

## **Appendices**

**Appendix A**  
**Final Environmental Impact**  
**Statement (FEIS) on Jump Drive**

**FEIS INCLUDED AS SEPARATE PDF FILE ON JUMP DRIVE**

**Appendix B**  
**FEBURARY 8, 2017, THE**  
**ENVIRONMENTAL NOTICE**



# The Environmental Notice

February 8, 2017

David Y. Ige, Governor  
Scott Glenn, Director

*The Environmental Notice* provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



Koholā (Humpback Whale)

Photo by [thundafunda](#)

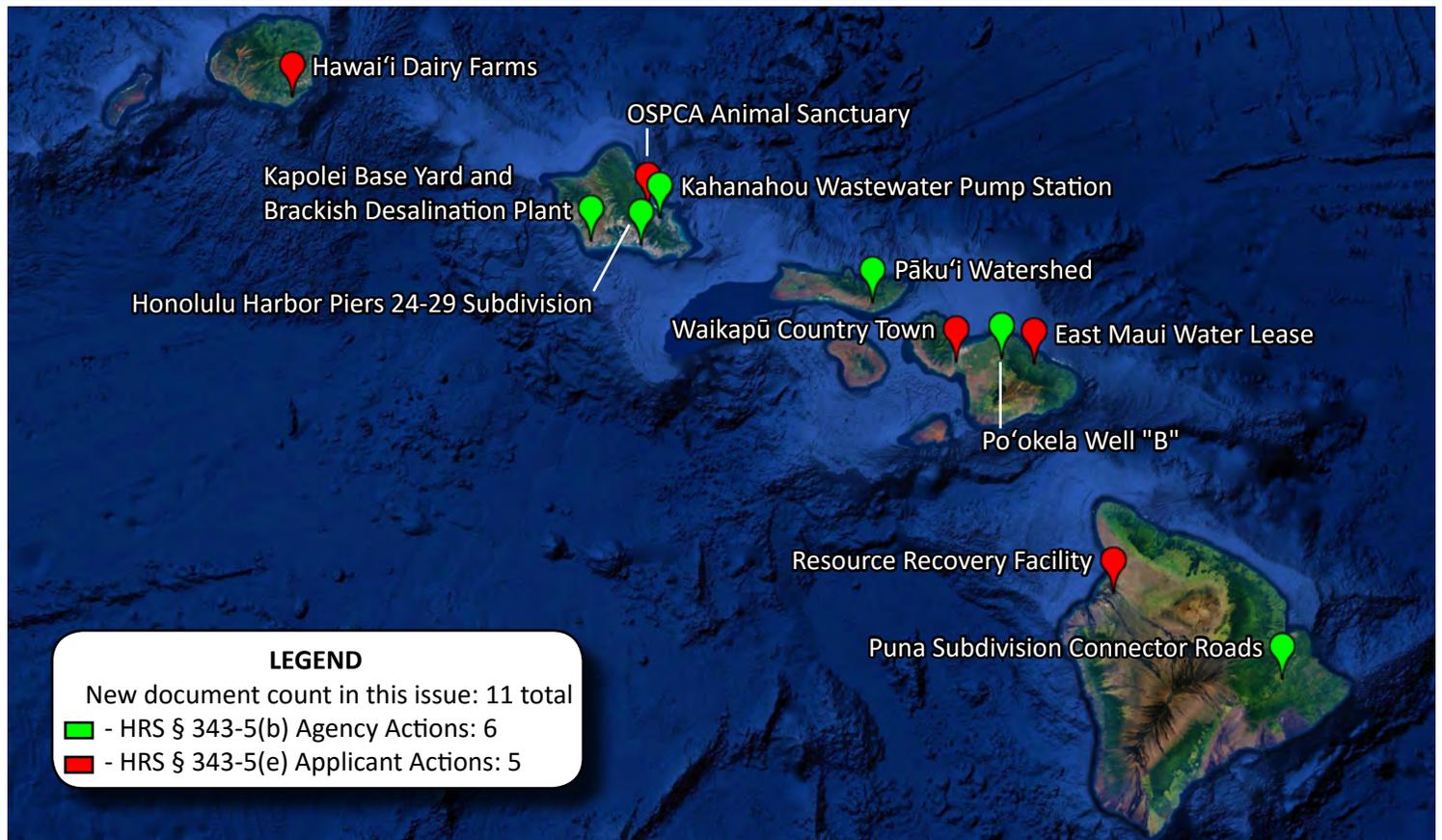
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## ANNOUNCEMENTS

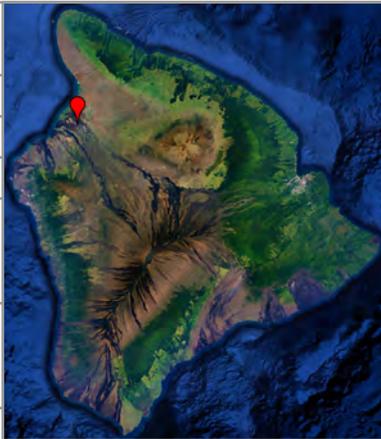
Alexander & Baldwin, Inc./ East Maui Irrigation Company, Limited (A&B) will be conducting public scoping meetings in conjunction with the thirty-day public review and comment period on the EIS Preparation Notice for the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas (East Maui Water Lease). The purpose of the meetings is to provide an overview of the EIS process and solicit input pertaining to the scope of the Draft EIS. The meetings will be held on: Wednesday, February 22, 2017 from 5:00 p.m. to 7:00 p.m. at the Maui Electric Company Community Meeting Room (210 W. Kamehameha Avenue), and Thursday, February 23, 2017 from 5:00 p.m. to 7:00 p.m. at the Ha'ikū Park and Community Center (2830 Hāna Highway - Hāna Highway at Piliāloha Street). The EISPN for the East Maui Water Lease is published in this edition of *The Environmental Notice*.

## STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



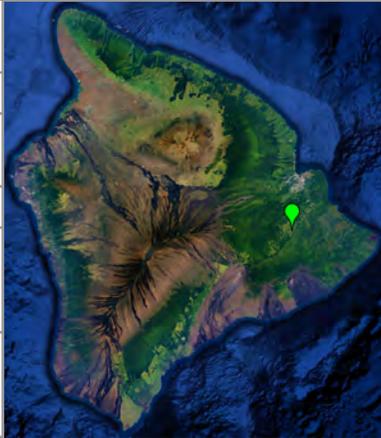
## HAWAII

### Hawai'i Integrated Resource Recovery Facility FEA (FONSI)

|                              |  |   |
|------------------------------|--|---|
| <b>HRS §343-5(a) Trigger</b> | (9)(B) Propose any waste-to-energy facility  |  |
| <b>District(s)</b>           | South Kohala   |   |
| <b>TMK(s)</b>                | (3) 6-8-001:066  |   |
| <b>Permit(s)</b>             | Special Permit, Subdivision, Solid Waste Management, Clean Air, building and grading   |   |
| <b>Approving Agency</b>      | Planning Department, County of Hawai'i<br>Jeff Darrow, (808) 961-8288, <a href="mailto:Jeff.Darrow@hawaiicounty.gov">Jeff.Darrow@hawaiicounty.gov</a><br>Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, HI 96720 |   |
| <b>Applicant</b>             | BioEnergy Hawaii<br>Clint Knox, Leed AP, Vice President, (949) 903-4769, <a href="mailto:Clint@komarinvestments.com">Clint@komarinvestments.com</a><br>74-5610 Alapa Street, Kailua Kona, HI 96740                 |   |
| <b>Consultant</b>            | North Shore Consultants, LLC.<br>David Robichaux, North Shore Consultants, (808) 368-5352, <a href="mailto:robichaud001@hawaii.rr.com">robichaud001@hawaii.rr.com</a><br>2091 Round Top Dr., Honolulu, HI 96822    |   |
| <b>Status</b>                | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.   |   |

BioEnergy Hawaii intends to lease 14.99 acres of land on the property now known as the West Hawai'i Concrete Quarry to construct and operate an integrated resource recovery facility to divert waste materials from the County's Landfills. Recyclable materials will be recovered and collected for offsite sales. Organic materials will be further separated into those which can be treated in an anaerobic digester (AD), and those that can be used for thermal conversion and/or composting. Organic waste processed in the AD system will produce renewable natural gas suitable for transportation fuel or stationary power. Waste disposed in the thermal conversion unit will be used to produce electricity or other fuels. The renewable natural gas will be used to power waste collection vehicles and also sold to offsite consumers to displace fossil fuels. Approximately 70% of waste entering the facility can be diverted from the Island's landfill. The facility will be built and operated at no cost to the County of Hawai'i. Positive impacts include a reduction in greenhouse gas emission over the existing solid waste disposal system, conservation of landfill space, reduced cost to users which may be passed along to the public, and displacement of substantial amounts of imported fossil fuels. The proposed action can coexist with the County's proposed efforts to recover organic materials, but may also relieve the County from having to incur the expenses of organics diversion.

### Puna Subdivision Connector Roads to Volcano Highway in Vicinity of Mountain View FEA (FONSI)

|                                      |   |   |  |
|--------------------------------------|---|---|--|
| <b>HRS §343-5(a) Trigger</b>         | (1) Propose the use of state or county lands or the use of state or county funds  |  |  |
| <b>District(s)</b>                   | Puna  |   |  |
| <b>TMK(s)</b>                        | (3) 1-1-038:207, 1-1-072:067, 1-1-100:042 & 051, 1-8-004:102<br>ROW of Lauko and Pszyk Roads, and Old Volcano Trail Alignment in Plat 1-8-004   |   |  |
| <b>Permit(s)</b>                     | Various (see document)  |   |  |
| <b>Proposing/ Determining Agency</b> | County of Hawai'i, Department of Public Works<br>Kason Pacheco, (808) 961-8931, <a href="mailto:Kason.Pacheco@hawaiicounty.gov">Kason.Pacheco@hawaiicounty.gov</a><br>Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720 |   |  |
| <b>Consultant</b>                    | Geometrician Associates<br>Ron Terry, (808) 969-7090, <a href="mailto:rterry@hawaii.rr.com">rterry@hawaii.rr.com</a><br>P.O. Box 396, Hilo, HI 96721  |   |  |
| <b>Status</b>                        | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.  |   |  |

The County of Hawai'i, Department of Public Works proposes to improve the connectivity of Puna subdivisions with Volcano Highway in the area centered on Fern Acres. The project would assist in response to floods, fires, automobile accidents, or other emergencies that block critical roads. It would also provide residents of Fern Acres and nearby subdivisions with permanent access alternatives to the South Kūlani Road outlet. It is in response to and in conformance with Puna Community Development Plan Action Committee proposals. The three component sub-projects are 1) the improvement and extension from Volcano Highway to Pūhala Road of South Lauko Road; 2) the improvement and extension from Volcano Highway to Pūhala Road of South Pszyk Road; and 3) the extension of Puhala Road south to South Kopua Road. DPW has determined that in the interest of public safety and welfare, all three component projects are appropriate to advance for eventual construction.

## MAUI

Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas EISPN

|  |  |   |
|--|--|---|
| <b>HRS §343-5(a) Trigger</b>                 | (1) Propose the use of state or county lands or the use of state or county funds   |  |
| <b>District(s)</b>                           | Makawao and Hāna   |   |
| <b>TMK(s)</b>                                | (2) 1-2-004:005, 007; (2) 1-1-002:002; (2) 1-1-001:44, 050; and (2) 2-9-014:001, 005, 011, 012, 017  |   |
| <b>Permit(s)</b>                             | To be determined   |   |
| <b>Approving Agency/ Accepting Authority</b> | Board of Land and Natural Resources<br>Ian Hirokawa, (808) 587-0400, <a href="mailto:ian.c.hirokawa@hawaii.gov">ian.c.hirokawa@hawaii.gov</a><br>1151 Punchbowl St., Room 220, Honolulu, HI 96813  |   |
| <b>Applicant</b>                             | Alexander & Baldwin Inc. (A&B)/East Maui Irrigation Company, Limited (EMI), collectively referred to as "A&B"<br>Mr. Daniel Y. Yasui, (808) 525-8449, <a href="mailto:dyasui@abprop.com">dyasui@abprop.com</a><br>822 Bishop Street, Honolulu, HI 96813  |   |
| <b>Consultant</b>                            | Wilson Okamoto Corporation<br>Mr. Earl Matsukawa AICP, (808) 946-2277, <a href="mailto:ematsukawa@wilsonokamoto.com">ematsukawa@wilsonokamoto.com</a><br>1907 S. Beretania Street, Suite 400, Honolulu, HI 96826   |   |
| <b>Status</b>                                | Administrative 30-day public review and comment period starts. Comments are due by March 10, 2017. Please send comments to the approving agency and copy the applicant and the consultant. Public scoping meetings will be held on 2/22/17 from 5-7 p.m. at the Maui Electric Company Community Meeting Room (210 W. Kamehameha Avenue), and 2/23/17 from 5-7 p.m. at the Ha‘ikū Park and Community Center (2830 Hāna Highway - Hāna Highway at Piliāloha Street). |   |

The Proposed Action constitutes the issuance of one long-term (30 year) Water Lease from the Board of Land and Natural Resources for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting and using government owned waters"* through the existing EMI Aqueduct System which supplies water to domestic and agricultural water users. The Water Lease will enable the lessee to maintain and repair existing access roads and trails used as part of the Aqueduct System and allow its continued operation to deliver water to the Maui County Department of Water Supply (DWS) for domestic and agricultural water needs in Upcountry Maui, supply domestic water for Nāhiku and supply irrigation water for agricultural users at the Kula Agricultural Park. It will also continue to provide water to approximately 30,000 acres of former sugar lands in Central Maui owned by A&B. The Water Lease will not allow the delivery of more water than will be available for diversion after the Commission on Water Resources Management issues a decision on the pending Interim Instream Flow Standard (IIFS) matters.

Po‘okela Well "B" Exploratory/Backup FEA (FONSI)

|                                      |   |   |
|--------------------------------------|---|---|
| <b>HRS §343-5(a) Trigger</b>         | (1) Propose the use of state or county lands or the use of state or county funds  |  |
| <b>District(s)</b>                   | Makawao   |   |
| <b>TMK(s)</b>                        | (2) 2-4-012:028   |   |
| <b>Permit(s)</b>                     | Well Construction Permit, Pump Installation Permit, NPDES Permit, Community Noise Permit, as applicable; Construction Permits; Department of Health Approval  |   |
| <b>Proposing/ Determining Agency</b> | County of Maui, Department of Water Supply<br>Jordan Molina, (808) 270-7835x7681, <a href="mailto:Jordan.Molina@co.maui.hi.us">Jordan.Molina@co.maui.hi.us</a><br>Kalana O Maui Building, 200 South High Street, 5th Floor, Wailuku, HI 96793 |   |
| <b>Consultant</b>                    | Fukunaga & Associates, Inc.<br>Andrew Amuro, (808) 944-1821, <a href="mailto:aamuro@fukunagaengineers.com">aamuro@fukunagaengineers.com</a><br>1357 Kapi‘olani Boulevard, Suite 1530, Honolulu, HI 96814                                      |   |
| <b>Status</b>                        | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.  |   |

Kamole Weir Water Treatment Facility (WTF) is the primary source of water for nearly all of Upcountry Maui customers. The existing Po‘okela Well was developed in 2006 to serve customers primarily in Makawao to help soften the impact of the Upcountry Maui drought and to serve as a backup for the Kamole Weir WTF if it is not able to produce enough water for Upcountry customers or if it is experiencing mechanical issues. Po‘okela Well "B" is proposed as a backup to the existing Po‘okela Well and to be utilized to serve customers whenever the existing well requires maintenance. No additional water will be pumped from the aquifer by this well. Having a backup well decreases water-related emergencies when the existing well cannot be used.

## MAUI (CONTINUED)

### Waikapū Country Town FEIS Acceptance

|  |  |   |
|--|--|---|
| <b>HRS §343-5(a) Trigger</b>                 | (1) Propose the use of state or county lands or the use of state or county funds<br>(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation<br>(9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent |  |
| <b>District(s)</b>                           | Wailuku  |   |
| <b>TMK(s)</b>                                | (2) 3-6-002:001 & 003; (2) 3-6-004:003 & 006; (2) 3-6-005:007; and (2) 3-6-006:036   |   |
| <b>Permit(s)</b>                             | State Land Use District Boundary Amendment; various  |   |
| <b>Approving Agency/ Accepting Authority</b> | Department of Business, Economic Development & Tourism, Land Use Commission<br>Daniel E. Orodener, Executive Officer, (808) 587-3822, <a href="mailto:dbedt.luc.web@hawaii.gov">dbedt.luc.web@hawaii.gov</a><br>P.O. Box 2359, Honolulu, HI 96804-2359   |   |
| <b>Applicant</b>                             | Waikapu Properties, LLC., Mike Atherton, (209) 601-4187, <a href="mailto:athtertonisland@gmail.com">athtertonisland@gmail.com</a><br>1670 Honoapiʻilani Highway, Wailuku, HI 96793   |   |
| <b>Consultant</b>                            | Planning Consultants Hawaii, LLC<br>Michael Summers, President, (808) 224-6231, <a href="mailto:msummers@planningconsultantshawaii.com">msummers@planningconsultantshawaii.com</a><br>2331 W. Main Street, Wailuku, HI 96793   |   |
| <b>Status</b>                                | The approving agency/accepting authority accepted the <a href="#">FEIS</a> on January 20, 2017. Comments are not taken on this action.   |   |

Waikapū Country Town is a mixed-use residential community proposed for development on approximately 499 acres within and around the Maui Tropical Plantation in Wailuku. 485 of the subject acres are in the State Land Use Agricultural District. Entitlement changes will be sought to bring zoning designations into appropriate urban and rural designations. The project includes a diversity of housing types, neighborhood commercial, employment uses, an elementary school, private water and wastewater systems, parks and open space. The project will comprise about 1,433 residential units and nearly 200,000 square feet of commercial. The project includes an approximate 8-mile network of pedestrian and bicycle paths. The project's agricultural component encompasses about 1,077 acres which will remain in the State Agricultural District. The bulk of the agricultural lands, approximately 800 acres, will be dedicated in perpetuity to agricultural use. The Applicant desires to establish an agricultural park, a limited amount of renewable energy production and other permissible uses on these lands.

## MOLOKAʻI

### Pākuʻi Watershed Project FEA (FONSI)

|                                      |   |   |
|--------------------------------------|---|---|
| <b>HRS §343-5(a) Trigger</b>         | (1) Propose the use of state or county lands or the use of state or county funds<br>(2) Propose any use within any land classified as a conservation district   |  |
| <b>District(s)</b>                   | Molokaʻi  |   |
| <b>TMK(s)</b>                        | Various (see document)  |   |
| <b>Permit(s)</b>                     | Construction of the project requires a Site Plan Approval (SPA) from the Department of Land and Natural Resources.  |   |
| <b>Proposing/ Determining Agency</b> | State of Hawaiʻi, Department of Land and Natural Resources, Division of Forestry and Wildlife<br>Katie Ersbak, (808) 587-4189, <a href="mailto:Katie.C.Ersbak@hawaii.gov">Katie.C.Ersbak@hawaii.gov</a><br>1151 Punchbowl Street, Room 325, Honolulu HI 96816 |   |
| <b>Consultant</b>                    | The Nature Conservancy, Molokaʻi Program on behalf of the East Molokaʻi Watershed Partnership<br>Stephanie Dunbar-Co, (808) 553-5236 x6590, <a href="mailto:sdunbar-co@TNC.ORG">sdunbar-co@TNC.ORG</a><br>P.O. Box 220, Kualapuʻu HI 96757                    |   |
| <b>Status</b>                        | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.  |   |

The proponent plans to construct a protective fence through the upper Puaʻahala, Kaʻamola, Keawa Nui, West Ōhiʻa, East Ōhiʻa, Manawai, Kahananui, ʻUalapuʻe, and Kaluaʻaha ahupuaʻa (land divisions), collectively referred to as the Pākuʻi Unit on the Island of Molokaʻi. The fence will be approximately 5.5 miles in length and protect approximately 2,080 acres of vital watershed. The entire 2,080 acre proposed project is a mixture of public and private lands located in the Conservation and Agriculture Districts. The Pākuʻi Watershed Project is part of a larger vision to care for southeast Molokaʻi's remaining native Hawaiian forests. These forests sit atop and help recharge the ʻUalapuʻe aquifer - the source of residential water supplied by the County of Maui in Manaʻe. Less than 15% of the original native Hawaiian ecosystems are left on Molokaʻi.

