSON: We have a second. Commissioner La
6 Costa, would you like to -- are you okay with the open space not
7 included, or would you also like to have an amendment yourself?

8 COMMISSIONER LA COSTA: I think that the open space is
9 important in this project, so I would like to see the open space in
10 the motion, so --

11 CHAIRMAN ROBINSON: You can have a -- we can have a
12 recommendation.

13 COMMISSIONER LA COSTA: Okay.

14 CHAIRMAN ROBINSON: We can vote on that right now since it's
15 not in the original motion.

16 COMMISSIONER LA COSTA: Okay.

17 CHAIRMAN ROBINSON: Is our -- we would like to vote on an
18 additional condition to have some type of open space. For the
19 Department, I guess, and the Applicant to work out some open space.
20 Anybody have any questions on the other condition? Seeing none, all
21 those in favor of adding a condition, please raise your right hand.
22 You want to add a condition of open space, it was on the initial --
23 Mr. Carnicelli's motion.

24 COMMISSIONER LA COSTA: Added to -- yeah.

25 CHAIRMAN ROBINSON: Add -- you know, to look at adding some

1 open space, right?

2 COMMISSIONER LA COSTA: Correct.

3 CHAIRMAN ROBINSON: All those in favor, please raise your
4 right hand. All those opposed. That's two for, that's two oppose,
5 that's two abstaining, which is actually a positive vote, and I will
6 add that open space onto that amendment. So, we'll have that as a
7 recommendation. It's not a -- it's a recommendation. Council can
8 take it or leave it. Take it from this to be discussed. If they're
9 open to it, that might help the Applicant get something and help them
10 get something through the Council with giving a little bit more.
11 Let's hold on the final.

12 DIRECTOR MCLEAN: Just for our clarification, what does the
13 condition say or what --

14 CHAIRMAN ROBINSON: Well, ask them to look at designating
15 some open space as part of this project.

16 DIRECTOR MCLEAN: Okay. So, it's not a specific area or a
17 certain amount of acreage.

18 CHAIRMAN ROBINSON: No.

19 DIRECTOR MCLEAN: It's just the Applicant shall consider.

20 CHAIRMAN ROBINSON: Yeah, it's pretty open. Yeah, we got to
21 vote.

22 DIRECTOR MCLEAN: Okay.

23 CHAIRMAN ROBINSON: And, Director, can we -- yes,
24 Commissioner Gomes.

25 COMMISSIONER GOMES: I'm not sure -- I mean, I don't know if

1 this is actually a condition that could actually be added. You
2 mentioned in regards to the 12 Ag lots. So, this is only Ag lots; am
3 I correct, Mr. Fasi?

4 MR. FASI: Yes, that is correct.

5 COMMISSIONER GOMES: And is there a possibility of then
6 amending that to -- because six is affordable; I believe. Is -- that
7 is what I heard.

8 CHAIRMAN ROBINSON: Six because it's five --

9 COMMISSIONER GOMES: Six -- so, it's five.

10 CHAIRMAN ROBINSON: It goes up to six.

11 COMMISSIONER GOMES: So, six out of the 12 --

12 CHAIRMAN ROBINSON: Twenty-one. Twenty-one lots.

13 COMMISSIONER GOMES: Oh, 21. My apologies. I see 12, and
14 then 21. Okay. I'm not sure if this could be a condition or even an
15 amendment at this time to be considered, but to change the
16 consideration of it not all being Ag lots, or is that just a moot
17 consideration? Okay. I see the Director shaking her head. Because
18 it is Ag.

19 DIRECTOR MCLEAN: It is changed to Ag.

20 COMMISSIONER GOMES: It's changed to Ag.

21 CHAIRMAN ROBINSON: Yeah, it's -- the majority of the
22 project is Ag and there's a few that they want to make it towards all
23 Ag, but those aren't part of the --

24 COMMISSIONER GOMES: Right, it's --

25 CHAIRMAN ROBINSON: -- lots.

1 COMMISSIONER GOMES: -- undefined.

2 CHAIRMAN ROBINSON: Yeah, but the other lots are already Ag,
3 as it is.

4 COMMISSIONER GOMES: Which, might I add -- I just want to
5 just make clear my experience with this verbage that needs to be
6 clarified with County Council. You know, just got to make some stuff
7 clear.

