

## LU Committee

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LU-55

**From:** Mark Hyde <hydem001@icloud.com>  
**Sent:** Monday, February 26, 2018 6:00 PM  
**To:** LU Committee  
**Subject:** 2/28/18 Agenda, Item # LU-55  
**Attachments:** LU 55 2 28 18.docx

Please accept the attached testimony re the above matter.

Mark Hyde  
President,  
South Maui Citizens for Responsible Growth

To: Land Use Committee  
Maui County Council  
From: South Maui Citizens for Responsible Growth  
By: Mark Hyde President  
Date: February 26, 2018  
**Re: Agenda Item LUC - 55, 2/28/18**

South Maui Citizens for Responsible Growth (SMCRG) **opposes** adoption of Honua'ula's request for modification of Condition 5 unless approval is subject to addition of the following requirements if any of its work-force housing is to be located within the Kaonoulu Industrial Park:

**(1) Obtain amendment of the 1995 Hawaii state Land Use Commission Order requiring the underlying land to be developed into a 123-lot light industrial park; and**

**(2) Secure an amendment to the Kihei-Makena Community plan (KMCP) to permit work-force housing in the Kaonoulu Industrial Park.**

In support, SMCRG asks the Land Use Committee to take official notice of the contested case proceedings and orders in Hawaii state **Land Use Commission (LUC) Docket #94-706** which in the first instance requires the totality of the 88 acre industrial park, of which Honua'ula's 13 acre parcel is a component, to be developed into a 123-lot light industrial park. Furthermore, SMCRG asks the Land Use Committee to take official notice that following a contested case hearing in Docket #94-706 Honua'ula was found in violation of said Order and it remains in violation of the Order. The County of Maui was a party to the contested case hearing and is bound by the LUC's decision, including this Land Use Committee.

Second, the KMCP explicitly requires the land under which Honua'ula may seek to develop work-force housing to be developed for light industrial use, defined in the plan as "warehousing, light assembly, service and craft-type industrial operations." (KMCP, p. 55.) Additionally, the body of the KMCP specifically speaks to the 88-acre parcel, again requiring it to be developed for light industrial services, narrowly defined. (KMCP, p. 18, paragraph k.)

Like the LUC Order, the KMCP has the force and effect of law and must be followed by the Land Use Committee, not to mention Maui County Code Section 2.80B.030 which states, "All agencies shall comply with the general plan, and administrative actions by agencies shall conform to the general plan . . ." As you likely know, community plans are, by law, part of the general plan.

Again, SMCRG is not opposed to work-force housing being built in the industrial park *per se*, however, Honua'ula must first obtain amendment of the LUC's 1995 Order and a community plan amendment supporting work-force housing. If the Land Use Committee is disposed to approve Honua'ul'a proposed amendment, it can only do so conditionally.