## O'AHU

**Honolulu Harbor Piers 24-29 Subdivision DEA (AFNSI)**

|                                     |   |   |
|-------------------------------------|---|---|
| <b>HRS §343-5(a) Trigger</b>        | (1) Propose the use of state or county lands or the use of state or county funds  |  |
| <b>District(s)</b>                  | Honolulu  |   |
| <b>TMK(s)</b>                       | (1) 1-5-038:011, 017, 023, 068, 072, 073, 074, 077, 078 and por. 001  |   |
| <b>Permit(s)</b>                    | Various (see document)  |   |
| <b>Proposing/Determining Agency</b> | State of Hawai'i, Department of Transportation, Harbors Division (DOT-H)<br>Dung Vo, (808) 586-2460, <a href="mailto:dung.p.vo@hawaii.gov">dung.p.vo@hawaii.gov</a><br>79 South Nimitz Highway, 2nd Floor, Honolulu, HI 96813 |   |
| <b>Consultant</b>                   | R. M. Towill Corporation (RMTC)<br>Brian Takeda, Planning Project Coordinator, (808) 842-1133, <a href="mailto:Briant@rmtowill.com">Briant@rmtowill.com</a><br>2024 North King Street, Suite 200, Honolulu, HI 96819-3494     |   |
| <b>Status</b>                       | Statutory 30-day public review and comment period starts. Comments are due by March 10, 2017. Please send comments to the proposing/determining agency and copy the consultant.   |   |

The Hawai'i Department of Transportation, Harbors Division (DOT-H) proposes to subdivide the 28.026-acre land area located at Honolulu Harbor, immediately off Nimitz Highway, between Piers 24 and 29. The project includes the consolidation and re-subdivision of State of Hawai'i, Land Court Lots 13-A and 13-B of Land Court Consolidation 82, Section B (1967), into Lots 1 to 17 with areas ranging from approximately 7,500 square feet to 290,573 square feet; and the designation of Easements A to F. The subdivided lots will support the maritime industry in Hawai'i, particularly shipping, stevedore operations, dry-dock facilities, ship building, specialty trade operations, maritime vessels, cargo/containers and other maritime activities. DOT-H previously filed the Construction of Pier 29 Container Yard Honolulu Harbor Final Environmental Assessment and Kapālama Container Terminal and Tenant Relocations Final Environmental Impact Statement that included proposed improvements to Piers 24-29; however, the documents do not include the proposed subdivision as the configuration of the lots had not yet been determined. Therefore, to comply with Hawai'i Revised Statutes (HRS), Chapter 343, DOT-H is preparing the subject Environmental Assessment for the proposed subdivision of State land at the Pier 24-29 site.

**Kahanahou Wastewater Pump Station Upgrade and Sewer Improvements FEA (FONSI)**

|                                     |  |   |
|-------------------------------------|--|---|
| <b>HRS §343-5(a) Trigger</b>        | (1) Propose the use of state or county lands or the use of state or county funds<br>(3) Propose any use within a shoreline area  |  |
| <b>District(s)</b>                  | Ko'olaupoko  |   |
| <b>TMK(s)</b>                       | (1) 4-5-047: parcels 095, 094, and 127; 4-5-012:026  |   |
| <b>Permit(s)</b>                    | Various (see document)   |   |
| <b>Proposing/Determining Agency</b> | City & County of Honolulu, Department of Design and Construction<br>Megan Inouye, (808) 768-8739, <a href="mailto:Minouye3@honolulu.gov">Minouye3@honolulu.gov</a><br>650 S. King St., 11th Floor, Honolulu HI 96813 |   |
| <b>Consultant</b>                   | Townscape, Inc.<br>Gabrielle Sham, (808) 536-6999, <a href="mailto:gabrielle@townscapeinc.com">gabrielle@townscapeinc.com</a><br>900 Fort Street Mall, Suite 1160, Honolulu HI 96813                                 |   |
| <b>Status</b>                       | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.   |   |

The City and County of Honolulu, Department of Design and Construction, Wastewater Division, proposes to upgrade the Kahanahou Wastewater Pump Station (WWPS) and the sewer conveyance system in Kāne'ohe, O'ahu. The WWPS, built in 1966, was found to experience high infiltration and inflow of rainwater into the sewer system. Proposed improvements to the WWPS include upgrades in pump capacity from 0.654 million gallons per day (mgd) to 1.26 mgd, renovations to the existing pump station, construction of a new emergency generator building, and other associated on-site improvements.

The proposed sewer improvements include installation of new force and gravity mains along Ka Hanahou Place, Ka Hanahou Circle, Lilipuna Road, Wailele Road, and Makahio Street. This project will re-route sewer to bypass the Waikapoki WWPS and connect to another area of the collection system that will eventually flow into the Kāne'ohe Wastewater Preliminary Treatment Facility. The proposed project is expected to cost \$3.6 million for the WWPS upgrade and \$6.5 million for the force/gravity main improvements. The proposed project will have short term impacts on traffic, noise, and air quality during construction. Efforts to minimize these impacts will be implemented to the extent practicable.

## O‘AHU (CONTINUED)

### Board of Water Supply Kapolei Base Yard and Brackish Desalination Plant DEA (AFNSI)

|                                      |   |   |
|--------------------------------------|---|---|
| <b>HRS §343-5(a) Trigger</b>         | (1) Propose the use of state or county lands or the use of state or county funds  |  |
| <b>District(s)</b>                   | ‘Ewa  |   |
| <b>TMK(s)</b>                        | (1) 9-1-075:039, (1) 9-1-075:053  |   |
| <b>Permit(s)</b>                     | Compliance with Chapter 343, HRS; Compliance with Chapter 6E, HRS; Public Infrastructure Map (PIM) Amendment; Grading permit; Building permit; Infrastructure permit; Joint Development Agreement or Subdivision/Consolidation; Quitclaim; NPDES permit |   |
| <b>Proposing/ Determining Agency</b> | Board of Water Supply, City and County of Honolulu<br>Barry Usagawa, P.E., Water Resources Program Administrator, (808) 748-5900, <a href="mailto:busagawa@hbws.org">busagawa@hbws.org</a><br>630 S. Beretania Street, Honolulu, HI 96813               |   |
| <b>Consultant</b>                    | PBR HAWAII & Associates, Inc.<br>Catie Cullison, AICP, (808) 521-5631, <a href="mailto:ccullison@pbrhawaii.com">ccullison@pbrhawaii.com</a><br>1001 Bishop Street, Suite 650, Honolulu, HI 96813  |   |
| <b>Status</b>                        | Statutory 30-day public review and comment period starts. Comments are due by March 10, 2017. Please send comments to the proposing/determining agency and copy the consultant.   |   |

The Board of Water Supply Kapolei Base Yard and Brackish Desalination Plant Master Plan includes administrative, operations, and warehouse buildings; storage and vehicle parking areas; a brackish water desalination plant and water tank; as well as associated utility infrastructure and landscaping. The proposed improvements will facilitate a more efficient use of Board of Water Supply resources and land, as they will allow the base yard to accommodate trucks, machinery, and office space for BWS operations in the ‘Ewa and Wai‘anae districts. This will improve water service response times for the repair of main breaks and maintenance of water sources and distribution system facilities. The Base Yard will also provide a hardened centralized facility for natural disaster response. The improvements will resume a former use of the Site, brackish water desalination using reverse osmosis technology which will increase the capacity BWS to meet the growing water demand of West O‘ahu.

### O‘ahu Society for the Prevention of Cruelty to Animals (OSPCA) Animal Sanctuary DEA (AFNSI)

|                              |   |   |
|------------------------------|---|---|
| <b>HRS §343-5(a) Trigger</b> | (1) Propose the use of state or county lands or the use of state or county funds  |  |
| <b>District(s)</b>           | Ko‘olaupoko   |   |
| <b>TMK(s)</b>                | (1) 4-7-013:010, 011, 016 & 024   |   |
| <b>Permit(s)</b>             | Special Management Area Use Permit (Minor); Conditional Use Permit (Minor) for Joint Development  |   |
| <b>Approving Agency</b>      | City and County of Honolulu, Department of Planning and Permitting<br>Nelson Armitage, (808) 768-8016, <a href="mailto:narmitage@honolulu.gov">narmitage@honolulu.gov</a><br>650 South King Street, 7th Floor, Honolulu, HI 96813 |   |
| <b>Applicant</b>             | O‘ahu Society for the Prevention of Cruelty to Animals<br>Stephanie Ryan, (808) 349-3475, <a href="mailto:stephanie@oahuspca.org">stephanie@oahuspca.org</a><br>P.O. Box 321, Kāne‘ohe, HI 96744                                  |   |
| <b>Consultant</b>            | Hawaii Planning LLC<br>Dennis Silva, Jr., AICP, (808) 347-3999, <a href="mailto:dsilvajr@hawaiiplanningllc.com">dsilvajr@hawaiiplanningllc.com</a><br>1031 Nu‘uanu Avenue, No. 2306, Honolulu, HI 96817                           |   |
| <b>Status</b>                | Administrative 30-day public review and comment period starts. Comments are due by March 10, 2017. Please send comments to the approving agency and copy the applicant and the consultant.  |   |

The OSPCA proposes to develop an animal sanctuary in Kahalu‘u on the Windward Coast of O‘ahu. The sanctuary will rehabilitate and find a home for stray or mistreated animals. It will be located at 47-630 Kamehameha Highway, on the mauka side of the highway between Waihe‘e and Wailehua Roads. The site will access Kamehameha Highway directly via a single driveway. The facility will consist of two rigid tent agricultural structures, with a total floor area of 7,840 square feet (including outside deck and walkway). The Project will also include a 40-space parking lot of compacted soil, a septic tank, a solar and diesel generator, and 830 linear feet of fencing. The Project will contain 80 kennels for rescued dogs in one structure; the other structure will accommodate 100 rescued cats in ten kennels. On-site staff will include about five full-time and three part-time staffers, and four on-site volunteers. The animal sanctuary will operate seven days a week from 8:00 a.m. to 5:00 p.m.

**KAUA‘I**

**Hawai‘i Dairy Farms FEIS**

|  |  |   |
|--|--|---|
| <b>HRS §343-5(a) Trigger</b>                 | Hawai‘i Dairy Farms' position is that no applicable HRS Section 343-5 trigger exists; some members of the public have challenged Hawai‘i Dairy Farms' position, and have asserted that the use of State funds and approval of a wastewater treatment unit are applicable HRS 343-5 triggers.   |  |
| <b>District(s)</b>                           | Kōloa  |   |
| <b>TMK(s)</b>                                | (4) 2-9-003:001 (portion); 006 (portion), (4) 2-9-001:001 (portion)  |   |
| <b>Permit(s)</b>                             | USDA NRCS Conservation Plan; DOH National Pollutant Discharge Elimination System Construction Stormwater General Permit; DOH Review of Animal Feeding Operation/Large Concentrated Animal Feeding Operation; DLNR Chapter 6E-42 Historic Preservation Review; County of Kaua‘i Building Permit |   |
| <b>Approving Agency/ Accepting Authority</b> | State of Hawai‘i, Department of Health<br>Virginia Pressler, M.D., Director<br>Laura McIntyre, Environmental Planning Office, (808) 586-4337, <a href="mailto:Doh.epo@doh.hawaii.gov">Doh.epo@doh.hawaii.gov</a><br>919 Ala Moana Blvd., Rm 312, Honolulu, HI 96814                            |   |
| <b>Applicant</b>                             | Hawai‘i Dairy Farms, LLC.<br>Amy Hennessey, (808) 544-8968, <a href="mailto:info@hawaiidairyfarms.com">info@hawaiidairyfarms.com</a><br>P.O. Box 1690, Kōloa, HI 96756-1690  |   |
| <b>Consultant</b>                            | Group 70 International, Inc.<br>Jeff Overton, Principal Planner, (808) 523-5866, <a href="mailto:HDF@Group70int.com">HDF@Group70int.com</a><br>925 Bethel Street, 5th Floor, Honolulu, HI 96813  |   |
| <b>Status</b>                                | FEIS has been submitted and is pending acceptance by the approving agency/accepting authority, which has 30 days from date of receipt to determine acceptability. Comments are not taken on this action.   |   |

HDF will establish and operate a sustainable, rotational-grazing pasture system dairy farm on 557-acres in Maha‘ulepu Valley on the island of Kaua‘i to produce fresh, locally available nutritious milk for Hawai‘i families. The rotational-grazing method utilizes 100 percent of the cows' manure as fertilizer for pasture grass to provide the primary source of nutrients. This cost-effective method will reduce reliance on imported fertilizer and feed. Pasture grass will provide a local food source appropriate for cow health and quality milk production, and will comprise at least 70 percent of the animals' diet. HDF has committed to establish a herd of up to 699 mature milking cows, producing approximately one million gallons of fresh milk annually. HDF may contemplate possible expansion of the herd up to 2,000 mature milking cows.

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

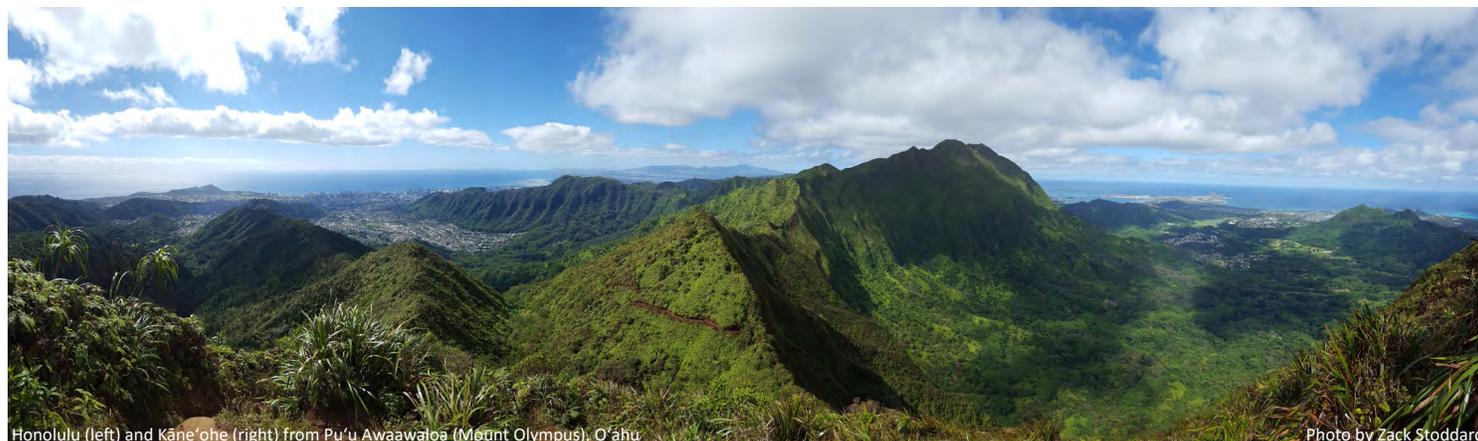
**Status:** Public review and comment period for these projects began previously. Comments are due February 22, 2017. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**O‘AHU**

[Waiāhole Reservoir System Reservoirs 155 and 225 Improvements DEA \(AFNSI\)](#)

**KAUA‘I**

[Kapaia Bridge Replacement DEA \(AFNSI\)](#)



Honolulu (left) and Kane‘ohe (right) from Pu‘u Awaawaloa (Mount Olympus), O‘ahu

Photo by Zack Stoddard

## COASTAL ZONE MANAGEMENT NOTICES

### FEDERAL CONSISTENCY REVIEWS

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, HRS. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at (808) 587-2878. For neighboring islands, use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878, or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail or electronic mail, as indicated below.

**Mail:** Office of Planning  
Department of Business, Economic Development and Tourism  
P.O. Box 2359, Honolulu, HI 96804

**Email:** [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)

#### Port Allen Small Boat Harbor Floating Dock Improvements, Hanapēpē Bay, Kaua'i

**Proposed Action:** Remove Piers A and B at Port Allen Small Boat Harbor (SBH), which are in deteriorated condition, and install a floating dock system. The new floating dock system will consist of two docks that will be located in approximately the same location as the existing Piers A and B, and will be comprised of aluminum framing, plastic deck planks, and plastic foam filled floats. New concrete abutments and ramps will also be installed. Floating Dock A will be 252 feet long and Floating Dock B will be 265 feet long, and both docks will be compliant with ADA standards for recreational facilities. Finger docks will extend from either side of the two new floating docks. A total of 42 boat slips will be provided, which is an increase of 4 boat slips: 22 slips at Dock A; and 20 slips at Dock B. The floating dock layout will improve navigation within the SBH and access to the slips.