8 CHAIRMAN ROBINSON: Duly noted.

9 COMMISSIONER GOMES: Trust me.

10 CHAIRMAN ROBINSON: Okay.

11 COMMISSIONER GOMES: I've been through it.

12 CHAIRMAN ROBINSON: Director, shall we go with the motion
13 and the vote? And shall we say six conditions or five conditions?

14 DIRECTOR MCLEAN: Five conditions.

15 CHAIRMAN ROBINSON: Five conditions. Well, why don't you
16 read it all again? Those four, and we added one.

17 COMMISSIONER CARNICELLI: What is the -- could you please
18 read the fifth, what it is?

19 DIRECTOR MCLEAN: What I have right now is the Applicant
20 shall consider leaving land in undeveloped open space.

21 CHAIRMAN ROBINSON: Which was already approved by this
22 Commission. That's going to be a condition, so that one already
23 passed. That's one condition that's in.

24 COMMISSIONER CARNICELLI: It passed as an amendment to the
25 motion.

1 CHAIRMAN ROBINSON: Right.

2 COMMISSIONER CARNICELLI: It has not been voted --

3 CHAIRMAN ROBINSON: Right.

4 COMMISSIONER CARNICELLI: -- it is not approved. So, what I
5 want --

6 CHAIRMAN ROBINSON: So, write it down again and go back and
7 vote again.

8 COMMISSIONER CARNICELLI: So, here's what I would like to
9 ask, Chair. Is before we vote on this -- because we're placing
10 conditions on an Applicant that may be a deal killer.

11 CHAIRMAN ROBINSON: No, but it's a recommendation to the
12 Council. We have -- we are not placing anything. We're recommending
13 to a Council. There's no -- we don't place anything. So,
14 recommendation to consider open space. Consider, okay. I mean we got
15 to vote. Let's go. Director, please.

16 DIRECTOR MCLEAN: The motion before you is to include the
17 Community Plan Amendment subject to five conditions. Would you like
18 me to read those?

19 CHAIRMAN ROBINSON: No, I think they're fine. I think we've
20 got it. All those in favor please raise your right hand. One, two,
21 three, four, five. All those opposed. The motion passes. The
22 recommendation passes. Thank you. Now, let's get to the CIZ. Do we
23 have a motion on the CIZ? Mr. Carnicelli.

24 COMMISSIONER CARNICELLI: I move to approve, as recommended
25 by Staff.

1 CHAIRMAN ROBINSON: Do we have a second?

2 COMMISSIONER LA COSTA: Second.

3 CHAIRMAN ROBINSON: Second by Commissioner La Costa. Do we
4 have any discussion on the zoning? Seeing none, because we got our
5 conditions on the CPA, Director.

6 DIRECTOR MCLEAN: The recommendation -- the motion is to
7 approve the Change in Zoning.

8 CHAIRMAN ROBINSON: All those in favor, please raise your
9 right hand. That's four. All those opposed. Two. I'll vote for
10 approved. Motion pass. Let's take a five-minute break. Thank you.

11 (Recess)

12 CHAIRMAN ROBINSON: Next item on the agenda, Director.

13 DIRECTOR MCLEAN: Thank you, Chair. This is a communication
14 item from Paradis Ridge Estates LTD Partnership, requesting amendments
15 to the SMA Use Permit for the Paradise Ridge Estates Project, a 32-
16 unit condominium complex with swimming pool, accessory structures, and
17 related improvements to raise some elevations to allow maximum peak
18 height of five feet higher than the original approval for Buildings 1
19 through 7, and to extend the time to complete construction to March
20 31st, 2022.

21 This is located on 2.69 acres of land in the A-1 Apartment
22 District at 2757 South Kihei Road, TMK: 3-9-4, Parcel 132 in Kihei.
23 Ann Cua is the Project Planner.

24 MS. CUA: It's still morning. Good morning, Mr. Chair,
25 Members of the Commission.

COMMUNITY PLAN AMENDMENT/MAUI ISLAND PLAN AMENDMENT APPLICATION

Permit Number(s): CPA _____ - _____
MIPA _____ - _____

Please print legibly or type the following.

