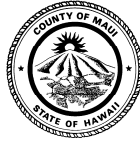


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Deputy Director of Council Services
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COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

December 29, 2023

Ms. Kathleen Aoki, Director
Department of Planning
County of Maui
Wailuku, Hawai'i 96793

Dear Ms. Aoki:

**SUBJECT: DISTRICT BOUNDARY AMENDMENT AND CHANGE
IN ZONING FOR MOLOKAI EDUCATION CENTER
(KAUNAKAKAI) (HLU-11)**

On December 18, 2023, PBR Hawaii submitted a draft Unilateral Agreement and Declaration for Conditional Zoning for the Molokai Education Center Change in Zoning application. The application seeks to change the zoning for properties located at 375 Kamehameha V Highway, Kaunakakai, Hawaii, comprised of 5.27 acres, and identified for real property tax purposes as tax map keys (2) 5-3-003:013 and (2) 5-3-003:014 from Interim District to P-1 Public/Quasi-Public District.

The University of Hawai'i also applied for a State District Boundary Amendment from Agricultural to Urban for the same parcels. Section 205-3.5, Hawai'i Revised Statutes, states:

Reclassification of land contiguous to an agricultural district; approval conditions. (a) Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, shall include the following conditions in the decision granting approval:

- (1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on

Ms. Kathleen Aoki
December 29, 2023
Page 2

adjacent or contiguous lands in the agricultural district; and

(2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under chapter 165, the Hawaii right to farm act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

(b) For purposes of this section, "farming operation" shall have the same meaning as provided in section 165-2.

May I please request the Department's opinion on whether the applicant should also submit a Unilateral Agreement and Declaration of State Land Use District Boundary Amendment with the above conditions to comply with Section 205-3.5, Hawai'i Revised Statutes.

May I further request a response by **January 12, 2024**. To ensure efficient processing, please transmit your response to hlu.committee@mauicounty.us and include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Ana Lillis at ext. 7659, or Stacey Vinoray at ext. 7147).

Sincerely,



TASHA KAMA, Chair
Housing and Land Use Committee

hlu:ltr:011apl01:alkl

cc: Mayor Richard T. Bissen, Jr.