**Location:** Port Allen Small Boat Harbor, Hanapēpē Bay, 'Ele'ele, Kaua'i  
**TMK(s):** (4) 2-1-3:10  
**Applicant:** State of Hawai'i Department of Land and Natural Resources, Division of Boating and Ocean Recreation  
**Contact:** Gary Smith, Moffat & Nichol, (808) 533-7000  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**CZM Contact:** John Nakagawa, (808) 587-2878, [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)  
**Comments Due:** February 22, 2017

### SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

| Location (TMK)  | Description (File No.)   | Applicant/Agent   |
|---|--|---|
| Hawai'i: South Hilo (2-7-015: 012)                      | Addition to an Existing Single-Family Residence and Establishment and Construction of a Bed and Breakfast (SMM 16-363) | Jan Valdez  |
| Maui: Kīhei (2-1-029: 002)                              | Swimming Pool and Spa and Grading (SM2 20160021)   | Cocket, Michelle  |
| Maui: Kīhei (3-9-008: 014)                              | Uluniu Acre Subdivision (SM2 20160085)   | Jacob Freeman   |
| Maui: Lahaina (4-4-001: 098)                            | New Construction of Spa (SM2 20170010)   | Marty Heintzman   |
| Maui: Kīhei (3-9-009: 018)                              | Single-Family Residence, Garage and Pool (SM2 20170012)  | Henry A. Rlxey  |
| O'ahu: Kāhala (3-5-005: 006)                            | Remove and Replace Open-Work Metal Fence and Gate (2016/SMA-35)  | Estates of Kahala LLC / Group 70 International, Inc.  |
| O'ahu: Ko'olaupoko (4-7-014: 051, 052 and 055)          | Site Improvements Associated with the Proposed Subdivision (2016/SMA-59)   | Hida, Okamoto & Associates  |
| O'ahu: Honolulu (1-2-021: 015)                          | Construction of a New Security Fence (2016/SMA-73)   | Sueda and Associates, Inc.  |
| O'ahu: Honolulu (2-3-037: 001, 005 (por.), 019 and 025) | Ala Moana Regional Park Sand Volleyball Courts (2017/SMA-1)  | Department of Parks and Recreation / Department of Design and Construction, City and County of Honolulu |

## SHORELINE NOTICES

## APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS § 205A-42 and HAR § 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

| File No. | Date     | Location   | Applicant/Owner  | TMK                  |
|----------|----------|--|--|----------------------|
| OA-1737  | 1/6/17   | Lot A T.M.K.: 4-5-030:Por.1 situate at Kāne'ohe, Ko'olaupoko, O'ahu<br>Address: 45-285 Kāne'ohe Bay Drive<br>Purpose: Lot subdivision  | Park Engineering/ Windward Church of the Nazarene                | (1) 4-5-030:001 por. |
| OA-1738  | 1/27/17  | Mā'ili Beach Park being portion of Lot 66 as shown on Map 7 of Land Court Application 1827 situate at Lualualei, Wai'anae, O'ahu<br>Address: 87-107 Farrington Highway (Fronting comfort station 4)<br>Purpose: Setback purposes | Austin, Tsutsumi & Associates, Inc./ City and County of Honolulu | (1) 8-7-016:001 por. |
| OA-1739  | 1/27/17  | A portion of Maili Beach Park being Executive Order No. 2465 situate at Lualualei, Wai'anae, O'ahu<br>Address: 87-21 Farrington Highway (Fronting comfort station 5)<br>Purpose: Setback purposes                                | Austin, Tsutsumi & Associates, Inc./ State of Hawaii             | (1) 8-7-016:002      |
| MA-667   | 12/28/16 | Lot 21 and 5' Road Lot of the Sunset Beach Lots situate at Kū'au, Makawao, Maui<br>Address: 133 Aleiki Place<br>Purpose: Permit  | Akamai Land Surveying, Inc./ Ed M. & Leslie W. Davies            | (2) 2-6-012:031      |
| MA-668   | 1/9/17   | Lot 2 of Land Court Consolidation 204 (Map 1) situate at Hā'ō'ū, Hāna, Maui<br>Address: 0 Hāna Highway<br>Purpose: County permit to construct a driveway from Hāna Highway to the property                                       | Thomas G. Foley, Jr./ Thomas G. Foley, Jr. and Patricia Foley    | (2) 1-5-004:005      |
| MA-669   | 1/24/17  | Lot 29 Land Court Application 360 (Map 4) situate at Pu'unoa 1st, Lahaina, Maui<br>Address: 1177 Halepaka Place<br>Purpose: Shoreline setback  | Arthur P. Valencia/ Vito Enterprises                             | (2) 4-5-004:026      |
| MA-670   | 1/24/17  | Lot 55 of Land Court Application 1744 (Map 19) situate at Kā'anapali, Maui<br>Address: 2365 Kā'anapali Parkway<br>Purpose: Shoreline setback   | Arthur P. Valencia/ Westin Maui, LLC                             | (2) 4-4-008:019      |



Kahalu'u Park, O'ahu

Photo by [Ian Charleton](#)

## PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS § 205A-42 and HAR § 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

| File No. | Proposed/Rejected                | Location   | Applicant/Owner   | TMK                       |
|----------|----------------------------------|--|---|---------------------------|
| OA-1723  | Proposed Shoreline Certification | Lot 24 Land Court Application 1719 as Shown on Map 5 situate at Oneawa, Kailua, O'ahu<br>Address: 22 Laiki Place<br>Purpose: Determine building setback line   | Wesley T. Tengan/ 22 Laiki, LLC   | (1) 4-3-019:035           |
| OA-1725  | Proposed Shoreline Certification | Lots 104-A and 104-B of Land Court Application 609 situate at Mokulē'ia, Waialua, O'ahu<br>Address: 68-415 & 68-407 Crozier Drive<br>Purpose: Permitting   | R. M. Towill Corporation/ Michelle K. Ho Trust & Schneider Family Trust   | (1) 6-8-005:002 & 003     |
| OA-1734  | Proposed Shoreline Certification | Lot 1149 of Land Court Application 677 (Map 269) situate at Kailua, Ko'olaupoko, O'ahu<br>Address: 52 South Kalāheo Avenue<br>Purpose: Subdivision   | Park Engineering/ Robert Caldwell Bellas Jr Living Trust dated Sept 9, 2016, Terrye Lynn Bellas Living Trust dated Sept 9, 2016 | (1) 4-3-013:006           |
| HA-538   | Proposed Shoreline Certification | Being portions of Lot 1 as shown on Map 1 of Ld. Ct. App. 1854, Lot 8, R. P. 1930 to Asa Thurston on a Portion of L. C. Aw. 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions and Grant 13083 to Manuel Gomes situate at Wai'aha 1st, North Kona, Hawai'i<br>Address: 75-5888 Ali'i Drive<br>Purpose: Obtain County permits | Wes Thomas Associates/ Kona Reef  | (3) 7-5-018:071 (3rd Div) |
| HA-532   | Rejection                        | Lot 61-A of Vacationland Hawai'i Subdivision (F.P. 814) L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Hawai'i<br>Address: 14-5009 Waioape Road<br>Purpose: Establish setbacks for building   | The Independent Hawaii Surveyors, LLC/ Gregory A. Anderson  | (3) 1-4-068:050           |



Papakōlea Beach, Hawai'i

Photo by [David J Laporte](#)

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS. In those cases, a separate entry would be published in *The Environmental Notice*.

### Photovoltaic and Battery Energy Storage Systems at Pacific Missile Range Facility DEA

|                                      |   |
|--------------------------------------|---|
| <b>Island</b>                        | Kaua'i  |
| <b>District(s)</b>                   | Waimea  |
| <b>TMK(s)</b>                        | 4-1-2-002: 013, 4-1-2-002: 001, & 4-1-2-002: 010  |
| <b>Applicant or Proposing Agency</b> | Pacific Missile Range Facility<br>P.O. Box 128, Kekaha, HI 96752-0128<br>ATTN: Leland Tottori, Deputy Public Works Officer, (808) 335-4636, <a href="mailto:Leland.tottori@navy.mil">Leland.tottori@navy.mil</a>  |
| <b>Approving Agency</b>              | Commander, Navy Region Hawai'i<br>NAVFAC Hawai'i Compound<br>400 Marshall Road, Pearl Harbor, HI 96860<br>ATTN: Mr. John Muraoka (EV13, Building X-11), (808) 471-1171, ext. 218, <a href="mailto:john.muraoka@navy.mil">john.muraoka@navy.mil</a>  |
| <b>Consultant</b>                    | HHF Planners<br>Pacific Guardian Center, Makai Tower<br>733 Bishop Street, Suite 2590, Honolulu, HI 96813<br>ATTN: John Hagihara, (808) 457-3174, <a href="mailto:jhagihara@hhf.com">jhagihara@hhf.com</a>  |
| <b>Status</b>                        | Comment Period: February 3, 2017 – March 5, 2017<br>Written comments must be received or postmarked by March 5, 2017 to be considered. Comments may be provided via e-mail: <a href="mailto:NFPAC-Receive@navy.mil">NFPAC-Receive@navy.mil</a> or by mail to: Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860-3134, ATTN: EA Project Manager for PMRF PV EA (Code EV21). |

Pursuant to the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, United States Department of the Navy (Navy) provides notice that a Draft EA has been prepared for the leasing of Navy land to construct and operate a utility scale photovoltaic (PV) array and battery energy storage system (BESS) at the Pacific Missile Range Facility (PMRF), Kaua'i. The solar PV system could generate up to 44 megawatts of direct current electrical power and would feed this electricity into the Kaua'i Island Utility Cooperative electrical grid for all users, public and military. The land underlying the PV and BESS facilities would be leased for up to 40 years after which time the lease may be renewed or the facilities may be decommissioned. The purpose of the Proposed Action is to provide PV and BESS facilities to improve Navy energy security and reduce the demand for energy produced by non-renewable resources by establishing renewable energy generating assets on PMRF.

The Draft EA is available over the internet for download at [http://greenfleet.dodlive.mil/files/2017/01/PMRF-PV-DEA\\_Final\\_26Jan2017-2.pdf](http://greenfleet.dodlive.mil/files/2017/01/PMRF-PV-DEA_Final_26Jan2017-2.pdf)

The Draft EA is also available for public review at the Hawai'i State Library and the Waimea Public Library.



Polihale Beach, Kaua'i

Photo by [Kevin Schraer](#)

## GLOSSARY OF TERMS AND DEFINITIONS

### Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

### Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

### Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

### Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

### Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPAN) along with the supporting Final EA. After the notice of the FEA-EISPAN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPAN in this bulletin to ask a court to not require the preparation of an EIS.

### Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPAN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPAN must be incorporated into the subsequent Draft EIS.

### Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter:") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

### Draft Environmental Impact Statement

After receiving the comments on the EISPAN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPAN comment period in a point-by-point manner.

### Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

### National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

### Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

### Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

**Appendix C**  
**MIP PLANNED GROWTH AREA**  
**DESCRIPTION**

## Directed Growth Plan

### ***Kāhili Rural Residential***

The Kāhili Rural Residential planned growth area is approximately 218 acres and located mauka of the Kāhili Golf course at Waikapū in the foothills of the West Maui Mountains. Access will be provided by a connecting roadway from the Honoapiʻilani Highway. The area is bounded by Rural and Park (Golf Course) Community plan designations. The goal of the Kāhili Rural Residential planned growth area is to provide low-density rural residential lots with a minimum lot size of 2 acres.

### **Planned Growth Area Rationale**

It is intended that the area will be sensitively developed to address stormwater runoff and drainage, and to restrict development on slopes. The Kāhili Rural Residential planned growth area is located on Directed Growth Map #C3 and #C4. Table 8-8 provides planning guidelines for this planned growth area:

**Table 8 - 8: Kāhili Rural Residential Planned Growth Area**

|                                |   |                          |                     |
|--------------------------------|---|--------------------------|---------------------|
| <b>Background Information:</b> |   |                          |                     |
| Project Name:                  | Kāhili Rural Residential                                | Directed Growth Map #:   | C3/C4               |
| Type of Growth:                | Rural Expansion   | Gross Site Acreage:      | 218 Acres           |
| <b>Planning Guidelines</b>     |   |                          |                     |
| Dwelling Unit Count:           | Approximately<br>Rural – To be determined <sup>10</sup> | Residential Product Mix: | Rural - Residential |
| Net Residential Density:       | Rural – 2-acre min. lot size                            | Parks & Open Space%:     | N/A                 |
|                                |   | Commercial:              | N/A                 |

### ***Waikapū Tropical Plantation Town***

The Waikapū Tropical Plantation Town planned growth area is situated in the vicinity of the Maui Tropical Plantation, and includes lands on both the mauka and makai sides of Honoapiʻilani Highway. Providing the urban character of a traditional small town, this area will have a mix of single-family and multifamily rural residences, park land, open space, commercial uses, and an elementary or intermediate school developed in coordination with the Waiʻale project. The area is located south of Waikapū along Honoapiʻilani Highway, and it will incorporate the integrated agricultural and commercial uses of the existing tropical plantation complex. This area is proximate to the Waiʻale planned growth area, providing additional housing in central Maui within the Wailuku-Kahului Community plan region. As part of this project, parcels to the south of the project (identified as Agricultural Preserve on Figure 8-1) shall be protected in perpetuity for agricultural use through a conservation easement. A portion of this area may be dedicated to the County as an agricultural park administered pursuant to County regulations. Alternatively, this area can be developed as a private agricultural park available to Maui farmers, and executed through a unilateral agreement between the landowner and Maui County. The rural lots mauka of Honoapiʻilani Highway are intended to be developed using a Conservation Subdivision Design (CSD) plan. The CSD plan shall provide access to uninterrupted walking and bicycling trails and will preserve mauka and makai views while protecting environmentally sensitive lands both along Waikapū Stream and mauka of the subdivision.

<sup>10</sup> Additional units may be permitted through a transfer of development rights program or to provide affordable housing in excess of what is required by law. Unit counts may be further defined through the entitlement process in response to infrastructure and environmental constraints.

**Planned Growth Area Rationale**

Keeping the Waikapū Tropical Plantation as its town core, this area will become a self-sufficient small town with a mix of single-family and multifamily housing units in a walkable community that includes affordable housing in close proximity to Wailuku’s employment centers. Schools, parks, police and fire facilities, transit infrastructure, wastewater, water supply resources, and other infrastructure should be developed efficiently, in coordination with neighboring developments including Maui Lani, Kehalani, Pu’unani and Wai’ale. The Waikapū Tropical Plantation Town planned growth area is located on Directed Growth Map #C3. Table 8-9 provides planning guidelines for this planned growth area:

**Table 8 - 9: Tropical Plantation Town Planned Growth Area**

|                                |   |                                      |  |
|--------------------------------|---|--------------------------------------|--|
| <b>Background Information:</b> |   |                                      |  |
| Project Name:                  | Tropical Plantation Town  | Directed Growth Map #:               | C3   |
| Type of Growth:                | Small Town/Rural Expansion  | Gross Site Acreage:                  | Small Town - 360 Acres<br>Rural - 142 Acres  |
| <b>Planning Guidelines</b>     |   |                                      |  |
| Dwelling Unit Count:           | Approximately 1,433 Units (Up to 80 of these units can be rural residences. Ohana units do not count towards the total units. <sup>11</sup> ) | Residential Product Mix:             | Balance of SF and MF units<br>The rural residential units are on the mauka side of the project.<br>Small Town – 360 Acres<br>Rural – 142 Acres |
| Net Residential Density:       | 9 – 12 du/acre  | Parks and Open Space <sup>12</sup> : | ≥ 30%  |
|                                |   | Commercial:                          | Convenience Shopping   |

<sup>11</sup> Additional units may be permitted through a transfer of development rights program or to provide affordable housing in excess of what is required by law. Unit counts may be further defined through the entitlement process in response to infrastructure and environmental constraints.

<sup>12</sup> The distinct boundaries of the parks and open space, specific location of the recreational uses, and the precise amenities will be further defined during the Wailuku – Kahului Community Plan Update and the project review and approval process.

**Appendix D**  
**STATE LAND USE COMMISSION**  
**FINDINGS OF FACT, CONCLUSIONS**  
**OF LAW, AND DECISION AND ORDER**  
**AND CERTIFICATE OF SERVICE**



LAND USE COMMISSION  
STATE OF HAWAII

2018 FEB 26 A 8:21

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of: )  
)  
WAIKAPŪ PROPERTIES, LLC; MTP LAND )  
PARTNERS, LLC; WILLIAM S. FILIOS, )  
Trustee of the William S. Filios Separate Property )  
Trust dated APRIL 3, 2000; and WAIALE 905 )  
PARTNERS, LLC, )

DOCKET NO. A15-798

To Amend the Agricultural Land Use District )  
Boundaries into the Rural Land Use District for )  
certain lands situate at Waikapū, District of )  
Wailuku, Island and County of Maui, State of )  
Hawaii'i, consisting of 92.394 acres and 57.454 )  
acres, bearing Tax Map Key No. (2) 3-6-004:003 )  
(por) and to Amend the Agricultural Land Use )  
District Boundaries into the Urban Land Use )  
District for certain lands situate at Waikapū, )  
District of Wailuku, Island and County of Maui, )  
State of Hawaii'i, consisting of 236.326 acres, )  
53.775 acres, and 45.054 acres, bearing Tax Map )  
Key No. (2) 3-6-002:003 (por), (2) 3-6-004:006 )  
and (2) 3-6-005:007 (por). )

WAIKAPŪ PROPERTIES, LLC

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND DECISION AND ORDER**  
**AND**  
**CERTIFICATE OF SERVICE**

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawaii'i.

February 26, 2017 by

Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of: )  
)  
WAIKAPŪ PROPERTIES, LLC; MTP LAND )  
PARTNERS, LLC; WILLIAM S. FILIOS, )  
Trustee of the William S. Filios Separate Property )  
Trust dated APRIL 3, 2000; and WAIALE 905 )  
PARTNERS, LLC, )

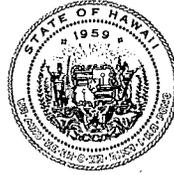
DOCKET NO. A15-798

To Amend the Agricultural Land Use District )  
Boundaries into the Rural Land Use District for )  
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District of Wailuku, Island and County of Maui, )  
State of Hawai'i, consisting of 236.326 acres, )  
53.775 acres, and 45.054 acres, bearing Tax Map )  
Key No. (2) 3-6-002:003 (por), (2) 3-6-004:006 )  
and (2) 3-6-005:007 (por). )

WAIKAPŪ PROPERTIES, LLC

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**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND DECISION AND ORDER**  
**AND**  
**CERTIFICATE OF SERVICE**



LAND USE COMMISSION  
STATE OF HAWAII

2018 FEB 26 A 8: 21

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of: )  
)  
WAIKAPŪ PROPERTIES, LLC; MTP LAND )  
PARTNERS, LLC; WILLIAM S. FILIOS, )  
Trustee of the William S. Filios Separate Property )  
Trust dated APRIL 3, 2000; and WAIALE 905 )  
PARTNERS, LLC, )

DOCKET NO. A15-798

To Amend the Agricultural Land Use District )  
Boundaries into the Rural Land Use District for )  
certain lands situate at Waikapū, District of )  
Wailuku, Island and County of Maui, State of )  
Hawai'i, consisting of 92.394 acres and 57.454 )  
acres, bearing Tax Map Key No. (2) 3-6-004:003 )  
(por) and to Amend the Agricultural Land Use )  
District Boundaries into the Urban Land Use )  
District for certain lands situate at Waikapū, )  
District of Wailuku, Island and County of Maui, )  
State of Hawai'i, consisting of 236.326 acres, )  
53.775 acres, and 45.054 acres, bearing Tax Map )  
Key No. (2) 3-6-002:003 (por), (2) 3-6-004:006 )  
and (2) 3-6-005:007 (por). )

WAIKAPŪ PROPERTIES, LLC

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**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND DECISION AND ORDER**  
**AND**  
**CERTIFICATE OF SERVICE**



LAND USE COMMISSION  
STATE OF HAWAII

2018 FEB 26 A 8:21

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

|   |   |                                  |
|---|---|----------------------------------|
| In the Matter of the Petition of:                 | ) | DOCKET NO. A15-798               |
|   | ) |                                  |
| WAIKAPŪ PROPERTIES, LLC; MTP LAND                 | ) | FINDINGS OF FACT, CONCLUSIONS OF |
| PARTNERS, LLC; WILLIAM S. FILIOS,                 | ) | LAW, DECISION AND ORDER;         |
| Trustee of the William S. Filios Separate         | ) | CERTIFICATE OF SERVICE           |
| Property Trust dated APRIL 3, 2000; and           | ) |                                  |
| WAIALE 905 PARTNERS, LLC,                         | ) |                                  |
|   | ) |                                  |
| To Amend the Agricultural Land Use District       | ) |                                  |
| Boundaries into the Rural Land Use District       | ) |                                  |
| for certain lands situate at Waikapū, District of | ) |                                  |
| Wailuku, Island and County of Maui, State of      | ) |                                  |
| Hawai'i, consisting of 92.394 acres and 57.454    | ) |                                  |
| acres, bearing Tax Map Key No. (2) 3-6-           | ) |                                  |
| 004:003 (por) and to Amend the Agricultural       | ) |                                  |
| Land Use District Boundaries into the Urban       | ) |                                  |
| Land Use District for certain lands situate at    | ) |                                  |
| Waikapū, District of Wailuku, Island and          | ) |                                  |
| County of Maui, State of Hawai'i, consisting      | ) |                                  |
| of 236.326 acres, 53.775 acres, and 45.054        | ) |                                  |
| acres, bearing Tax Map Key No. (2) 3-6-           | ) |                                  |
| 002:003 (por), (2) 3-6-004:006 and (2) 3-6-       | ) |                                  |
| 005:007 (por).                                    | ) |                                  |

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

WAIKAPŪ PROPERTIES, LLC, a Hawai'i limited liability company, MTP  
LAND PARTNERS, LLC, a Hawai'i limited liability company, WILLIAM S. FILIOS, Trustee  
of the William S. Filios Separate Property Trust dated April 3, 2000, and WAIALE 905

PARTNERS, LLC, a Hawai‘i limited liability company (collectively "Petitioner"), submitted an Amended Petition for Land Use District Boundary Amendment ("Petition") on May 1, 2017, pursuant to Chapter 205, Hawai‘i Revised Statutes ("HRS") and Chapter 15-15, Hawai‘i Administrative Rules ("HAR"), to amend the State Land Use District Boundary to reclassify about 145.286 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key No. (2) 3-6-004:003 (por.), from the State Land Use Agricultural District to the State Land Use Rural District, and to reclassify about 351.582 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key Nos. (2) 3-6-004:006, (2) 3-6-004:007 and (2) 3-6-002:003 (por.) ("Petition Area") from the State Land Use Agricultural District to the State Land Use Urban District to allow for the development of the Waikapū Country Town Project ("Project"). The Project includes the Petition Area as well as approximately 800 acres of State Agricultural District lands adjacent to the Petition Area.