PROPERTY ADDRESS & INFORMATION	
Project Name: Ma'alaea Agricultural Subd.	Tax Map Key No.: (2) 3-6-001:018
Total Area: 257 Acres	Valuation*: \$4.0 million
Physical Address/Location of Project: Honoapiilani Highway, Ma'alaea, Maui, Hawaii	

* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT
Please check the box for the type(s) of actions being sought:
<input checked="" type="checkbox"/> Community Plan Amendment <input type="checkbox"/> Maui Island Plan Amendment <input type="checkbox"/> Both Community Plan & Maui Island Plan Amendment

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s) of any proposed development, any text, Growth Boundary or Protected Area map changes in a Maui Island Plan Amendment, and statement of objectives of the proposed action. Attach additional sheets, if needed.

Describe the existing use: The subject property is currently used for grazing

Describe the proposed use (and/or text amendment): The Applicant is requesting Community Plan Amendment of the property from Project District 12 to Agriculture designation

LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary	Agriculture	No Change
Maui Island Plan	Outside Growth Boundary	No Change
Community Plan	Project District 12	Agriculture
County Zoning	Agriculture	No Change
Other (i.e. SMA)		

CONTACT INFORMATION

APPLICANT INFORMATION	
Applicant's Name(s): MVI, LLC	Email: douginmaui@gmail.com
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 283-5242	
Signature(s):	Date: 1-15-18

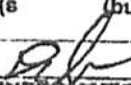
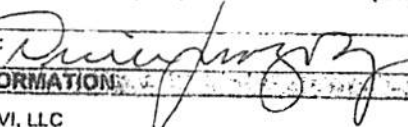
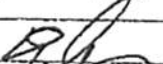
CONSULTANT INFORMATION	
Consultant's Name(s): Vince Bagoyo	Email: vbagoyo-devgroup@hawaii.rr.com
Mailing Address: 1500 Kilinooe Place, Wailuku, Hawaii 96793	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 357-3842	
Signature(s):	Date: 1-25-18

OWNER INFORMATION	
Owner's Name(s): MVI, LLC	Email: douginmaui@gmail.com
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753	
Phone Number(s): (bus) (hm) (cell) (fax)	
(808) 283-5242	
Signature(s):	Date: 1-15-18

CHANGE OF ZONING APPLICATION

Please print legibly or type the following.

Permit Number(s): CZ _____ - _____

PROPERTY ADDRESS & INFORMATION		
Project Name: Ma'alaea Agricultural Subdivision	Tax Map Key No.: (2) 3-6-001:018	
Total Area: 23.8 acres and .8 acres	Valuation*: \$4 million	
Physical Address/Location of Project: Honopiihoni Highway, Ma'alaea, Maui, HI		
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.		
DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT		
Describe the existing use: The subject property is currently use for grazing		
Describe the proposed use: The applicant is requesting a change in zoning of the subject property from Open Space Zone and Road/Street Future Reserve Zone to Agriculture		
LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary	Agriculture	Agriculture
MauI Island Plan	Outside Growth Boundary	Agriculture
Community Plan	Project District 12	Agriculture
County Zoning	Open Space and Road/Street Future Reserve	Agriculture
Other (i.e. SMA)	Small Portion is within SMA	
CONTACT INFORMATION		
APPLICANT INFORMATION:		
Name(s): MVI, LLC	Email: dougmaui@gmail.com	
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753		
Phone Number(s) (808) 283-5242	(bus)	(hm) (cell) (fax)
Signature(s): 	Date: 5-16-18	
CONSULTANT INFORMATION:		
Name(s): Vince Bagoyo	Email: vbagoyo-devgroup@hawaii.rr.com	
Mailing Address: 1500 Kilinoe Place, Wailuku, HI 96793		
Phone Number(s) (808) 357-3842	(bus)	(hm) (cell) (fax)
Signature(s): 	Date: 5-16-18	
OWNER INFORMATION:		
Name(s): MVI, LLC	Email:	
Mailing Address: 1215 S. Kihei Road, Kihei, HI 96753		
Phone Number(s) (808) 283-5242	(bus)	(hm) (cell) (fax)
Signature(s): 	Date: 5-16-18	

The Planning Department requests the following two conditions be added to the Change in Zoning ordinance (See additional information below and attached Exhibits A & B for more on these conditions).

