

PSLU Committee

From: Michael Summers <msummers@planningconsultantshawaii.com>
Sent: Thursday, April 25, 2019 3:08 PM
To: PSLU Committee
Subject: PSLU 30 - Response to Councilmember Paltin's April 3, 2019 Letter
Attachments: Council Member Paltin_042519_.pdf

Importance: High

Aloha,

Please find attached a response to Councilmember Tamara Paltin's letter dated April 3, 2019, regarding the Waikapu Country Town Development.

Should you have any questions, please let me know.

All the best,

Mike



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Land Use Planning • Sustainability Services • Community Planning • Development Permits

April 25, 2019

Councilmember Tamara Paltin
Chair, Planning and Sustainable Land Use Committee
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Councilmember Tamara Paltin:

Re: **Waikapu Country Town Project (PLSU-30)** Response to Councilmember Paltin's Letter Dated April 3, 2019

Thank you for your letter dated April 3, 2019. In response to your comments, please find the following responses:

1. ***Workforce Housing.***

In accordance with Maui County Code Chapter 2.96, Residential Workforce Housing Policy, the applicant will develop 358 workforce housing units, which is equivalent to 25 percent of the total number of units to be developed at Waikapu Country Town.

The unit mix and pricing of the workforce housing will be determined by the County's ordinance. The Applicant will enter into a workforce housing agreement with the Department of Housing and Human Concerns prior to final subdivision approval or issuance of a building permit. The project's residential workforce housing units will be made available either before or concurrently with the market rate units.

The Applicant desires to develop a mix of multi-family rentals and fee-simple single- and or multi-family workforce housing units. The

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workforce housing unit mix, architecture, and location has not yet been determined. The owner will consult with the Department of Housing and Human Concerns in developing the workforce housing agreement.

2. *Mitigating Runoff to Waikapū Stream.*

Temporary erosion control measures will be incorporated during the construction period to minimize dust and soil erosion. Additional controls will be implemented to protect Waikapū Stream, such as using temporary berms, cut-off ditches, swales, and landscaped open space to intercept construction phase runoff before it can migrate into the stream.

To the extent possible, improvements will conform to the contours of the land, reducing the need for extensive grading of the site. In addition, graded areas will be limited to specific areas for short periods of time. Measures taken to control erosion during the site development period may include:

- Minimizing the time of construction;
- Retaining existing ground cover as long as possible;
- Constructing drainage control features early;
- Using temporary area sprinklers in non-active construction areas when ground cover is removed;
- Providing a water truck on-site during the construction period to provide for immediate sprinkling as needed;
- Using temporary berms and cut-off ditches, where needed, for control of erosion;
- Watering graded areas when construction activity for each day has ceased;
- Grassing or planting all cut-and-fill slopes immediately after grading work has been completed; and
- Installing silt screens where appropriate.

Construction activities on the property will comply with all applicable Federal, State, and County regulations and rules for erosion control. Before issuance of a grading permit by the County of Maui, the final erosion control plan and BMPs required for the NPDES permit will be completed. All construction activities will also comply with the

provisions of Chapter 11-60.1, Hawai'i Administrative Rules (HAR), Section 11-60.1-33, pertaining to Fugitive Dust. After construction, the establishment of permanent landscaping will provide long-term erosion control.

3. ***Agricultural Buffer.***

The proposed urban and rural development will be bound by agricultural lands along the project's southern and western boundaries.

On the southern boundary of the WCT, there will be an 80-foot wide buffer created by the Waiale Road extension. According to the Final EA for the bypass, this road will be designed with two (2) twelve-foot wide travel lanes, two (2) six-foot wide shoulders, and a 10-foot wide bike/pedestrian path on the west (WCT side) of the roadway. The thirty four feet of unimproved ROW will remain in open space and may be grassed and planted with canopy shade trees.

On the western boundary of the WCT, rural lands will serve as a transition buffer between the agricultural lands and most of the project's residential development.

In addition to these buffers, the Applicant will work closely with its farmers to develop and implement appropriate BMPs to help mitigate airborne dust and chemical drift from potentially impacting neighboring land uses. BMPs that are often implemented by farmers to mitigate windblown dust include:

- Establishing appropriate buffers between actively used agricultural lands and homes.
- Planting windbreaks planting within the buffer areas to further mitigate agricultural impacts to homeowners.
- Locating residential communities upwind of agricultural operations.
- Where feasible, locating the least noxious agricultural activities in closer proximity to urban uses while locating the more noxious activities further away.

- Limiting vehicle speeds on unpaved access roads within the agricultural area.
- Requiring farmers to implement agricultural best management practices and erosion control measures to reduce dust and agricultural runoff from impacting neighboring properties.

BMPs that are often implemented by farmers to mitigate pesticide drift include:

- Instituting a dust and chemical drift education and management program to ensure that farmers are properly trained in BMP's that can reduce airborne emissions from their activities.
- Establishing suitable buffer zones between agricultural lands where pesticides might be applied and sensitive environments that could be negatively impacted.
- Establishing windbreaks to capture windblown emissions and to slow the movement of wind.
- Conducting spraying and other nuisance related activities when winds are blowing away from sensitive environments and limiting spraying to periods of low wind speeds to reduce drift distance.
- Ensuring that nozzles used in the application of pesticides and/or herbicides produce the largest or coarsest size droplets possible.
- Encouraging the use of the lowest end of the pressure range when spraying pesticides.
- Following all pesticide application directions as shown on the product labels.
- Using drift control additives, when needed, to increase the size of droplets in order to reduce drift.
- Directing recreation uses, such as off-road biking, hiking and jogging to the perimeter of agricultural areas where chemical drift would not be a concern.

4. *Excess Water Capacity.*

The Waikapu Aquifer has not been designated by the Commission on Water Resource Management (CWRM) as a Ground Water Management Area. Normally, the CWRM does not designate an established Hydrologic Area for groundwater management until the average groundwater use from all wells within the area reaches 80 percent of its sustainable yield. In the case of the Waikapu Hydrologic Area (or Aquifer System), there are other existing wells, besides the WCT wells, which pump and use groundwater. Therefore, the Applicant will not need the approval of the CWRM to use water for purposes other than the project, until the CWRM designates the Waikapu Hydrologic Area (or Aquifer System) for groundwater management.

5. *Acreage for Solar.*

The Applicant has no firm plans for a solar project at this time. However, as described in the project's Final Environmental Impact Statement (FEIS) the Applicant is interested in developing solar energy because it provides an additional revenue source for the agricultural lands, and it produces clean renewable non-carbon based energy that reduces carbon emissions. The Applicant anticipates that up to thirty acres of agricultural lands may be committed to one or more solar projects for these purposes. This is consistent with the representations made in Chapter 3 of the FEIS regarding solar energy development on agricultural lands.


6. *Agricultural Conservation Easement.*

In response to your request for confirmation of the agricultural conservation easement area, the agricultural conservation easement will encompass approximately 877.50 acres. A map of the area is being produced and will be transmitted to your office once it is available.

Councilmember Ms. Tamara Paltin
Chair, Planning and Sustainable Land Use Committee
Maui County Council
RE: Revised Response to Letter Dated April 3, 2019 (PLSU 30)
April 25, 2019
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Should you have any questions, please contact me at (808) 269-6220 or
by e-mail at msummers@planningconsultantshawaii.com.

Sincerely yours,

A handwritten signature in black ink that reads "Michael J. Summers". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael J. Summers
President

c: Mr. Michael Atherton
Mr. Albert Boyce