The Land Use Commission of the State of Hawai‘i ("Commission"), having heard and examined the testimony, exhibits, evidence, hearing transcripts, argument of counsel and the parties present during the hearings, the proposed and supplemental findings of fact, conclusions of law, and decision and order filed by the Petitioner, along with the pleadings filed herein, hereby makes the following Findings of Fact, Conclusions of Law, Decision and Order.

## **FINDINGS OF FACT**

### **PROCEDURAL MATTERS**

1. On April 16, 2015, Petitioner filed a Petition for Land Use District Boundary Amendment, Exhibits 1-18, Affidavit of Mailing and Certificate of Service.
2. On April 16, 2015, Petitioners filed a Motion to Designate the Commission as Approving Agency for Environmental Statement Under HRS Chapter 343 and

for Authority to Prepare Environmental Impact Statement, Memorandum in Support of Motion, and Appendix “1”.

3. On April 23, 2015, Petitioners filed an Affidavit of Service of Petition for Land Use District Boundary Amendment and Affidavit of Sending Notification of Petition Filing.

4. On April 30, 2015, the County of Maui Department of Planning (“County”) filed a signed Statement of No Opposition to Petitioner's Motion to Designate the Commission as the Approving Agency for Environmental Statement Under HRS Chapter 343.

5. On May 1, 2015, the Commission entered its Order Determining that the Commission Agrees to be the Accepting Authority Pursuant to Chapter 343, HRS, and that the Proposed Action May Have a Significant Impact Upon the Environment to Warrant Proceeding Directly to The Preparation of An Environmental Impact Statement (“EIS”).

6. On May 8, 2015, the Commission mailed a letter deeming the Petition incomplete and stating its deficiencies.

7. On May 11, 2015, the Commission received copies of Petitioner’s EIS Preparation Notice (“EISPN”) and Office of Environmental Quality Control (“OEQC”) publication notice form in digital and hard copy formats.

8. On May 11, 2015, the Commission filed copies to OEQC of the EISPN and publication form; and sent copies of OEQC correspondence to Petitioner’s attorney and planner.

9. On June 4, 2015, the Commission received a comment letter on the EISPN from the State Department of Health (“DOH”), Sanitary Water Branch.

10. On June 12, 2015, the Commission received a comment letter on the

EISPN from DOH, Wastewater Branch and Clean Air Branch.

11. On June 25, 2015, the Commission received a comment letter on the EISPN from DOH Environmental Planning Office and Maui District Office.

12. On July 1, 2015, the Commission received a comment letter on the EISPN from DOH Wastewater Branch.

13. On January 20, 2016, Petitioner filed a draft EIS ("DEIS"), copy of OEQC Publication Form, transmittal letter from Michael Atherton, draft agency distribution list, agency distribution letter, and draft Commission transmittal letter in both hard copy and electronic formats.

14. On February 2, 2016, Petitioner filed a copy of its submittal letter to OEQC with a compact disk of files in electronic format.

15. Between February 16 and July 8, 2016, the Commission received comments on Petitioner's DEIS from the following: Maui County Department of Housing and Community Concerns, DOH Wastewater Branch, DOH Maui District Office, DOH OEQC, State Office of Planning ("OP"), and the State Department of Transportation ("DOT").

16. On December 23, 2016, Petitioner filed a letter requesting publication of its final EIS ("FEIS") in OEQC's The Environmental Notice, one hard copy of the OEQC Publication Form, two copies of the FEIS in electronic format, two hard copies of the FEIS, a distribution cover letter and distribution list.

17. On January 10, 2017, the Commission mailed an agenda and meeting notice for its January 18-19 hearing to all parties, and the Kaua'i, Maui and Statewide mailing lists.

18. On January 11, 2017, the Commission mailed an amended agenda and

meeting notice for its January 18-19 hearing to all parties, and the Kaua‘i, Maui and Statewide mailing lists.

19. On January 17, 2017, the Commission received the Office of Planning’s comments on Petitioner’s FEIS.

20. On January 18, 2017, the Commission received written public testimony from Richard Mayer and Walette Garcia Pellegrino, and a copy of Petitioner’s PowerPoint presentation.

21. On January 18, 2017, the Commission considered acceptance of Petitioner’s proposed FEIS and found that the Petitioner’s proposed FEIS generally satisfied the criteria and procedures governing acceptance of a FEIS under HRS Chapter 343 and HAR Title 11, Chapter 200.

22. On January 20, 2017, the Commission mailed its Findings of Fact, Conclusions of Law and Decision and Order Accepting Petitioner’s FEIS to all parties.

23. On January 23, 2017 the Commission mailed OEQC a copy of its Findings of Fact, Conclusion of Law, and Decision and Order Accepting Petitioner’s FEIS and a Public Notice of Publication.

24. On May 1, 2017, the Petitioner filed with the Commission an Amended Petition for Land Use District Boundary Amendment, Exhibits 19 to 24, Verification of Michael Atherton, and Affidavit of Mailing.

25. On June 19, 2017, the Petitioner filed Exhibits 12 and 13, including metes and bounds descriptions signed and stamped by a licensed surveyor.

26. On June 21, 2017, the Commission mailed confirmation to the Petitioner and all parties that Commission staff deemed the Amended Petition for Land Use District

Boundary Amendment as a complete filing as of June 9, 2017.

27. On July 7, 2017, OP filed OP's Statement of Position on the Amended Petition.

28. On July 25, 2017, Petitioner filed an Affidavit of Mailing of Notice of Filing Amended Petition, and Exhibits 1 to 3.

29. On August 2, 2017, the Commission mailed a Pre-Hearing Notice to all parties; and sent the same notice via electronic mail.

30. On August 4, 2017, OP filed OP's Position Statement and Exhibit 1.

31. On August 4, 2017, a Pre-Hearing conference was held in Honolulu, Hawai'i, and conducted by Commission staff to identify the issues and positions of the parties, and establish deadlines for the submission of Position Statements; submission of Exhibit Lists, Witness Lists and Exhibits; the submission of Rebuttal Exhibit Lists, Rebuttal Witness Lists and Rebuttal Exhibits; and, the submission of written direct testimony for all expert witnesses, and such other matters to expedite the orderly conduct and disposition of the hearings. All parties in the proceeding were in attendance, either in person or by telephone.

32. On August 14, 2017, the County filed its Position Statement, Testimony, List of Witnesses, and List of Exhibits.

33. On August 15, 2017, the Commission mailed an agenda and meeting notice for its August 23, 2017, hearing to all parties, and the Maui and Statewide mailing lists.

34. On August 23, 2017, an inspection of the Petition Area was conducted by the Commission pursuant to public notice.

35. On October 3, 2017, the Commission received and acknowledged the Parties' Stipulation Regarding Filing Dates, setting the following dates for submissions in this

Docket: (a) all parties to file Exhibit Lists and Witness Lists by October 30, 2017; (b) all parties to file Written Direct Testimony and Exhibits by November 3, 2017; and, (c) all parties to file Rebuttal Exhibits and Rebuttal Testimonies by November 15, 2017.

36. On October 30, 2017, Petitioner filed Witness and Exhibit Lists.

37. On October 30, 2017, the OP filed its Witness and Exhibit Lists.

38. On November 2, 2017, Petitioner filed Revised Exhibits 12 and 13, Exhibits 26-35, and electronic files containing all Direct Witness Testimonies, and Exhibits 1-35.

39. On November 3, 2017 the OP filed its Testimony in Support with Conditions, and Exhibits 1-11.

40. On November 6, 2017, the County filed its List of Exhibits, and Exhibit 3 – Testimony of Will Spence.

41. On November 28, 2017, the Commission mailed the notice and agenda for its December 6-7, 2017, meeting to the Parties and the Statewide, Maui, and O‘ahu mailing lists.

42. On December 6, 2017, the Petitioner filed a Supplemental Exhibit List, and Exhibits 36-49.

43. On December 6 and 7, 2017, the Commission held hearings in Kahului, Maui. The Commission received oral and/or written public testimony from the following individuals: Albert Perez; Robert H. Pahia; Mike Foley; Kent Hiranaga; Richard Mayer; Michael Takahara; Stan Franco; and Mercer Vicens. Thereafter, public witness testimony was closed.

44. On December 6, 2017, Commissioners Jonathan Scheuer, Gary Okuda and Lee Ohigashi disclosed potential conflicts of interest with the parties, their counsel, and their consultants, none of which would prevent the disclosing Commissioners from being fair and

impartial. The parties had no objections to the disclosures or to the continued participation of the disclosing commissioners.

45. On December 7, 2017, Petitioner filed Exhibit 50, a map used by Petitioner's witness Hōkūao Pellegrino.

46. On December 6 and 7, 2017, the Commission admitted into the record Petitioner's Exhibits 1- 50.

47. On December 6, 2017, the Commission admitted into the record County's Exhibits 1 - 4.

48. On December 6, 2017, the Commission admitted into the record OP's Exhibits 1 - 11.

49. On December 6, 2017, the Commission commenced the evidentiary hearing for this docket in Kahului, Maui. The following witnesses presented their testimony: Michael Atherton; Bill Mitchell; Netai Basu; Michael Summers; Lisa Rotunno Hazuka; Hōkūao Pellegrino; Thomas W. Holliday; Stacy A. Otomo; Steven M. Parabolicoli; Leo R. Asuncion; and Robert M. Hobdy.

50. On December 7, 2017, the Commission held its continued evidentiary hearing on this docket, during which the following witnesses presented their testimony: Barry D. Neil; John R. Garretson; Daniel Lum; Albert G. Boyce V; Netai Basu; William Spence; David Goode; and Leo R. Asuncion.

51. All hearings were conducted on the Island of Maui.

52. On December 7, 2017, the Commission closed the evidentiary portion of the proceedings.

53. On December 21, 2017, Petitioner filed Petitioners' Proposed Findings of

Fact, Conclusions of Law, and Decision and Order.

54 . On January 2, 2018, the County filed County's Statement of No Opposition to Petitioners' Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

55 . On January 12, 2018, OP filed OP's Comments on Petitioners' Proposed Findings of Fact, Conclusions of Law and Decision and Order.

56 . On January 16, 2018, the Commission mailed the notice and agenda for its January 24-25, 2018, meeting to the Parties, and the Statewide, Kaua'i, Hawai'i, O'ahu, and Maui mailing lists.

57 . On January 23, 2018, the County filed additional Comments To Petitioner's [sic] Proposed Findings of Fact, Conclusions of Law, Decision and Order.

58 . On January 24, 2018, the Commission and all parties received Petitioner's Supplemental Proposed Findings of Fact, Conclusions of Law, and Decision and Order by electronic mail.

59 . On January 25, 2018, the Commission held an action meeting in Kahului, Hawai'i, with video conference hookups in Hilo, Honolulu, and Lihu'e, to consider the Petition. There were no public witnesses. The parties presented closing argument on the matter. All commissioners present affirmed that either they had been present at all the evidentiary hearings or that they had read all of the pleadings, exhibits, testimony, and transcripts for this docket. Thereafter, a motion was made and seconded to grant the Petition subject to conditions. The motion received 8 affirmative votes and 1 excused, and therefore passed.

60 . On January 29, 2018, Petitioner filed Petitioner's Supplemental Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

61. On February 13, 2018, the Commission mailed a notice and agenda for its February 21, 2018, meeting to the Parties, and the Statewide, Kaua‘i, Hawai‘i, O‘ahu, and Maui mailing lists.

62. On February 21, 2018, the Commission held an action meeting in Kahului, Maui, with video conference hookups in Hilo, Honolulu, and Lihu‘e, to adopt the form of the Findings of Fact, Conclusions of Law, and Decision and Order, granting the Petition. After discussion, a motion to adopt the Findings of Fact, Conclusions of Law, and Decision and Order with an amendment to Condition 17, was duly made and seconded. The motion received 9 aye votes, and 0 nays, and therefore, the motion passed.

63. On February 26, 2018, the Commission filed Findings of Fact, Conclusions of Law, and Decision and Order.

**A. DESCRIPTION OF THE PETITION AREA**

64. The Petition Area is in Waikapū, District of Wailuku, Island and County of Maui, State of Hawai‘i, and consists of about 487 acres.

65. About 145 acres in the Petition Area is proposed for reclassification as Rural and about 342 acres is proposed for reclassification as Urban.

66. Most of the Petition Area is vacant with some portions being leased to persons growing vegetables and similar crops.

67. The Petition Area slopes from northwest to southeast.

68. The northwest corner of the Petition Area has an elevation of about 710 feet above sea level while the southeastern corner has an elevation of about 256 feet above sea level.

69. Most of the Petition Area has a slope of four to eight percent.

70. The slope of the Petition Area is suitable for the planned uses of residential, commercial and small farms.

71. Almost all the Petition Area is situated within Flood Zone X, an area of minimal flooding as designated on Flood Insurance Rate Maps dated November 4, 2015, for the island of Maui.

72. A portion of the Petition Area adjacent to the Waikapū Stream lies within Flood Zones AE and AEF.

73. The portions of the Petition Area that are within Flood Zones AE and AEF will not be developed for residential purposes.

74. The bulk of the Petition Area is listed as Prime Agricultural Lands according to the Agricultural Lands of Importance to the State of Hawai‘i ("ALISH").

75. Prime Agricultural Lands describes lands with soils having the best physical, chemical and climatic properties for mechanized field crops.

76. A small portion of the Petition Area is listed as Other Important Agricultural Lands under the ALISH classification system.

77. Other Important Agricultural Lands describes lands which have State or local importance for production of crops but need irrigation or that possess characteristics like seasonal wetness or erodibility that require further management for commercial production.

78. The productivity of the land underlying the Petition Area was classified as “A” and “B” by the University of Hawai‘i Land Study Bureau. The Bureau's classification system rates lands on the scale of "A" to "E" reflecting land productivity characteristics. Lands designated "A" are considered to be of the highest productivity, with "E" rated lands ranked as the lowest in productivity.

79. The “A” and “B” designations mean that the land underlying the Petition Area is productive.

**B. DESCRIPTION OF THE PROPOSED WAIKAPŪ COUNTRY TOWN PROJECT**

80. The Petition Area is bisected by Honoapiilani Highway.

81. The Project will consist of two distinct but interconnected neighborhoods that are located on both sides of Honoapi‘ilani Highway.

82. Upon full build out of the Project, there will be 1,433 residential units that include a mix of single-family, multi-family and live-work properties.

83. Each of the neighborhoods will have a commercial core.

84. The commercial core of the mauka neighborhood, which also will be the social core for the Project, will be a village center located at the site of the existing Maui Tropical Plantation.

85. The Maui Tropical Plantation, located on a 14-acre portion of TMK (2) 3-6-005:007, is zoned as Project District and is classified as Urban.

86. The existing buildings and grounds of the Maui Tropical Plantation will be incorporated into the Project’s Waikapū Town Village Center to provide space for commercial uses. The commercial uses may include a town grocery, a farmers’ market, specialty and boutique retail stores, cafes, professional offices, personal service businesses, restaurants and light craft making.

87. The Waikapū Town Village Center will be developed with approximately 198,000 square feet of commercial space; consisting of about 58,000 square feet for country-town mixed uses and about 140,000 square feet for commercial uses.

88. The portion of the Petition Area that lies mauka of Honoapi‘ilani Highway and the Waikapū Town Village Center, will be developed as residential neighborhoods with varying sized lots. These neighborhoods will be designed to provide convenient vehicular, pedestrian, and bicycle access to the Maui Tropical Plantation Village Center.

89. Beyond the single-family residential neighborhoods, located in the mauka portion of the Petition Area, will be rural lands. The lots in the rural lands will be between one-half acre and about two acres in size.

90. The portion of the Petition Area that lies makai of Honoapi‘ilani Highway will be single-family and multi-family housing.

91. The makai portion of the Project will be defined by a main street that will facilitate mixed-use, live-work and townhome units.

92. The makai portion of the Project will be bordered by the planned expansion of Waiale Road.

93. In addition to residential and commercial uses, the makai portion of the Project will include a school and a community park.

94. The Project will be developed to support walking and biking as preferred modes of transportation by implementation of extensive pedestrian and bicycle networks allowing for short commutes.

95. Lots for single family dwellings within the Project will range in size, with the actual size being established in the final zoning ordinance that is approved by the Maui County Council.

96. Chapter 19.35, Maui County Code, allows owners of lots that are 7,500 square feet or greater in area to construct an accessory dwelling or ‘ohana unit on their lot if they

choose.

97. Although the Project would allow a significant number of accessory dwellings or ‘ohana units, the total number of accessory dwellings and ‘ohana units will be limited to no more than 146.

c. **PROPOSAL FOR RECLASSIFICATION FROM AGRICULTURAL TO RURAL AND URBAN**

98. The Petition Area was used for sugar cane cultivation beginning in the late 1800’s.

99. From the formation of Wailuku Sugar Company through 1988, the Petition Area was used for sugar cane cultivation.

100. In 1989, Wailuku Sugar Company leased the Petition Area to Maui Land & Pineapple Company for pineapple production that continued through 1997 when the lands were leased to Hawaiian Commercial & Sugar Company (“HC&S”), at which time the Petition Area was again placed in sugar cane cultivation.

101. HC&S used the Petition Area for sugar cane production until it ceased production on the Petition Area in 2016.

102. Since 2016, the Petition Area has seen limited agricultural use, primarily for the growing of herbs, specialty fruits and vegetable crops, grazing of livestock and the growing of biofuel crops.

103. Although the Petition Area is zoned and classified as agricultural, the Petition Area was identified as an area that was desired for directed growth in Maui County.

104. In March, 2010, the County of Maui adopted by ordinance the Countywide Policy Plan which updated the existing General Plan.

105. The Countywide Policy Plan established a set of guiding principles and

goals, objectives and policies to portray the desired direction for the growth and development of Maui County.

106. An objective of the Countywide Policy Plan was the promotion of sustainable land use and implementation of a directed-growth strategy.

107. Among the implementing programs identified in the Countywide Policy Plan was the Maui Island Plan which would achieve the objective of directed-growth management.

108. The Maui Island Plan, adopted by ordinance in 2012, is a directed-growth plan that established the geographic locations on Maui in which future growth was desired.

109. Protection of Maui's small towns and rural character is an important component of the Maui Island Plan.

110. Three types of growth areas were identified in the Maui Island Plan: Urban; Small Town; and Rural.

111. The Petition Area is located within the Wailuku-Kahului Planned Growth Area in the Maui Island Plan.

112. The Project was identified as the Waikapū Tropical Plantation Town in the Maui Island Plan.

113. The Maui Island Plan designated the Petition Area as being within the Small Town and Rural growth areas, recognizing that the Project would provide a mix of single-family and multifamily housing units, park land, open space, commercial uses and a school.

D. **CONSISTENCY OF RECLASSIFICATION OF THE PETITION AREA WITH POLICIES AND CRITERIA ESTABLISHED PURSUANT TO SECTIONS 205-16, 205-17, AND 205A-2, HRS**

114. The six criteria that must be reviewed in determining whether the

reclassification is consistent with policies and criteria are: 1) conformance with the Hawai'i State Plan and adopted functional plans; 2) conformance with urban district standards; 3) impact on areas of state concern; 4) conformance with county general plan; 5) the economic ability of the Petitioner to complete the proposed Project; and 6) whether the lands were in intensive agricultural use for two years before the date of the Petition or whether the lands have a high capacity for intensive agricultural use.