REQUESTED NEW CONDITIONS:

1. That in order to provide safe continued access to the existing Pali Trail and continued vehicle access to the existing Pali Trail parking lot, the following shall be provided prior to final subdivision approval:
 - a. That a 24 foot wide trail/roadway lot be added between proposed lots No.5 and No.6, and that this lot to be dedicated to the Department of Land and Natural Resources (DLNR).
 - b. That a 10 foot wide trail lot be added along the new roadway lot starting at Honoapi`ilani Highway and ending at the beginning of the above 24 foot wide trail lot. This 10 foot wide trail lot shall be improved with a multiuse path paved with asphalt, concrete, or other material (s) approved by the DLNR, and that this trail lot shall be dedicated to the DLNR.
 - c. That a roadway access easement be dedicated to the DLNR for public vehicle access on the new roadway lot starting at Honoapi`ilani Highway and ending at the beginning of the new 24 foot wide trail lot in order to provide public vehicle access to the existing Pali Trail parking lot. This easement shall remain open to the public 24 hours a day in perpetuity.
 - d. That a pedestrian crosswalk across Honoapi`ilani Highway be added at the Honoapi`ilani Highway / North Kihei Road intersection.

2. That in order to provide safe bicycle/pedestrian access from the proposed subdivision to the nearby commercial areas, the following shall be provided prior to final subdivision approval:
 - a. That a 10 foot wide bikeway/pedestrian lot be added with an improved paved asphalt multiuse pathway, starting at the end of the roadway lot between Lot No.20 & No.21 and ending at the Honoapi`ilani Highway / Kapoli Street intersection.
 - b. That a pedestrian crosswalk across Honoapi`ilani Highway be added at the Honoapi`ilani Highway/Kapoli Street intersection.

ADDITIONAL INFORMATION FOR THE REQUESTED CONDITION NO.1 (SEE EXHIBIT A):

To the west this parcel the Pali Trail crosses the West Maui Mountains in the direction of Lahaina and to the east of this parcel the Pali Trail continues in the direction of Wailuku Town. The Pali trail also crosses through the subject lot. DLNR currently has legal ownership of the land for the Pali Trail portion crossing through the subject lot (approximate location shown by red line in Exhibit A & B). The DLNR is looking for a win/win solution with the subdivider. Instead of having the Pali Trail cross through the middle of a number of the proposed lots, DLNR prefers the following alternative: a 10 foot wide trail lot (to be improved by the developer with an asphalt paved multiuse pathway or possibly gravel) that goes along the new roadway, a 24 foot wide trail lot (to be improved by DLNR) for a trail and two-way vehicle access between the new road and the existing Pali Trail parking lot, and a roadway easement for public access to drive along the new road to get to the existing Pali Trail parking area. A pedestrian signalized crosswalk across Honoapi`ilani Highway should be provided at the existing Honoapi`ilani Highway and the North Kihei Road intersection. The above would allow a safe means for the public to continue using a trail footpath through the subject lot and also allow for those looking for a place to park their vehicles to park at the existing parking lot instead of along Honoapi`ilani Highway.

The Planning Department believes the above can be completed without the developer losing any of their proposed number of lots. Lot No.2, No.3, and No. 19 might need to be slightly reconfigured with the following possibility: Lot No.2 and No.3 could exchange locations with Lot No.19 (Lot No.2 and No.3 are exactly 15 acres each and Lot No.19 is 34.11 acres). This would result in all the lots still meeting the minimum lot sizes required by code and still result in the creation of the maximum number of lots allowed by code.

ADDITIONAL INFORMATION FOR THE REQUESTED CONDITION NO.2 (SEE EXHIBIT B):

A portion of this subdivision is located directly across the street from the Mā'alaea Triangle commercial area. In order to reduce vehicle trips through intersection, those living in this new subdivision should have a safe pedestrian means to access the adjacent commercial area. A 10 feet wide trail lot (to be improved by the developer with a paved multiuse pathway) should be provided connecting the end of the new roadway lot between Lot No. 20 & 21 to the commercial area across the street from this development. This results in the need to a pedestrian signalized crosswalk located at the existing Honoapi'ilani Highway and the Kapoli Street intersection. This would also provide a safe location for those using the Pali Trail to get from the Pali Trail to this commercial area.

COUNTYWIDE POLICY PLAN, MAUI ISLAND PLAN, & COMMUNITY PLAN (BOTH CONDITIONS):

The above two conditions would support the subdivision being consistent with Maui County's General Plan documents which all contain language on environmental and historic sensitivity, connectivity within and adjacent to services, and multimodal opportunities for safe pedestrian and bicycle mobility.

