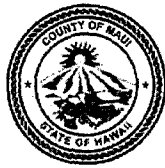


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



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OFFICE OF THE MAYOR

COUNTY OF MAUI

**DEPARTMENT OF PLANNING**


October 13, 2017

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair  
and Members of the Land Use Committee  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
\_\_\_\_\_  
Mayor Date

Dear Chair Carroll and Members:

**SUBJECT: DISTRICT BOUNDARY AMENDMENT (DBA) FOR 4356 HANA  
HIGHWAY (HANA) (LU-46)**

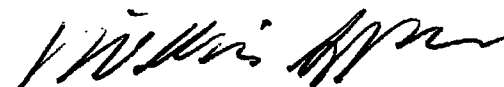
The Department of Planning (Department) is in receipt of your letter dated October 11, 2017, regarding the above-referenced application. The letter requests our review of proposed conditions attached as Exhibit C to the proposed DBA Bill.

As a practice, the Department does not include conditions on a DBA; however, if the Council chooses to add conditions it should mitigate impacts of the project. Regarding your question on Condition No. 2, we are unclear as to the result of having an ordinance terminated. We understand based on the Hanohano case that if a legislative body grants a legislative act, it can only be undone by another legislative act. It appears that if the Council grants a DBA, it would need another legislative act to revert the lands back. We recommend that you consult with Corporation Counsel on the accuracy of our understanding.

Relative to any conditions regarding the Right to Farm Act, we note that it would be redundant with State Law and is unnecessary.

Thank you for the opportunity to comment. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE  
Planning Director

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Robert Carroll, Chair  
October 13, 2017  
Page 2

xc: Michele Chouteau McLean, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Paul F. Fasi, Staff Planner (PDF)  
Maui Planning Commission Members (PDF)  
Corporation Counsel

WRS:ATC:PAD

Project File  
General File

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