1) **Conformance with the Hawai'i State Plan and Adopted Functional Plans**

115. The first criterion under which the proposed reclassification is examined is the extent to which it conforms to the goals, objectives, and policies of the Hawai'i State Plan and adopted functional plans.

116. The Hawai'i State Plan serves as a guide for the future long-range development of the State.

117. The Hawai'i State Plan is implemented through functional plans which identify needs, problems and issues in thirteen separate areas such as agriculture, employment, housing, recreation and transportation.

118. The Agriculture Functional Plan seeks the growth, diversification and increased self-sufficiency of diversified agriculture and the stability and viability of the sugar and pineapple industries.

119. At the end of 2016, sugar cane production ceased in Hawai'i with the closure of HC&S which was the last sugar plantation in Hawai'i.

120. Maui Land & Pineapple stopped production of pineapple on the Petition Area in 1997 and stopped production of pineapple on Maui in 2009.

121. While pineapple remains in cultivation in a limited area in Maui, there has

been no interest in leasing the Petition Area for pineapple production.

122. As such, conformance with the objective of the Agricultural Functional Plan to promote the stability and viability of the sugar and pineapple industries is not reasonable.

123. Limited portions of the Petition Area have been used for diversified agriculture such as the growing of herbs and the grazing of livestock.

124. About 145 acres of the Petition Area will be classified as Rural which will allow for pursuit of diversified agriculture on the one-half to 2-acre lots located in the rural lands.

125. Petitioner owns about 1,077 acres of lands adjacent to the Petition Area that will remain classified as Agricultural.

126. Petitioner will permanently dedicate to agricultural use about 800 acres of land that is owned by one or more of the Petitioners and is adjacent to but outside the Petition Area but within the Project.

127. The classification of about 145 acres of the Petition Area as Rural and the dedication to permanent agricultural use of the 800 acres of adjacent lands will conform to the goals, objectives and policies of the Agricultural Functional Plan.

128. The Conservation Lands Functional Plan seeks to balance the use of the State of Hawai'i's natural resources with the protection of those resources.

129. The Petition Area borders the Waikapū Stream, which is a natural resource.

130. While the Petition Area was in agricultural production, storm water runoff was directed toward the Waikapū Stream.

131. Petitioner will re-direct the storm water runoff from the Petition Area

away from the Waikapū Stream.

132. Development of the Petition Area adjacent to the Waikapū Stream will be limited to open area recreational uses.

133. The Project will conform to the Conservation Lands Functional Plan by a) directing storm water runoff away from the Waikapū Stream and b) establishing a buffer zone adjacent to the Waikapū Stream.

134. The Education Functional Plan seeks to provide the instructors and facilities that will allow students to attain the high levels of knowledge, skills and attitudes that will equip them to live meaningful and productive lives now and in the future.

135. Under HRS Chapter 302A, developers of land must pay school impact fees for residential development that happens within identified school impact districts.

136. The Project is within the Central Maui School Impact District.

137. The Project is within the Wailuku Cost District.

138. Projects within the Central Maui School Impact District and the Wailuku Cost District must pay a construction fee and either dedicate land to the Department of Education (“DOE”) or provide a fee-in-lieu of the land dedication.

139. Petitioner will dedicate a school campus of about 12-acres that is adjacent to an 18.5-acre community park.

140. Additionally, Petitioner has negotiated an Educational Contribution Agreement with the DOE.

141. The Project will conform to the Educational Functional Plan by compliance with the provisions of HRS Chapter 302A which in turn will provide instructors and facilities to meet the goals of the Educational Functional Plan.

142. The Employment Functional Plan seeks to improve the qualifications of entry-level workers, develop education and training to ensure and maintain a quality workforce, improve work conditions, improve the quality of life for workers and their families and improve the planning of economic development, employment and training.

143. The Petition Area is located near the employment center of Wailuku-Kahului, providing access to employment by residents within the Project.

144. The Project will include commercial space that can provide a town grocery, a farmers' market, specialty and boutique retail stores, cafes, professional offices, personal service businesses, restaurants and light craft making, all of which uses can provide access to employment by residents of the Petition Area.

145. The Project is designed to support walking and biking as preferred modes of transportation by implementation of extensive pedestrian and bicycle networks allowing for short commutes.

146. The Project promotes the quality of life of the workers and their families by being in close proximity to places of employment and by allowing healthy forms of commuting by walking or bicycling.

147. The Project will conform to the goals and objectives of the Educational Functional Plan by providing access to employment, providing access to educational opportunities and by providing housing in close proximity to employment.

148. The Energy Functional Plan seeks to achieve dependable, efficient and economical energy systems that will result in energy self-sufficiency and a significant reduction in reliance on fossil fuels for energy needs.

149. The Project will support walking and biking as preferred modes of

transportation by implementation of extensive pedestrian and bicycle networks allowing for short commutes for shopping, entertainment or employment.

150. The Project will adopt design guidelines to encourage the use of energy efficient technologies in lighting, air-conditioning and heating of water.

151. The Project will encourage the use of photovoltaic energy systems on residential and commercial structures.

152. The Project will conform to the goals and objectives of the Energy Functional Plan by implementation of pedestrian and bicycle networks, adoption of design guidelines and encouragement of use of energy efficient technologies.

153. The Health Functional Plan seeks to emphasize preventative health, insure access to a health care system, protect Hawai'i's environment, and upgrade administrative and leadership capabilities.

154. The Project will provide commercial space which can be used by health care professionals as a space from which to provide health care services.

155. The Project will provide pedestrian and bicycle paths for use to commute for employment and shopping which also will provide exercise for preventative health.

156. The Project, by providing commercial space for use for health care providers and by providing walking and bicycling paths to assist in preventative health, will conform to the Health Functional Plan.

157. The Higher Education Functional Plan seeks to provide educational opportunities to Hawai'i residents.

158. The Project will be located about five miles from the University of Hawai'i Maui College, which provides certificate programs, associate degree programs and

bachelor's degree program.

159. The Project will afford residents the ability to access the University of Hawai'i Maui College to pursue educational opportunities.

160. The Project, while not directly providing higher educational opportunities, will allow residents to pursue higher education and as such conforms to the Higher Education Functional Plan.

161. The Historic Preservation Functional Plan seeks to preserve historic properties, collect and preserve historic records and oral histories, and provide public information and education on the ethnic and cultural heritages and history of Hawai'i.

162. A History of Waikapū identifying the founders, residents, churches, and industry of Waikapū was prepared for Petitioner and is a part of the Final EIS for the Project.

163. An Archaeological Inventory Survey was prepared for Petitioner and is a part of the Final EIS for the Project.

164. The State Historic Preservation Division of the Department of Land and Natural Resources commented on the Archaeological Inventory Survey in August, 2017.

165. The Archaeological Inventory Survey was updated and resubmitted for review by the State Historic Preservation Division, which approved the Survey in September, 2017.

166. The Archaeological Inventory Survey revealed four historic sites, the majority of which were related to sugar cane cultivation such as concrete lined ditches, sluice gates, and dirt culverts with concrete lined headwalls.

167. Also found within the Petition Area were an L-shaped stacked rock retaining wall and secondarily deposited historic materials.

168. Finally, a World War II aerial observation bunker was located near the Petition Area.

169. Subsurface testing of the Petition Area was negative for cultural remains.

170. The historic sites will be preserved in place during and after development of the Project.

171. Archaeological monitoring of mass ground altering actions will occur.

172. If the land which Petitioner will subject to a conservation easement is developed, an Archaeological Inventory Survey for that development is required.

173. A Cultural Impact Assessment for the Project Area was prepared.

174. The Cultural Impact Assessment determined that Waikapū has a long and rich cultural history and strong representation of traditional cultural practices, most of which occurred outside the Petition Area.

175. The cultural practices that exist in the Petition Area and in the area around it include Hawaiian subsistence and residential agriculture on kuleana lands, the use of the Waikapū Stream as a cultural resource, and the preservation of native dryland and mesic forests.

176. A Ka Pa`akai Cultural Analysis was prepared for the Project Area.

177. The analysis identified the access to and use of Waikapū Stream for lo`i kalo cultivation on kuleana lands, access to the interior part of Waikapū Valley for the gathering of endemic and native medicinal plants and Hawaiian food crops, native forest and habitat restoration, and archaeological stabilization and cultural resource management of kuleana lands.

178. The analysis recommended, among other things, that a permanent access easement for families seeking to access the Kaihou and Mahi parcels be established to allow those families to exercise traditional practices. Petitioner agreed to provide such access.

179. Based upon the History of Waikapū, the Archaeological Inventory Survey, the Cultural Impact Assessment and the Ka Pa`akai Cultural Analysis and the implementation of the mitigation measures proposed in those documents, the Project conforms to the Historic Preservation Functional Plan.

180. The Housing Functional Plan, updated in February, 2017, seeks to expand and preserve rental housing opportunities, increase home ownership, address barriers to residential development and maintain a housing information system.

181. Recognizing that Hawai`i's housing market suffers from a persistent shortage of housing, particularly housing that is affordable, an objective of the plan is to increase housing units, increase home ownership, and reduce regulatory barriers to the land use entitlement process.

182. The Maui Island Plan indicated a demand for an additional 29,589 housing units between 2012 and 2030.

183. Of the 29,589 additional housing units, 10,845 were expected to be built on lands not then entitled for urban development.

184. The Project will provide about 1,433 housing units and 146 `ohana units, which is about five percent (5 %) of the additional housing units needed.

185. While housing units will be sold at market rates; about 140 for sale residential workforce housing units and about 140 for rent residential workforce housing units will be developed and prices set subject to Maui County's workforce housing policies.

186. As the Project will provide housing units to address a housing shortage, and as the Project will provide residential workforce housing units for sale and for rent, the Project conforms to the objectives and goals of the Housing Functional Plan.

187. The Human Services Functional Plan seeks to offer support to individuals and families to provide elder care, to preserve the family unit through the prevention of abuse and neglect and to achieve economic and social self-sufficiency.

188. The Project does not have components that would support the goals and objectives of the Human Services Functional Plan.

189. The Recreation Functional Plan seeks to provide adequate recreation facilities and programs and to assure public access to recreation areas.

190. The Project will provide about 8 miles of trails, pedestrian pathways and bicycle pathways.

191. The Project will provide neighborhood and community parks, including an 18.5-acre community park adjacent to the Waikapū Stream.

192. The Project will comply with the requirements of the County of Maui concerning dedication of lands for open area recreational use.

193. As the Project will provide recreation facilities and public access to those facilities, the Project conforms to the objectives and goals of the Recreation Functional Plan.

194. The Tourism Functional Plan seeks to maintain the growth of the visitor industry while diversifying the market mix of visitors to reduce dependence on traditional markets.

195. The Project will result in the repurposing of the Maui Tropical Plantation Village from a visitor attraction to a small-town center that will serve residents and non-residents.

196. The theme of the small-town center will reflect the history of Waikapū as a sugar cane production area which will provide a more diverse view of Hawai'i's history to

visitors.

197. While the Project will not directly conform to the Tourism Functional Plan, the Project will provide diversity to the typical visitor experience that will partially conform to the goals and objectives of the Tourism Functional Plan.

198. The Transportation Functional Plan seeks to develop a balanced, multi-modal transportation system to promote the efficient, economical, safe and convenient movement of people and goods.

199. The Project design incorporates pedestrian oriented streets with a network of pedestrian paths, bike paths, greenways and parkways to facilitate movement within the Project.

200. The internal roadway system within the Project Area will support all travel modes for access to neighborhoods, employment centers, commercial areas and institutional uses.

201. Pedestrian and bicycle trips are promoted by the location of commercial uses in proximity to residential uses.

202. A traffic impact analysis report was prepared which identified the effect of the Project on existing and proposed intersections.

203. The impacts of the increase in traffic due to the Project will be mitigated by the improvement of intersections that are impacted by the Project.

204. Connectivity between residential neighborhoods within the Project as well as connectivity with areas of commercial use will be increased by the internal roadway system of the Project.

205. As such, the design of the Project to promote pedestrian and bicycle usage,

together with the connectivity of the internal roadway system, conforms to the goals and objectives of the Transportation Functional Plan.

206. The Hawai'i State Plan sets out priority guidelines and principles for sustainability, as codified in HRS § 226-108, Sustainability, which guidelines include: (a) encouraging balanced economic, social, community, and environmental priorities; and (b) encouraging planning that respects and promotes living within the natural resources and limits of the State.

207. The Project proposes to balance housing with commercial, civic and employment uses by having residential neighborhoods in proximity to areas of commercial use.

208. The Project proposes to reduce potable water demand by providing a non-potable water system for irrigation of parks, open space and landscape plantings on residential and commercial lots.

209. The Project proposes to use retention basins to capture and retain storm water runoff to allow for the recharge of the ground water aquifer.

210. The Project proposes to reduce the volume of waste entering landfills during construction and operations by implementation of a construction waste management program and the location and operation of recycling and composting collection centers within the Project.

211. Reclassification of the Petition Area from agricultural to urban and agricultural to rural will conform to the Hawai'i State Plan and applicable adopted Functional Plans.

2) **The extent to which the reclassification conforms to applicable district standards**

212. Section 15-15-18, HAR, outlines the standards applied to classify lands as

urban.

213. The first standard is whether the lands are characterized by city-like concentrations of people, structures, streets, and urban levels of services.

214. The eastern boundary of the mauka portion of the Petition Area is adjacent to Honoapi'ilani Highway and surrounds the Maui Tropical Plantation Village which is urbanized and contains commercial uses.

215. The northern boundary of the mauka portion of the Petition Area is adjacent to an existing residential area that has single-family dwelling units.

216. The northern boundary of the makai portion of the Petition Area is adjacent to existing residential and urbanized areas.

217. The western boundary of the makai portion of the Petition Area is adjacent to lands that will be used by the County of Maui for offices, baseyards and a regional fire station.

218. The part of the Petition Area that will be reclassified as urban will contain the streets, residential and commercial dwellings, water, sewer, electric and cable television services that are reflected in a city-like concentration of people.

219. The second standard has three subparts, the first of which is the proximity of the Petition Area to centers of trading and employment.

220. The Petition Area is located about three miles from the cities of Wailuku and Kahului.

221. Wailuku is the civic center of the island of Maui, housing State of Hawai'i and County of Maui offices, including the vast majority of government office buildings and offices.

222. Kahului is the trade center of the island of Maui, with four shopping

centers, multiple big box outlets, the only commercial harbor on the island of Maui and a major airport.

223. The towns of Kahului and Wailuku were the largest employment center on the island of Maui with about 32,900 jobs as of 2010, which represented over fifty percent (50%) of all jobs on the island of Maui.

224. The Project will include commercial uses such as retail space, office space and service establishments.

225. The commercial uses will provide employment opportunities to persons residing in the Petition Area.

226. As such, the Petition Area is in proximity to centers of trading and employment.

227. The second subpart of the standard requires a review of the availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection.

228. The Petition Area is within the Department of Education's Baldwin-Kekaulike-Maui Complex Area.

229. The Complex Area contains three elementary schools, an intermediate school and a high school.

230. In connection with obtaining the entitlements for the Petition Area, Petitioner will dedicate a 12-acre site for a public school.

231. The Project will contain about 80 acres of community and neighborhood parks, which includes an 18.5-acre community park adjacent to Waikapū Stream.

232. To the north of the Petition Area is the Waikapū Community Center which

has a community hall and small park.

233. Within 5 miles of the Petition Area are the Wailuku Heights Park, the Wailuku Elementary School Park, the Wailuku Gymnasium and the Wells Park Complex that includes tennis courts.

234. The County of Maui has proposed a 209-acre regional park that will be located about one-half mile to the north of the Petition Area.

235. A 24-acre Central Maui Regional Sports Complex is located about one-half mile northeast of the Petition Area.

236. The first phase of the Regional Sports Complex, which opened in 2016, has a multi-purpose field, two softball fields, comfort stations and parking.

237. When completed, the Regional Sports Complex will have a baseball field, eight softball fields, and three multi-purpose fields together with open space.

238. The wastewater system operated by the County of Maui has existing lines on Waiko Road near Waikapū Town in the vicinity of the Petition Area.

239. Although wastewater lines exist, the County of Maui's wastewater reclamation facility lacks the capacity to service the Petition Area.

240. Petitioner proposes the installation of wastewater lines that will connect the Petition Area with a wastewater reclamation facility to be built on lands owned by Petitioners that are adjacent to the Petition Area within the State Agricultural District.

241. The wastewater reclamation facility proposed to service the Project uses food chain reactors that are comprised of tropical plants, engineered media and fine bubble aeration to intensify the wastewater treatment process.

242. The wastewater reclamation facility is expected to require a smaller

footprint, use less energy for operation and generate less sludge than a conventional wastewater treatment facility.

243. Petitioners have and will continue to coordinate wastewater reclamation and treatment with the County of Maui so that if additional capacity for the Kahului wastewater treatment facility exists or if a regional wastewater treatment facility is developed, treatment of wastewater will be handled in a manner consistent with the development of additional capacity for treatment.

244. Solid waste disposal is provided by the County of Maui to the residential areas adjacent to the Petition Area. Petitioner will be required to develop a solid waste management plan by the County of Maui.

245. The Petition Area is on a gentle slope which runs from the northwest to the southeast.

246. Drainage sheet flows in the west to east direction.

247. A series of retention basins and grassed swales will be incorporated into the Petition Area to capture and hold the storm water runoff in accordance with the requirements of the County of Maui.

248. Drainage within the Petition Area will be directed away from the Waikapū Stream to reduce the amount of materials that might otherwise enter the stream in storm events.

249. The County of Maui operates potable water service by way of existing lines near the Petition Area, near the mauka terminus of Waiko Road.

250. Water and fire protection for the Petition Area will be provided from a private onsite water service.

251. Petitioners developed three wells for potable water and two wells for non-

potable water within the Project Area.

252. Development of the wells is being done with input from the County of Maui's Department of Water Supply and the Commission on Water Resource Management.

253. Based on test pumping, the wells will have sufficient capacity to supply the Project Area.

254. A public transportation system exists known as the Maui Bus.

255. The route for the Maui Bus includes a bus stop in Waikapū at Honoapi'ilani Highway and Waiko Road.

256. The Project allows for introduction of additional bus stops.

257. Electrical, telephone and cable television service to Waikapū is provided by companies that have certificates issued by the Public Utilities Commission. These companies will provide services to the Project Area.

258. The Petition Area is within the Wailuku (Central) Police Station service area which houses the headquarters of the police department for the County of Maui.

259. The Wailuku (Central) Police Station is about 4 miles north from the Petition Area.

260. The Wailuku Fire Station is about three miles north from the Petition Area and the Kahului Fire Station is about 4.5 miles northeast from the Petition Area.

261. The County of Maui uses a distance standard of 2 to 3 miles to provide adequate coverage to residential areas.

262. Since the Project is more than the distance standard applied by the County of Maui for fire protection coverage, construction of a new fire station is planned for Waikapū.

263. The new fire station will be located off the proposed Waiko Road

extension and within the 100-acres acquired by the County of Maui adjacent to the Petition Area for location of police, fire and other county services.

264. Basic services such as schools, parks, wastewater lines, solid waste disposal, potable water, police and fire protection, transportation and public utilities either cover the Petition Area or are adjacent to the Petition Area.

265. The last subpart of the second standard is whether there are sufficient reserve areas for foreseeable urban growth.

266. The Petition Area is within the Maui Island Plan's Small-Town growth boundary.

267. The Maui Island Plan's directed growth strategy is intended to allocate sufficient land to accommodate foreseeable urban growth through 2030.

268. As a part of the Maui Island Plan, the Petition Area is intended to provide the reserve area needed for future urban growth.

269. The third standard is whether the Petition Area is suitable for urban use by virtue of topography, drainage, and dangerous conditions arising from flood, tsunami, unstable soils or adverse environmental effects.