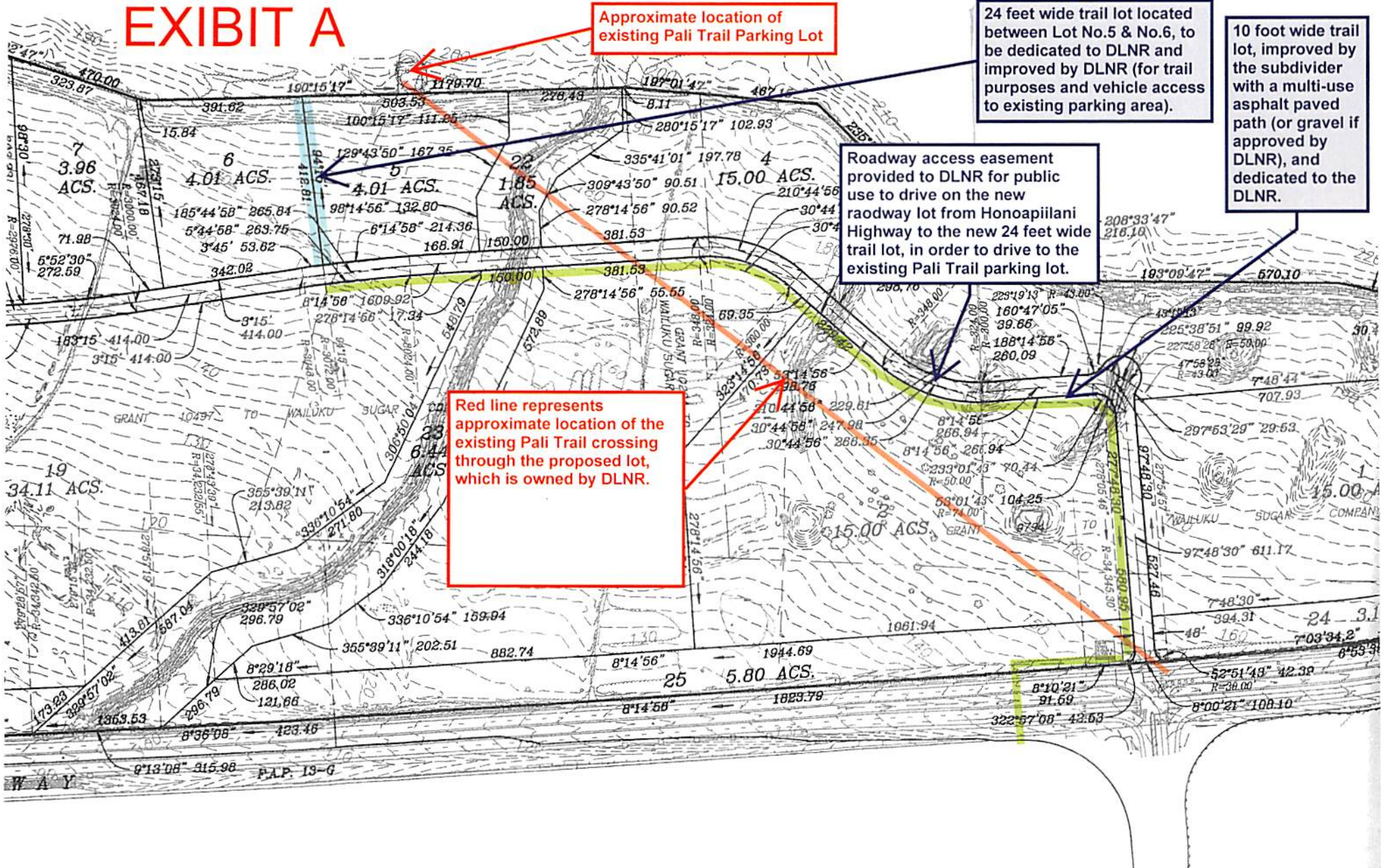
The Countywide Policy Plan (CWPP) contains general objectives that relate to providing access to historic trails, vistas and parks and improved multi-modal connectivity. The very first objective in the plan identifies the need to develop island-wide networks of greenways, watercourses, and habitat corridors (CWPP A.1.a).

The Maui Island Plan (MIP) also identifies the need for the County to more cognizant of access and stewardship of trails. With the full support and request of the DLNR, these conditions are directly implementing the Maui Island Plan by providing better access and proper stewardship of traditional trails and access systems (MIP 6.6.3).