270. The Petition Area slopes from a high of about 710 feet above sea level to a low of about 256 feet above sea level. The average slope is about 8 % in the mauka portion of the Petition Area and about 4 % in the makai portion of the Petition Area.

271. The soils of the Petition Area are highly permeable with slow runoff and slight erosion hazard, which are highly suited for urban development.

272. The Petition Area is not an area that is prone to flooding, being classified as Zone X, an area of minimal flooding, by the Federal Emergency Management Agency

(FEMA) Flood Insurance Rate Maps revised in November, 2015, except for a minimal amount of land adjacent to Waikapū Stream.

273. Use of the lands of the Petition Area adjacent to Waikapū Stream will be restricted to open space, park and agriculture and no structures will be allowed within that area.

274. The Petition Area is not within the tsunami inundation zone.

275. The soils in the Petition Area are stable and good for building structures.

276. On January 8, 2017, the FEIS for the Project was published.

277. The FEIS was reviewed by this Commission and accepted with the mitigation measures identified in the statement.

278. The Decision and Order of this Commission accepting the FEIS was published on February 8, 2017.

279. Based on the topography, drainage, and lack of dangerous conditions that might arise from floods, tsunamis, soils or adverse environmental effects, the Petition Area is suitable for urban use with the mitigation measures identified in the FEIS, which Petitioner has agreed to implement.

280. The fourth standard is that land contiguous with existing urban areas will be given more consideration than non-contiguous land.

281. The Petition Area is contiguous with lands that are existing urban uses on the north and surrounds the existing Maui Tropical Plantation Village which is an urban use.

282. The fifth standard is whether the Petition Area is in an appropriate location for new urban concentrations and whether the area is shown as urban growth on state and county general plans.

283. The Petition Area was identified as an area that was desired for directed

growth in Maui County.

284 . In March, 2010, the County of Maui adopted by ordinance the Countywide Policy Plan which updated the existing General Plan.

285 . The Countywide Policy Plan established a set of guiding principles and goals, objectives and policies to portray the desired direction for growth and development in Maui County.

286 . An objective of The Countywide Policy Plan was the improvement of land use management and implementation of a directed-growth strategy.

287 . Among the implementing programs identified in The Countywide Policy Plan was the Maui Island Plan which would achieve the objective of directed-growth management.

288 . The Maui Island Plan, adopted by ordinance in 2012, is a directed-growth plan that established the geographic locations on Maui in which future growth was desired.

289 . Protection of Maui's small towns and rural character is an important component of the Maui Island Plan.

290 . Three growth areas were identified in the Maui Island Plan: Urban; Small Town; and Rural.

291 . The Petition Area is located within the Wailuku-Kahului Planned Growth Area in the Maui Island Plan.

292 . The Project was identified as the Waikapū Tropical Plantation Town in the Maui Island Plan.

293 . The Maui Island Plan designated the Petition Area as being within the Small Town and Rural growth areas, recognizing that the Project would provide a mix of single-

family and multifamily housing units, park land, open space, commercial uses and a school.

294. The Petition Area is an appropriate location for urban growth and has been so designated by the County of Maui.

295. The seventh standard is whether the urbanization of the Petition Area will contribute to spot zoning.

296. The Petition Area is contiguous with lands that are existing urban uses.

297. The Petition Area was designated by the County of Maui as an area in which urban growth was desired.

298. Changing the State land use classification of a portion of the Petition Area to the State Urban District will not amount to or contribute to spot zoning.

299. Based on a review of the standards which lands classified as urban must meet, the Petition Area conforms with those standards.

300. Section 15-15-21, HAR, outlines the standards to classify lands as rural.

301. The first standard is whether the area consists of small farms.

302. The portion of the Petition Area which is to be reclassified as rural is on the mauka side of Honoapi'ilani Highway and surrounds the portion of the Petition Area which is to be classified as urban.

303. The Project proposes that the lands to be classified as rural will be lots that range in size from about one-half acre to about two acres.

304. Excluding sugar cane and pineapple crops, Maui County had about 7,850 acres in crop production in 2010.

305. Maui County had about 1,128 farms in 2012, of which 711 farms were 9 acres or less.

306. The median size of a farm in Maui County was about 5 acres.

307. As such, the portion of the Petition Area which is to be reclassified as rural would consist of small farms, consistent with the size of most farms in Maui County and in conformance with the first standard.

308. The second standard is whether the uses are characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling per one-half acre in areas where city-like concentration of people, structures, streets and urban level of services are absent and where small farms are intermixed with low-density residential lots.

309. The portion of the Petition Area to be reclassified as State Rural District will have about 80 lots on about 150 acres.

310. The average size of the lots within the area to be reclassified as rural will be about 0.64 acres.

311. None of the lots within the area to be reclassified as rural will be less than one-half acre.

312. Section 19.29.030, Maui County Code, limits the number of dwellings on lots from one per one-half acre within the RU-0.5 and County rural districts and one per acre within the RU-1 district.

313. Based on the size of the portion of the Petition Area to be reclassified as State Rural District and the limitations placed on rural districts by the County of Maui, there will be no more than one single-family dwelling per one-half acre.

314. As such, the portion of the Petition Area which is to be reclassified as State Rural District would conform to the second standard.

315. The third standard is whether the lands to be reclassified as State Rural District are surrounded by, or contiguous to, rural classified lands and are not suited to low-density residential uses for small farm or agricultural uses.

316. The portion of the Petition Area to be reclassified as State Rural District, border lands classified as agricultural on the north, east and south, Honoapi'ilani Highway to the west, and lands to be reclassified as urban to the west.

317. Approximately 800 acres of Project Area lands classified as agricultural, and outside the Petition Area, will be dedicated to agricultural use by way of a conservation easement as a part of the entitlement process, making them not suited for low-density residential uses.

318. The portion of the Petition Area to be reclassified as State Rural District will act as a buffer from the lands to be reclassified as State Urban District and the lands that will remain in agricultural use.

319. As such, the reclassification of a portion of the Petition Area as State Rural District meets the third standard.

320. Having met each of the standards for determining State Rural District classification, the portion to the Petition Area that consists of about 150 acres may be reclassified as rural.

**3) The impact of the reclassification on areas of State concern**

321. The first area of State concern is the preservation or maintenance of important natural systems or habitats.

322. The Petition Area is located in central Maui with the West Maui mountains visible to the east and Haleakala visible to the west.

323. The Petition Area is bisected by Honoapi'ilani Highway.

324. To protect any views of the West Maui Mountains or of Haleakala, the Project will be developed as an architecturally integrated area with low-rise residential structures and setbacks from Honoapi'ilani Highway.

325. A biologic resources study of the Project Area was conducted by Robert W. Hobby, Environmental Consultant, in February, 2013.

326. No endangered plant species were found within the Project Area.

327. Two tree tobacco plants, which might act as a host to the Blackburn's Sphinx Moth, were observed in 2013.

328. One of the plants was found to have two maturing eggs of the moth.

329. Measures recommended by the U.S. Fish & Wildlife Service ("FWS") to mitigate the impact of the Project on the moth will be implemented.

330. The vegetation of the Project Area is dominated by non-native, abundant species.

331. From a botanical standpoint, other than the tree tobacco plants as a host for the moth, nothing in the Petition Area warranted protection either as a plant species or as plant habitat.

332. Four mammal species were detected, which were mongoose, cats, dogs and cattle.

333. Twenty-one species of non-native birds were observed.

334. No evidence was found of the native Hawaiian Hoary bat.

335. No mammal or bird species or habitats warranting protection were observed during the biological survey of the Petition Area.

336. Federally-listed threatened and endangered seabirds, the Newell's shearwater and the Hawaiian petrel, are known to fly over the Petition Area.

337. The U.S. FWS recommended minimizing or down-shielding of external artificial lighting to reduce seabird mortality due to disorientation.

338. Down-shielded lights will be required within the Project to mitigate seabird mortality.

339. Petitioners propose installation of wastewater lines that will connect the Petition Area with a wastewater reclamation facility to be built on lands owned by Petitioner that are adjacent to the Petition Area.

340. The wastewater reclamation facility proposed for service of the Project uses food chain reactors that are comprised of tropical plants, engineered media and fine bubble aeration to intensify the wastewater treatment process.

341. The wastewater reclamation facility is expected to require a smaller footprint, use less energy for operation and generate less sludge than a conventional wastewater treatment facility.

342. Petitioners have and will continue to coordinate wastewater reclamation and treatment with the County of Maui so that if additional capacity for the Kahului wastewater treatment facility exists or if a regional wastewater treatment facility is developed, treatment of wastewater for the Project Area will be handled in a manner consistent with the development of additional capacity for treatment.

343. Petitioners developed three wells within the Project Area for potable water and two wells for non-potable water.

344. Development of the wells is being done with input from the County of

Maui's Department of Water Supply and the Commission on Water Resource Management.

345. Based on test pumping, the wells will have sufficient capacity to supply drinking and non-drinking water to the Project Area.

346. The wells draw water from the Waikapū aquifer.

347. The Waikapū aquifer is believed to have a sustainable yield of 3.0 million gallons per day.

348. The projected average daily demand for the Petition Area is about 683,000 gallons per day.

349. Based on projected demands and the sustainable yield of the Waikapū aquifer, the water used by the Petition Area will not exceed the groundwater available from the Waikapū aquifer.

350. Storm water runoff from the Project Area will be detained in detention basins and grassed swales to allow pollutants to settle out, keeping the pollutants from entering ocean waters.

351. Storm water runoff from agricultural lands outside the Petition Area will be directed away from Waikapū Stream and into the detention basins within the Project Area to reduce the amount of storm water runoff that might enter Waikapū Stream.

352. The drainage system of the Project Area has sufficient capacity to meet the rules for post-construction storm water quality proposed by the County.

353. The Project Area drainage system will need to comply with storm water runoff and water quality rules when construction permits are sought.

354. If properly designed, constructed and maintained, the proposed drainage system and construction activities should not increase off-site runoff nor cause an adverse impact

to adjacent or downstream properties or surface and coastal resources and water quality.

355. Petitioner will be required to obtain a National Pollutant Discharge Elimination System permit from the State Department of Health for storm water discharge associated with construction activity within the Petition Area.

356. Petitioner will employ best management practices to ensure that fugitive dust and soil erosion are avoided, minimized or mitigated during Project construction.

357. If the mitigation measures proposed by Petitioner are implemented, the reclassification of the Petition Area to State Rural and State Urban districts will not have a significant impact on the preservation or maintenance of important natural systems or habitats.

358. The second area of State concern is the maintenance of valued cultural, historical or natural resources.

359. An Archaeological Inventory Survey Report was completed for the Petition Area by Archaeological Services Hawai'i, LLC in 2013.

360. The Archaeological Inventory Survey Report was reviewed and comments made by the State Historic Preservation Division (SHPD) on August, 2017.

361. Based on comments made by SHPD, the Archaeological Inventory Survey Report was updated in September, 2017.

362. SHPD reviewed the updated Archaeological Inventory Survey Report and approved the report in September, 2017.

363. The Archaeological Inventory Survey covered about 503 acres.

364. The Petition Area was divided into five sections.

365. Over 20 existing archaeological survey reports for the lands within the Petition Area, and adjacent and nearby lands, were reviewed and analyzed for information.

366. Pedestrian surveys were made of each of the five sections of the Petition Area.

367. One hundred fifty trenches were excavated throughout the Petition Area to obtain a broad coverage of the property.

368. The trenches were located near areas identified by other archaeological reports, areas identified by the pedestrian surveys, areas that contained Land Commission awards or Grants, and areas that reflected a representative sample of the Petition Area so that the Archaeological Inventory Survey would achieve an accurate assessment of the existence of archaeological deposits and features.

369. The trenches yielded little evidence of archaeological deposits and no evidence of archaeological features.

370. The archaeological deposits were limited to bottle glass fragments in two trenches and a few pieces of ceramics and metal in association with charcoal in a trench.

371. Based on stratigraphic sequencing and the archaeologist's experience, it is likely that land alterations from sugar cane operations substantially obliterated archaeological deposits in the Petition Area.

372. Four historic features were found in the Petition Area and received State Inventory of Historic Place site numbers.

373. One previously identified historic feature (the Waihe'e Ditch) was located in the Petition Area.

374. Most of the features were associated with the growing of sugar cane and consisted of cement ditches and earthen ditches with cement control structures, which features were identified as irrigation features.

375. One feature was found consisting of a stacked rock structure in an L-shape.

376. A second feature identified as an aircraft observation bunker that was built in connection with the Second World War.

377. Preservation plans for the irrigation features and the aircraft observation bunker will be developed, approved by SHPD, and then implemented.

378. SHPD, in approving the Archaeological Inventory Survey Report, stated that archaeological monitoring shall be conducted for all ground disturbing activities.

379. A Cultural Impact Assessment for the Project Area was done in February, 2014 by Hana Pono, LLC.

380. Archival research from forty-two separate sources and interviews of nine persons knowledgeable of the Waikapū area were conducted.

381. In the pre-contact period, portions of the Petition Area probably were used for lo'i kalo cultivation through the use of 'auwai to bring waters from Waikapū Stream to the lo'i.

382. At the time of the Mahele in 1848, seventy-four claims were made for Land Commission Awards on or near the Petition Area, with most of the lands being used for some form of agriculture.

383. Following the Mahele and for well over 150 years, the Petition Area was used for sugar cane and pineapple cultivation.

384. Most Mahele claims awarded in the Petition Area and the traditional uses associated with those awards were obliterated by sugar cane and pineapple cultivation.

385. The boundaries of the Petition Area were revised to remove any kuleana

lands or Land Commission Awards on which descendants of the awardees have expressed an interest in accessing and practicing traditional and cultural rights.

386. A Ka Pa'akai Cultural Analysis was done in December, 2016 by Hōkūāo Pellegrino.

387. While the Petition Area has no current use for cultural practices and traditional cultural practitioners, cultural practices in lands adjacent to the Petition Area exist.

388. The cultural practices on the adjacent properties include: a) use of Waikapū Stream for irrigation of lo'i kalo; b) use of Waikapū Stream to access Waikapū Valley for the gathering of endemic and native medicinal plants; c) native forest and habitat restoration; d) archaeological stabilization; and e) access to kuleana lands.

389. The Cultural Analysis concluded that the Project will not adversely affect Hawaiian cultural practices related to lo'i kalo cultivation on neighboring properties.

390. The Cultural Analysis concluded that the Project will not adversely impact an area used for the gathering of medicinal herbs as a cultural practice.

391. The Cultural Analysis noted that to the extent that access through the Petition Area is necessary for the exercise of traditional and cultural rights, such access will be allowed.

392. The Cultural Analysis noted that while two privately owned kuleana parcels were identified and the boundaries of the Petition Area were revised to remove the two parcels from the Petition Area, easement rights for the kuleana parcel owners should be granted to provide access over the Petition Area if necessary. Petitioner represented that they will provide access easements to the kuleana parcel owners.

393. The Cultural Analysis advised that Petitioner consult with the neighboring

south kuleana lo‘i kalo farmers and Hui O Na Wai ‘Eha to ensure that infrastructure improvements have minimal to no adverse effects to traditional and customary rights and practices.

394. The Cultural Analysis consultant indicated that there was a sand dune system within the northeast corner of the Petition Area. While much of the sand dune system has been impacted by sugar cane farming operations, there may still be burials within the sand dune system. The Cultural Analysis consultant recommended that the area be subject to archaeological monitoring should any work be conducted in that area.

395. If mitigation measures proposed by Petitioner are implemented, reclassification of the Petition Area will not have a significant impact on the maintenance of valued cultural, historical or natural resources.

396. The third area of State concern is the maintenance of other natural resources relevant to Hawai‘i’s economy, including but not limited to agricultural resources.

397. The bulk of the Petition Area is listed as Prime Agricultural Lands.

398. Prime Agricultural Lands describes lands with soils having the best physical, chemical and climatic properties for mechanized field crops.

399. A small portion of the Petition Area is listed as Other Important Agricultural Lands under the ALISH classification.

400. Other Important Agricultural Lands describes lands which have state or local importance for production of crops but which need irrigation or which possess characteristics like seasonal wetness or erodibility that require further management for commercial production.

401. The productivity of the land underlying the Petition Area was classified as

“A” and “B” by the University of Hawai‘i Land Study Bureau. The Bureau's classification system rates lands on the scale of "A" to "E" reflecting land productivity characteristics.

402. Lands designated "A" are considered to be of the highest productivity, with "E" rated lands ranked as the lowest in productivity.

403. The “A” and “B” designations mean that the land underlying the Petition Area is highly productive.

404. Maui has about 82,500 acres of land which have productivity ratings of A, B or C.

405. Maui has about 244,000 acres of land that is classified as agricultural.

406. The Petition Area, which is about 487 acres, represents less than one percent of all the productive lands on Maui, less than one-fourth of one percent of the lands being farmed on Maui and about one-fifth of one percent of all lands classified as agricultural on Maui.

407. In January, 2016, HC&S announced that the sugar plantation would cease operations after the last harvest which occurred in December 2016.

408. As a result of ceasing operations, HC&S has about 33,000 acres of land in the central Maui area that is available for use as agricultural lands.

409. Additionally, Petitioner owns lands adjacent to the Petition Area that have similar productivity ratings.

410. Petitioner, as a part of the entitlement process, will dedicate about 800 acres to agricultural use with a restriction that no residential structures, including farm dwellings, will be permitted on that land.

411. If mitigation measures proposed by Petitioner and Petitioner’s consultants

are implemented, the reclassification of the Petition Area will not have a significant impact on the maintenance of other natural resources relevant to Hawai'i's economy.

412. The fourth area of State concern is commitment of state funds and resources.

413. A Traffic Impact Analysis Report ("TIAR") was developed for the Project in December, 2014 by Fehr & Peers.

414. A Technical Memorandum was prepared by Fehr & Peers in September, 2016.

415. The Technical Memorandum analyzed the impact of traffic within the area surrounding the Petition Area in the event that a proposed street, the Waiale Bypass, was not built.

416. Traffic at a total of fourteen intersections was analyzed.

417. Eight of the intersections presently exist; six of the intersections will be operational when the Project is built.

418. Based on the TIAR, future intersection operating conditions will be significantly affected by regional growth and development before the Project is built.

419. Five of the 14 intersections will operate at an undesirable level of service if the Project is not built.

420. If the Project is built, one additional intersection will operate at an unacceptable level of service.

421. The additional intersection which will be impacted by the traffic from the Project is located at Waiale Road and Waiko Road.

422. Petitioner proposes entry into a Master Roadway Agreement with the

County of Maui that contains fair share calculations and triggering events for the funding of the improvements to the intersections which the TIAR identified as being impacted by the Project.

423 . Petitioner will implement, as part of the development of the Project, the recommendations of the Traffic Impact Analysis Report.

424 . The State Department of Transportation (“DOT”) reviewed the TIAR for the Petition Area and concluded the Petitioner will be responsible for the fair share of transportation improvements to mitigate the impacts of the traffic from the Petition Area, that the developer will work with the Department of Transportation on spacing of intersections internal to the Petition Area, and that the Petitioner should assure integration with the DOT’s bicycle and pedestrian policies and plans.

425 . The DOT stated that Petitioner should provide additional information and enter into a Memorandum of Agreement with the DOT before the submittal of a subdivision application to the County of Maui.

426 . The DOT submitted a letter to OP dated September 12, 2017 indicating that the Petition Area is approximately 4.3 miles from the Kahului Airport. Due to the proximity of the Petition Area to the Kahului Airport and its operations: 1) Petitioners should be aware that the Project must conform with the requirements of the Technical Assistance Memorandum relating to wildlife attractants around airports, and other land uses, which is available at <http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports08-01-2016.pdf>. Any activity that can potentially attract wildlife within 5 miles of the airport must meet the requirements of FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants on or Near Airports; and 2) photovoltaic systems, if located in or near the approach path of an aircraft into Kahului Airport, can create a hazardous condition for a pilot due to possible glint and glare from the

photovoltaic array. If a photovoltaic system is proposed, a FAA form may be required. Also, Petitioner should insure that any photovoltaic system not create interference or disrupt radio frequency air-to-ground communications.