Between 2008-2018, drivers struck and killed 46,340 people who were walking on streets all across the United States. Vision Zero is a multi-national road traffic safety philosophy aimed to eliminate traffic deaths and serious injuries in our transportation system. Many traffic-related tragedies, including those involving pedestrians, can be prevented by taking a proactive and preventative approach to roadway safety. In line with Vision Zero, Complete Street principles are also paramount to healthy and safe communities. Complete Streets are designed and operated to enable safe access for all users including pedestrians, bicyclists and motorists and transit riders of all ages and abilities. Communities that are designed and constructed with these fundamental and critical planning principles provide for socially equitable, convenient, safe and healthy living opportunities for all residents.

The Maui County Council's Multimodal Transportation Committee recently adopted a resolution to support the creation of a Vision Zero Advisory Group, with the goal of developing a Vision Zero Action Plan. In support of the Council and Mayor Victorino's Vision Zero philosophy and Complete Street policy, the proposed conditions of multiuse pedestrian and bicycle access paths between Honoapi'ilani Highway and Kapoli Street and another at the North KThei Road junction must be incorporated into the project. It would improve the safety of pedestrians and bicyclists by providing separation from automobiles (CWPP H.2.a). These types of access paths also address specific language in The Maui Island Plan calling for requiring access, where appropriate, to scenic vistas and resources (MIP 2.5.3) and increasing linear frequency for public access to and along the shoreline (MIP 2.2.4). It would further support language that suggests requiring developers, where appropriate, to integrate sidewalks, pathways, bikeways into residential projects (MIP 6.4.2). In consideration of the rural character of the project, improved concrete curb, gutter and sidewalks could be replaced with a separated improved asphalt paved pathway with bioswales along the interior road to collect storm water runoff from streets. This type of infrastructure would be more appropriate and considerate of the natural environment and the area's sense of place (MIP 6.4.3) and would minimize runoff pollutants into nearshore waters and reduce nonpoint and point source pollution (CWPP A.2.a).

EXHIBIT A



Approximate location of existing Pali Trail Parking Lot

24 feet wide trail lot located between Lot No.5 & No.6, to be dedicated to DLNR and improved by DLNR (for trail purposes and vehicle access to existing parking area).

10 foot wide trail lot, improved by the subdivider with a multi-use asphalt paved path (or gravel if approved by DLNR), and dedicated to the DLNR.

Roadway access easement provided to DLNR for public use to drive on the new roadway lot from Honoapiilani Highway to the new 24 feet wide trail lot, in order to drive to the existing Pali Trail parking lot.

Red line represents approximate location of the existing Pali Trail crossing through the proposed lot, which is owned by DLNR.