427. The State Department of Defense (“DOD”) submitted a letter dated July 18, 2017, recommending that three (3) Omni-directional 121-dbc solar powered sirens mounted on 45-foot H2 composite poles be provided within the Petition Area.

428. DOE and the Petitioner executed an Educational Contribution Agreement to satisfy both the land and construction components of the DOE school impact fee requirements, which are imposed because of the Petition Area’s location.

429. The Educational Contribution Agreement was adopted by the DOE pursuant to HRS Sections 302A-1601 to 1612, which require a fee payment for all new dwellings within the Impact Fee District.

430. Under the Educational Contribution Agreement for the Project, a total of \$2,610,329 will be paid by Petitioner to the DOE for the Project.

431. If mitigation measures proposed by Petitioner are implemented, the reclassification of the Petition Area will not have a significant impact on the commitment of State resources or funds.

432. The fifth area of State concern is the impact of the reclassification on providing employment opportunities and economic development.

433. The Project will provide construction and construction-related employment during the build out of the Project Area.

434. The construction of the Project will result in about \$644,100,000 in capital investment.

435. The construction of the Project will generate over 2,475 worker years of employment in the trades and associated businesses.

436. The commercial uses within the Project will generate about 4,250 full time equivalent worker years providing stabilized employment for about 530 permanent positions.

437. The Project will generate over 65 worker years for maintenance and common area element employment.

438. When mitigation measures proposed by Petitioner are implemented, the reclassification of the Petition Area will provide employment opportunities and economic development.

439. The sixth area of State concern is the impact of the reclassification on providing housing opportunities to all income groups and particularly to low, low-moderate, and gap income groups.

440. The Project will comply with the County of Maui's residential workforce housing ordinance.

441. The residential workforce housing ordinance requires between twenty and twenty-five percent of the Project's housing units be sold to low, low-moderate and gap income groups in accordance with sales price and resale restrictions.

442. Between 285 and 350 of the 1,400 plus units will be sold in accordance with Maui County's residential workforce housing ordinance.

443. In addition, the Project as designed will be geared toward providing housing at market rates to Maui County residents who earn between 100 and 140 percent of the median income as determined by the Department of Housing and Urban Development.

444. The market rate housing to be made available to those earning between

100 and 140 percent of the median income will be multi-family condominiums, small cottage homes on small lots, and 'ohana dwelling units.

445. When mitigation measures proposed by Petitioner are implemented, the reclassification of the Petition Area will provide housing opportunities to low, low-moderate, and gap income groups.

**4) Conformance With Maui County General Plan.**

446. In March, 2010, the County of Maui adopted by ordinance the Countywide Policy Plan which updated the existing General Plan.

447. The Countywide Policy Plan established a set of guiding principles and goals, objectives and policies to portray the desired direction of growth and development in Maui County.

448. An objective of The Countywide Policy Plan was the improvement of land use management and implementation of a directed-growth strategy.

449. Among the implementing programs identified in The Countywide Policy Plan was the Maui Island Plan which would achieve the objective of directed-growth management.

450. The Maui Island Plan, adopted by ordinance in 2012, is a directed-growth plan that established the geographic locations on Maui in which future growth was desired.

451. Protection of Maui's small towns and rural character is an important component of the Maui Island Plan.

452. Three types of growth areas were identified in the Maui Island Plan: Urban; Small Town; and Rural.

453. The Petition Area is located within the Wailuku-Kahului Planned Growth

Area in the Maui Island Plan.

454. The Petition Area was identified as the Waikapū Tropical Plantation Town in the Maui Island Plan.

455. The Maui Island Plan designated the Petition Area as being within the Small Town and Rural growth areas, recognizing that the Project would provide a mix of single-family and multifamily housing units, park land, open space, commercial uses and a school.

456. The Petition Area is zoned Agricultural by the County of Maui except for about 45 acres that is adjacent to the Maui Tropical Plantation Village that is zoned Project District.

457. The bulk of the Petition Area is designated Agricultural by the Wailuku-Kahului Community Plan with about 45 acres that is adjacent to the existing Maui Tropical Plantation Village being designated as Project District.

458. The implementation of the Project will require an amendment to the Wailuku-Kahului Community Plan.

459. Petitioners will seek an amendment of the classification of the Petition Area under the Wailuku-Kahului Community Plan from the existing classification of Agriculture to the classification Project District, or a comparable combination of Community Plan land use categories and mixed uses.

460. If the amendment of the Wailuku-Kahului Community Plan is approved, the Project and the Petition Area will conform to the goals, objectives and policies of the Wailuku-Kahului Community Plan.

5) **The economic ability of the Petitioner to carry out the commitments**

438. Petitioners provided financial statements pursuant to HAR Section 15-15-

50(c)(8).

439. Petitioners will obtain funding for improvements by bank or private financing.

440. Based on Petitioner's financial statements and funding plans, Petitioners have the financial capability to undertake the Project.

**6) Whether the Petition Area was in intensive agricultural use**

441. The Petition Area was last used for sugar cane production in 2016.

442. After sugar cane production stopped, the Petition Area was leased for the following agricultural uses: about 110 acres for livestock grazing; about 235 acres for growing of organic crops; about 150 acres for growing of biofuel crops.

443. During completion of the entitlement process, the tenants who have leased portions of the Petition Area will be relocated to adjacent lands owned by Petitioner for continuation of the farming activities that were begun in the Petition Area.

444. As such, the reclassification of the Petition Area from Agriculture to Rural and Urban will not result in the decrease of agricultural pursuits.

445. Petitioner established by a clear preponderance of the credible evidence that 342.373 acres of the Petition Area should be reclassified from Agricultural to Urban and that 145.286 acres of the Petition Area should be reclassified from Agricultural to Rural.

**RULINGS ON PROPOSED FINDINGS OF FACT**

Any finding of fact submitted by Petitioner or any party not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

Any conclusion of law herein improperly designated as a finding of fact, should be

deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

### CONCLUSIONS OF LAW

1. Pursuant to HRS Chapter 205, and the Commission rules under HAR Chapter 15-15, and upon consideration of the Commission decision-making criteria under HRS Section 205-17, the Commission finds upon the clear preponderance of the evidence, that the reclassification of the Petition Area, consisting of about 145.286 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key No. (2) 3-6-004:003 (por.), from the State Land Use Agricultural District to the State Land Use Rural District and to reclassify about 342.373 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key Nos. (2) 3-6-004:006, (2) 3-6-004:007 and (2) 3-6-002:003 (por.) from the State Land Use Agricultural District to the State Land Use Urban District, and subject to the conditions stated in the Order below, conforms to the standards for establishing the boundaries of the State Land Use Rural District and the State Land Use Urban District, is reasonable, is not violative of HRS Section 205-2, and is consistent with the policies and criteria established pursuant to HRS Sections 205-16, 205-17 and 205A-2, Article XII, Section 7 and other relevant sections of the State Constitution and the Hawai‘i Revised Statutes.

2. Article XII, Section 7, of the Hawai‘i State Constitution requires the Commission to protect native Hawaiian traditional and customary rights.

3. The State of Hawai‘i reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes, and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian islands

prior to 1778, subject to the right of the State to regulate such rights.

4. The State of Hawai‘i and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised native Hawaiian rights to the extent feasible. (*Public Access Shoreline Hawai‘i v. Hawai‘i County Planning Commission*, 79 Haw. 425, 450, n.43, *certiorari denied*, 517 U.S. 1163 (1996)).

5. The Commission is empowered to preserve and protect customary and traditional rights of native Hawaiians. (*Ka Pa‘akai O Ka‘Āina v. Land Use Commission*, 94 Haw. 31, 7 P.3d 1068 (2000)).

6. Article XI, Section 1, of the Hawai‘i State Constitution requires the State of Hawai‘i to conserve and protect Hawai‘i's natural beauty and all its natural resources, including land, water, air, minerals, and energy sources, and to promote the development and utilization of these resources in a manner consistent with the conservation and in furtherance of the self-sufficiency of the State.

7. Article XI, Section 3, of the Hawai‘i State Constitution requires the State of Hawai‘i to protect agricultural lands, to promote diversified agriculture, to increase agricultural self-sufficiency, and to ensure the availability of agriculturally suitable lands.

8. Pursuant to Article XII, Section 7, of the Hawai‘i State Constitution, the State of Hawai‘i has the obligation to protect, control and regulate the use of Hawai‘i's water resources for the benefit of its people.

9. HRS Section 205-16 provides that "no amendment to any land use district boundary nor any other action by the land use commission shall be adopted unless such amendment or other action conforms to the Hawai‘i state plan."

## DECISION AND ORDER

IT IS HEREBY ORDERED that the portion of the Petition Area, consisting of about 145.286 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key No. (2) 3-6-004:003 (por.), as shown approximately on Exhibit “A” attached hereto and incorporated herein by reference, shall be reclassified from the State Land Use Agricultural District to the State Land Use Rural District and the State Land Use District Boundaries shall be amended accordingly, and that the portion of the Petition Area consisting of about 342.373 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key Nos. (2) 3-6-004:006, (2) 3-6-004:007 and (2) 3-6-002:003 (por.), as shown approximately on Exhibit “B” attached hereto and incorporated herein by reference, shall be reclassified from the State Land Use Agricultural District to the State Land Use Urban District and the State Land Use District Boundaries shall be amended accordingly. Based upon the findings of fact and conclusions of law stated herein, it is hereby determined that the reclassification of the Petition Area will not significantly affect or impair the preservation or maintenance of natural systems and habitats or the valued cultural, historical, agricultural and natural resources of the area.

IT IS FURTHER ORDERED that reclassification of the Petition Area from the State Land Use Agricultural District to the State Land Use Urban and the State Land Use Rural District shall be subject to the following conditions:

1. Education Contribution Agreement. Petitioner shall contribute to the development, funding, and/or construction of school facilities in compliance with the *Educational Contribution Agreement for WAIKAPŪ COUNTRY TOWN*, undated but executed as

of January 31, 2017 entered into by Petitioner and the DOE. Petitioner shall ensure that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the *Educational Contribution Agreement*. Such notice shall be recorded and shall run with the land.

2. Storm Water Management and Drainage. Petitioner shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.

3. Residential Workforce Housing. Petitioner shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.

4. Wastewater. Petitioner shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities shall be controlled or operated by the County of Maui. If the private wastewater source, storage, and transmission facilities are located outside the Petition Area and within the State and County agricultural districts, Petitioner shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If

Petitioner participates in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.

5. Air Quality. Petitioner shall participate in an air quality monitoring program if so required by the Department of Health.

6. Energy Conservation Measures. Petitioner shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project and development of the Petition Area. Petitioner also shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the Project.

7. Notification of Proximity to Kahului Airport. Petitioner, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.

8. Transportation - Highways.

a. Petitioner shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the “No Waiale Bypass” with Petitioner’s Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Petitioner shall also submit copies to OP, Maui County Planning Department, and the Commission.

b. Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memoranda of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.

9. Transportation – Regional Planning. Petitioner shall continue to work with the County of Maui to develop a timetable for the construction of the Waiale Bypass and shall work with appropriate County of Maui and State of Hawai‘i agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.

10. Transportation – Airports. Petitioner shall work with the State Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Petitioner shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site

development by Petitioner outlining measures to be taken by Petitioner to address impacts.

11. Water Conservation Measures. Petitioner shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.

12. Water System. Petitioner shall participate in the funding and/or construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency. In the event that Petitioner participates in a regional water system which is controlled or operated by the County of Maui, Petitioner may request the release of this condition applicable to a private water system.

Additionally, Petitioner shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer.

Further, Petitioner shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

13. Street Lights. Petitioner shall use fully-shielded street lights within the Petition Area to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

14. Sirens. Petitioner shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.

15. Parks. Petitioner shall comply with the park dedication requirements of

the County of Maui.

16. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7 of the Hawai‘i State Constitution, Petitioner shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.

17. Agriculture Easement. Petitioner shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction.

If any development is proposed in the area made subject to the conservation easement or relevant instrument, SHPD shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Petitioner for such area. The Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by SHPD.

18. Notification of Agricultural Use. Petitioner, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawai‘i Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease or agreement of sale.

The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or

restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands.

For the purpose of this condition, the term “farming operations” shall have the same meaning as provided in HRS § 165-2.

19. Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to in these Findings of Fact and Conclusions of Law are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.

20. Archeological/Historic Sites. Petitioner shall provide the following prior to any ground disturbance, as agreed upon with SHPD’s acceptance of the Petitioner’s Archaeological Inventory Survey:

a. Archaeological monitoring, which shall include data recovery of archaeological and historic sites;

b. If site 50-50-04-5197 is impacted by the Project, it will be further

documented in consultation with SHPD;

c. Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai 'Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for SHPD's review and acceptance prior to commencing Project work;

d. If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner;

e. Petitioner shall submit a preservation plan to SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50=04-7883). The preservation plan shall be submitted to the SHPD for review and acceptance prior to the initiation of the Project. Petitioner shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the SHPD. Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project.

21. Archaeological/Archaeological Monitoring. Petitioner shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not impact any subsurface cultural remains within the Petition Area. Petitioner shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or

approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historical Preservation Division upon the completion of the monitoring of the Project.

In the event that Site 50-50-04-5197 is impacted by any ground disturbances, Petitioners shall document the site in accordance with the directions of the State Historic Preservation Division.

22. Cultural. Petitioner shall consult with those persons known as Waikapū Stream south kuleana lo‘i kalo farmers and Hui o Na Wai ‘Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area.

Additionally, Petitioner shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK (2) 3-6-005:066). Such easements will run with the land.

23. Endangered Species. Petitioner shall implement the following procedures to avoid potential impacts to endangered species. Petitioner shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn’s Sphinx Moth and shall implement such measures in connection with the development of the Petition Area.

Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.

24. Development in Compliance with Maui Island Plan. Petitioner shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."

25. Infrastructure Deadline. Petitioner shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Decision and Order approving the Petition.

26. Order to Show Cause. If Petitioner fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Decision and Order approving reclassification of the Petition Area, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use District Agricultural Classification or be changed to a more appropriate classification.

27. Compliance With Representations to the Commission. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in these Findings of Fact, Conclusions of Law, and Decision and Order.

Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.

28. Annual Reports. Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.

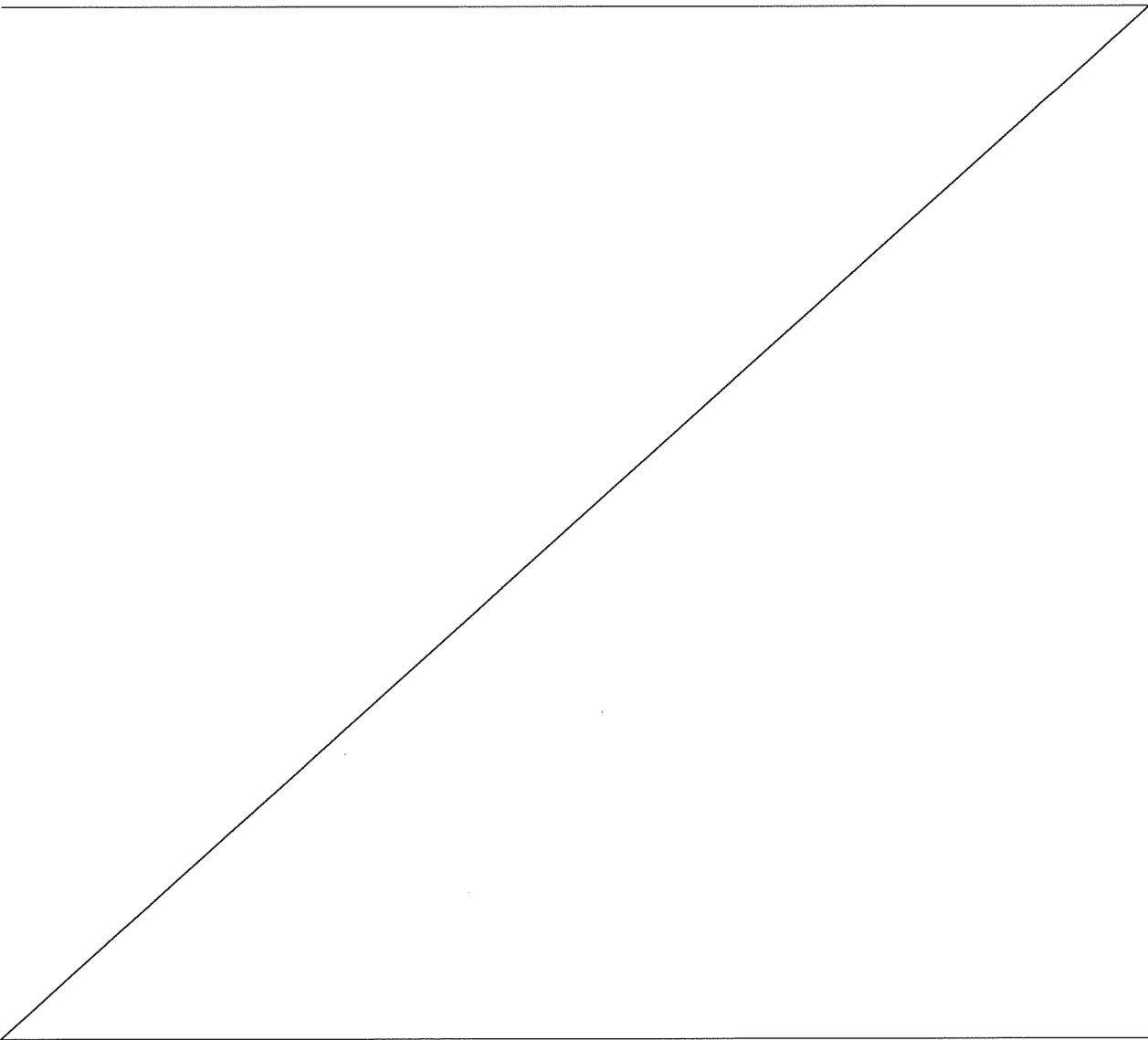
29. Release of Conditions. The Commission may fully or partially release conditions provided herein as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.

30. Notice of Change of Ownership. Petitioner shall provide notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area.

31. Notice of Imposition of Conditions. Petitioner shall (a) within seven (7) days of issuance of the Commission's Decision and Order reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawai'i and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in this Decision and Order by the Commission and (b) promptly thereafter file a copy of

such recorded statement with the Commission.

32. Recordation of Conditions. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances of the State of Hawai‘i, and/or the Office of the Assistant Registrar of the Land Court, pursuant to HAR Section 15-15-92.



ADOPTION OF ORDER

The Commission, through its Chair, being familiar with the record and proceedings, hereby adopts and approves the foregoing ORDER, as orally amended at its meeting on February 21, 2018, this 26<sup>th</sup> day of February, 2018. This ORDER shall take effect upon the date this ORDER is certified and filed by this Commission.

This ORDER is appealable pursuant to HRS section 91-14.

Done at Honolulu, Hawai'i, this 26<sup>th</sup> day of February, 2018, per motion on February 21, 2018.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I

  
\_\_\_\_\_  
Deputy Attorney General

By   
\_\_\_\_\_  
ARNOLD WONG  
Chairperson and Commissioner

FILED AND EFFECTIVE ON: February 26, 2018.