EXHIBIT

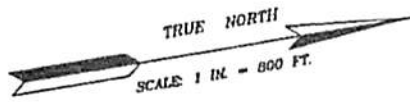


Exhibit B

TMK: (2) 3-6-01: 014

TMK: (2) 3-6-004: 008

TMK: (2) 3-6-004: 007

Condition No.1

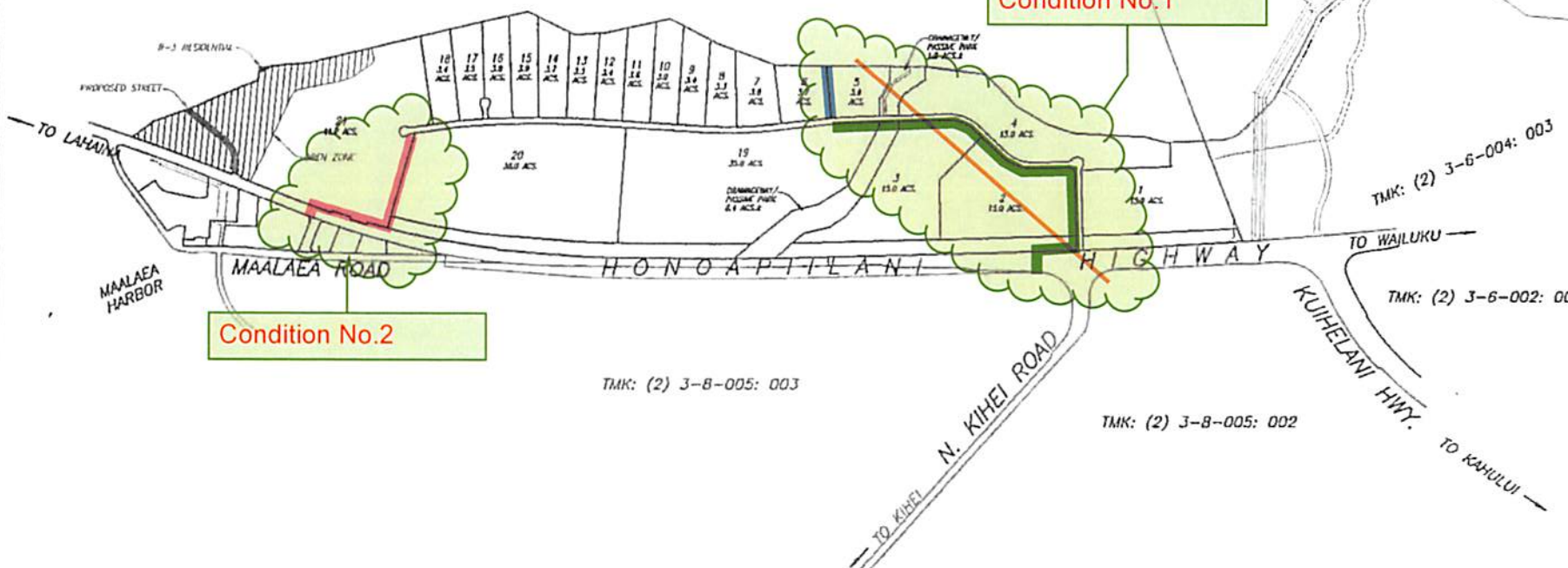
Condition No.2

TMK: (2) 3-6-004: 003

TMK: (2) 3-6-002: 001

TMK: (2) 3-8-005: 003

TMK: (2) 3-8-005: 002



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EXISTING ZONING EXHIBIT
JUNE 15, 2018

EXHIBIT "B"

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Acting Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 14, 2019

Mr. Vince Bagoyo
V. Bagoyo Development Consulting Group, LLC
1500 Kilinoe Place
Wailuku, Hawaii 96793

Dear Mr. Bagoyo:

**SUBJECT: MAALAEA AGRICULTURAL SUBDIVISION
COMMUNITY PLAN AMENDMENT (CPA) FROM
"PROJECT DISTRICT 12" TO "AGRICULTURE" AND
CHANGE OF ZONING (CIZ) FROM "OPEN ZONE,
ROAD/STREET FUTURE RESERVE" TO
"AGRICULTURE" ON 257 ACRES OF LAND,
MAALAEA, WAILUKU, ISLAND OF MAUI, HAWAII,
TMK: (2) 3-6-001:108 (CPA 2018/0002) (CIZ 2018/0006)**

At its regular scheduled meeting on September 11, 2018, the Maui Planning Commission reviewed the Applicant's request for the above listed land entitlement changes and approved the following recommendations to the Maui County Council (Council) accordingly:

Community Plan Amendment for approximately 257 acres from "Project District 12" to "Agriculture"

1. That no short term rentals, B&B's or other transient accommodations shall be permitted.
2. That the Applicant shall construct and maintain firebreaks on all perimeter property boundaries as approved by the Maui Fire Department.
3. That the Applicant shall provide vehicular access from Honoapiilani Highway to the Lahaina Pali Trail as shown on the survey map provided by the Applicant at the September 11, 2018 meeting, or as otherwise approved by the Department of Land and Natural Resources and Na Ala Hele. Such access shall be provided via separate lot or recorded perpetual easement.
4. That the Applicant shall coordinate with the State Department of Transportation and Maui Department of Planning (Department) to ensure that a multi-modal transportation corridor is provided along the project's Honoapiilani Highway frontage and approved by the

Mr. Vince Bagoyo
January 14, 2019
Page 2

Department. The Applicant shall dedicate any additional land that may be required for such corridors at no cost to the State or County.

5. That the Applicant shall consider leaving some land in undeveloped open space.

Change of Zoning for the following:

1. For approximately 14.7 acres from "Open Zone" to "Agriculture."
2. For approximately .06 acre (2,613 s.f.) from "R-3" to "Agriculture."
3. For approximately 0.8 acre from "Road/Street Reserve Zone" to "Agriculture."

This matter will be transmitted to the Council for further action. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



MICHELE MCLEAN, AICP
Acting Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Project File

MCM:PFF:lak

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