Certified by:   
\_\_\_\_\_

DANIEL E. ORODENKER  
Executive Officer  
State Land Use Commission



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of: )  
)  
WAIKAPŪ PROPERTIES, LLC; MTP LAND )  
PARTNERS, LLC; WILLIAM S. FILIOS, )  
Trustee of the William S. Filios Separate )  
Property Trust dated APRIL 3, 2000; and )  
WAIALE 905 PARTNERS, LLC, )  
)  
To Amend the Agricultural Land Use District )  
Boundaries into the Rural Land Use District )  
for certain lands situate at Waikapū, District of )  
Wailuku, Island and County of Maui, State of )  
Hawai'i, consisting of 92.394 acres and 57.454 )  
acres, bearing Tax Map Key No. (2) 3-6- )  
004:003 (por) and to Amend the Agricultural )  
Land Use District Boundaries into the Urban )  
Land Use District for certain lands situate at )  
Waikapū, District of Wailuku, Island and )  
County of Maui, State of Hawai'i, consisting )  
of 236.326 acres, 53.775 acres, and 45.054 )  
acres, bearing Tax Map Key No. (2) 3-6- )  
002:003 (por), (2) 3-6-004:006 and (2) 3-6- )  
005:007 (por). )

DOCKET NO. A15-798

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following by  
depositing the same in the AS INDICATED BELOW on February 26, 2018:

PAUL R. MANCINI, Esq.  
JAMES W. GEIGER, Esq.  
305 East Wakea Avenue, Suite 200  
Kahului, Hawai'i 96732

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

LEO R. ASUNCION, JR., AICP, Director  
Office of Planning, State of Hawai'i  
235 South Beretania Street  
6<sup>th</sup> Floor, Leiopapa A Kamehameha  
Honolulu, Hawai'i 96813

**HAND DELIVERY**

DAWN T. APUNA, ESQ.  
Deputy Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813

**HAND DELIVERY**

WILLIAM R. SPENCE, Director  
Department of Planning  
One Main Plaza, Suite 335  
2200 Main Street  
Wailuku, Maui, Hawai'i 96793

**CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED**

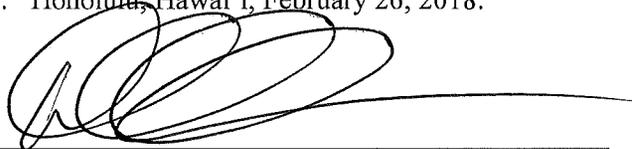
PATRICK K. WONG, Esq.  
MICHAEL HOPPER, Esq.  
Deputy Kaua'i County Attorney  
Office of the County Attorney  
4444 Rice Street, Suite 220  
Lihu'e, Kaua'i, Hawai'i 96766

**CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED**

MAUI COUNTY PLANNING COMMISSION  
One Main Plaza, Suite 335  
2200 Main Street  
Wailuku, Maui, Hawai'i 96793

**CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED**

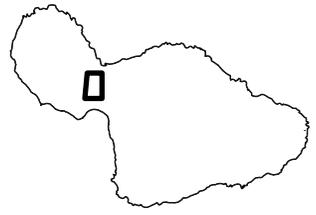
DATED: Honolulu, Hawai'i, February 26, 2018.



DANIEL ORODENKER  
Executive Officer

**Appendix E**  
**PROPOSED COMMUNITY PLAN**  
**AMENDMENT (CPA) MAPS**

VICINITY MAP



TMK (2)  
3-6-004:009  
THP ASSOCIATES

TMK (2) 3-6-004: 006  
WAIKAPU PROPERTIES, LLC

TMK (2) 3-6-004:  
POR. OF 003  
87.832 acres

TO WAILUKU →

HONOAPIILANI HWY.  
F.A.P. NO. 13-G



TMK (2) 3-6-002: 003  
WAIKAPU PARTNERS LLC

TMK (2)  
3-6-004:004  
PIPE DREAMS  
ENTERPRISES LLC

TMK (2)  
3-6-004:005  
PIPE DREAMS  
ENTERPRISES LLC

TMK (2) 3-6-004:POR. OF 003  
WAIKAPU PROPERTIES, LLC

← TO MAALAEA

DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-004:POR. OF 003

AREA

87.832 ACRES

# COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIKAPU HEMA LARGE LOT SUBDIVISION  
PORTION OF LOT 6**

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Thence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"  
the chord azimuth and distance being:  
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:  
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:  
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me  
or under my supervision.



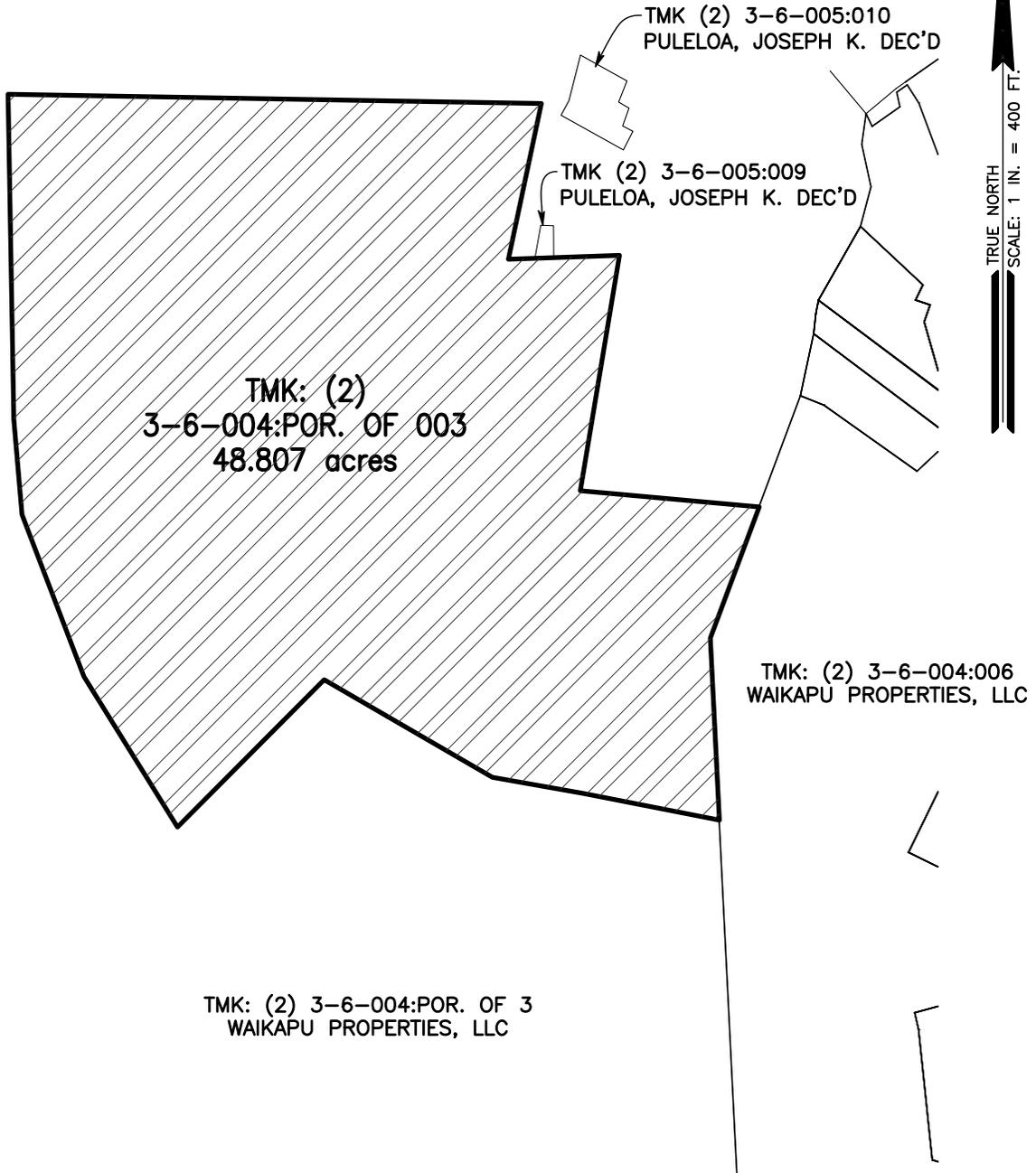
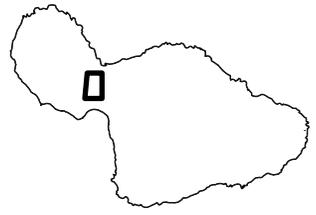
FUKUMOTO ENGINEERING, INC.

  
 Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

WP01

VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

T.M.K. (2) 3-6-004:POR. OF 003

AREA

48.807 ACRES

# COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIKAPU HEMA LARGE LOT SUBDIVISION  
PORTION OF LOT 6**

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kaeha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

1. 101° 00' 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2. 100° 00' 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;;
3. 120° 00' 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva;
4. 45° 00' 480.00 feet along same;
5. 159° 00' 409.00 feet along same;
6. 159 00' 400.00 feet along same;
7. 175° 00' 220.00 feet along same;
8. 271° 00' 1,235.00 feet along same;
9. 12° 00' 367.00 feet along same;

10. 268° 00' 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kaeha;
11. 9° 30' 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kaeha and Grant 1844, Apana 1 to J. Sylva;
12. 275° 10' 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
13. 20° 33' 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
148. 357° 07' 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres.

This work was prepared by me  
or under my supervision.



FUKUMOTO ENGINEERING, INC.

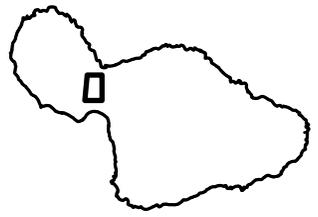
*Michael E. Silva*

Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

WP01

VICINITY MAP



TMK (2) 3-6-005:068  
HAWAII TROPICAL  
PLANTATION-CONDO MASTER

TMK (2) 3-6-006:002  
TAKETO CISCO EMOTO TRUST

TMK (2) 3-6-006:001  
BARBARA J.K. PAWN TRUST

TMK (2) 3-6-006:003  
HIGA, GEORGE S.

TMK (2) 3-6-006:004  
HIGA, GEORGE S.

TMK (2) 3-6-006:009  
CLAYTON SHIGETO  
SUZUKI TRUST

TMK (2) 3-6-006:013  
CLAYTON SHIGETO  
SUZUKI TRUST

TMK (2) 3-6-006:036  
WAIKAPU PROPERTIES LLC

WAIKAPU

STREAM

TO WAILUKU

TMK (2) 3-6-005:068

TO MAALAEA

HONOAPILANI HWY.  
F.A.P. NO. 13-G

TMK (2) 3-6-005:007  
MTP LAND PARTNERS LLC

TMK: (2)  
3-6-004:006  
(53.630 ACS.)

TMK (2) 3-6-004:003  
WAIKAPU PROPERTIES, LLC

TRUE NORTH  
SCALE: 1 IN. = 500 FT.

DATE: 03/02/2018

TAX MAP KEYS

T.M.K.: (2) 3-6-004:006

AREA

53.630 ACRES

COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII  
FROM PROJECT DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**HAWAII TROPICAL PLANTATION SUBDIVISION**

**Lot 2**

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahhineealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:  
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5. 291° 45' 30" 58.59 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6. 305° 13' 264.12 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7. 227° 10' 111.95 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8. 226° 10' 47.92 feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9. 222° 30' 81.90 feet along same;
10. 133° 20' 40.00 feet along same;
11. 154° 32' 79.57 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12. 241° 51' 99.68 feet along Grant 2069, Apana 2 to Kaai;
13. 243° 45' 84.50 feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale;
14. 235° 29' 68.00 feet along the Grant 1713 to John Ross;
15. 307° 20' 10.00 feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
16. 225° 00' 19.78 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17. 225° 31' 08" 318.56 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18. 223° 33' 58.58 feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth and distance being:  
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being:  
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

- 34. 354° 00' 302.03 feet along same;
- 35. 286° 45' 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
- 36. 4° 29' 30" 651.86 feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

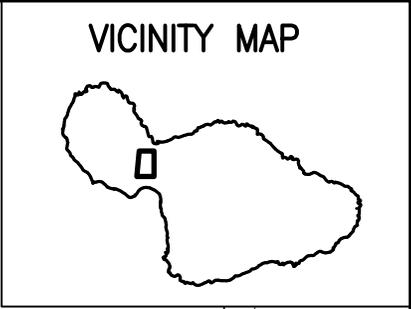
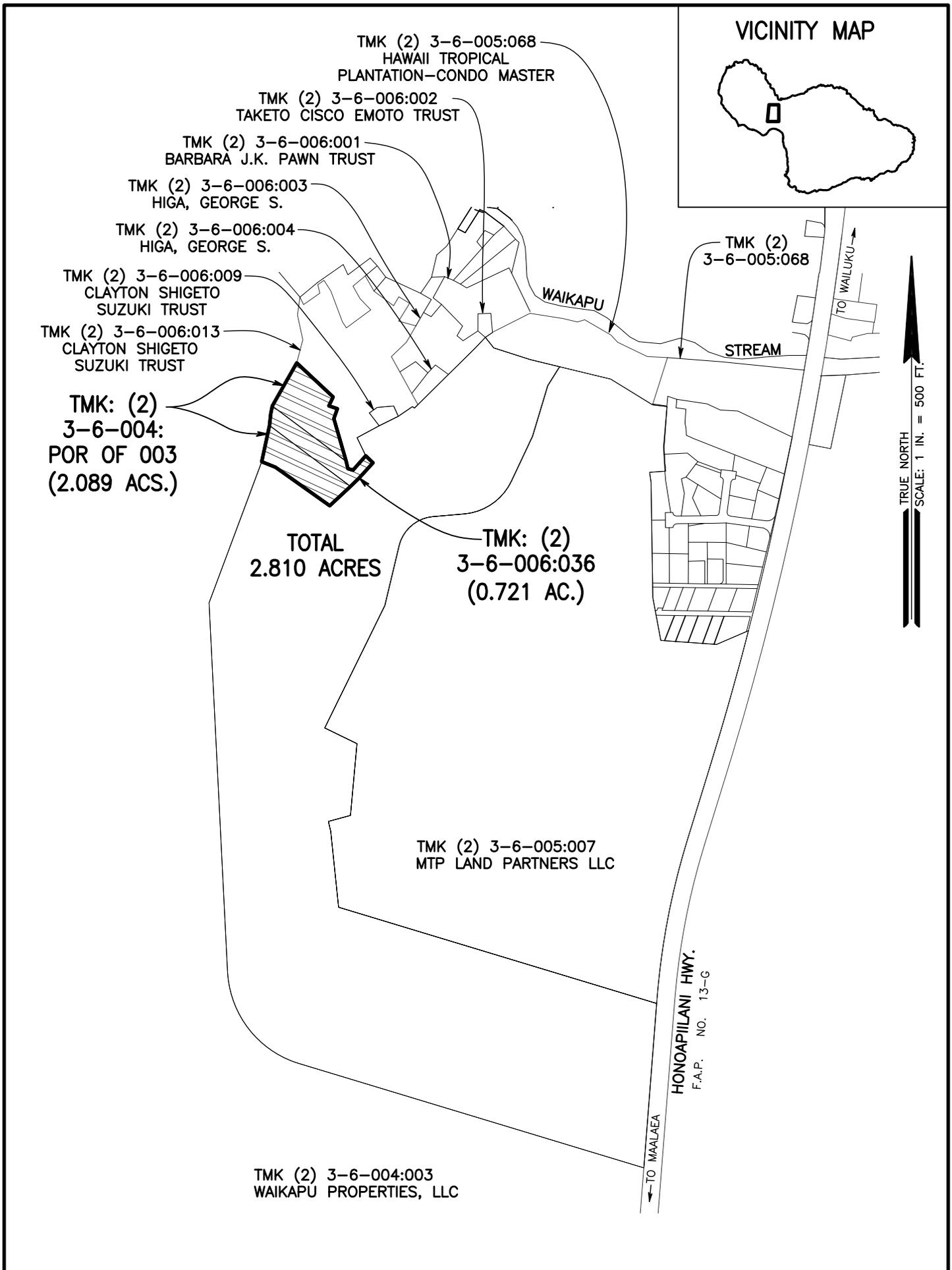
A handwritten signature in black ink that reads "M Silva".

---

Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

WP01



TRUE NORTH  
SCALE: 1 IN. = 500 FT.

DATE: 03/02/2018

**TAX MAP KEYS**

T.M.K.: (2) 3-6-006:036  
T.M.K.: (2) 3-6-004:POR. OF 003

**AREA**  

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---

2.810 ACRES

**COMMUNITY PLAN MAP NO.**

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII  
FROM SINGLE FAMILY RESIDENTIAL DISTRICT TO  
WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**PORTION OF LOT 6  
OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND  
TAX MAP KEY (2) 3-6-006:036**

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

1. 312° 57' 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea;
2. 25° 42' 38.90 feet along Grant 1712, Apana 2 to Ihu;
3. 288° 27' 35.60 feet along same;
4. 19° 27' 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kalahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
5. 343° 54' 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
6. 346° 56' 30" 28.40 feet along same;
7. 286° 30' 21.10 feet along same;
8. 221° 50' 75.90 feet along same;
9. 313° 20' 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;

- |     |              |   |
|-----|--------------|---|
| 10. | 42° 30'      | 81.90 feet along same;  |
| 11. | 46° 10'      | 47.921 feet along same;   |
| 12. | 47° 10'      | 111.95 feet along same;   |
| 12. | 125° 13'     | 264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva;   |
| 13. | 111° 45' 30" | 58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;   |
| 14. | 192° 26' 23" | 143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;   |
| 15. | 186° 52' 53" | 79.99 feet along same;  |
| 16. | 210° 00'     | 196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres. |

This work was prepared by me  
or under my supervision.

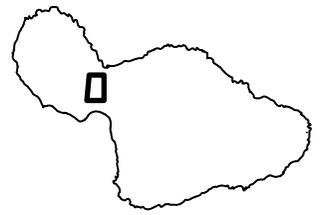


FUKUMOTO ENGINEERING, INC.

  
 Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

VICINITY MAP



TMK: (2) 3-6-005:068  
HAWAII TROPICAL PLANTATION  
CONDO MASTER

TMK: (2) 3-6-007:002  
OCEANAS HUI LLC

WAIKAPU STREAM

TMK: (2) 3-6-007:010  
EVELYN N. KAMASAKI  
GIFT TRUST

TMK: (2) 3-6-007:013  
NEW DIRECTION IRA  
INC FBO D.P. TING

TMK: (2) 3-6-007:015  
DAVID K. HOOPAI TRUST

TMK: (2) 3-6-007:016  
PAULS, ANSELM

TMK: (2) 3-6-007:029  
KIM VAN RITCHIE TRUST

TMK: (2) 3-6-007:030  
PILLON, IRENE K.

TMK: (2) 3-6-005:007  
59.054 acres

TMK: (2) 3-6-002:003  
WAIALE 905 PARTNERS LLC

TMK: (2) 3-6-004:006  
WAIKAPU PROPERTIES, LLC

HONOAPIILANI HWY.  
F.A.P. NO. 13-G

TO MALALEA

TO WAILUKU



LIST OF ADJOINING OWNERS:

- |   |  |
|---|--|
| A TMK: (2) 3-6-007:042<br>CHUN, ELSIE N.          | E TMK: (2) 3-6-007:038<br>NAKAMOTO, DAVID T.           |
| B TMK: (2) 3-6-007:041<br>VALDEZ, GEORGE GREGORIO | F TMK: (2) 3-6-007:037<br>ANN N. WAKAMATSU TRUST       |
| C TMK: (2) 3-6-007:040<br>DIAZ, MARTHA J.         | G TMK: (2) 3-6-007:023 (OLOLI PLACE)<br>VARIOUS OWNERS |
| D TMK: (2) 3-6-007:039<br>LLOYD T. TAGUCHI TRUST  |  |

DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-005:007

AREA

59.054 ACRES

COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII  
FROM PROJECT DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**HAWAII TROPICAL PLANTATION SUBDIVISION  
LOT 3**

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to E.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:  
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:  
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;



30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



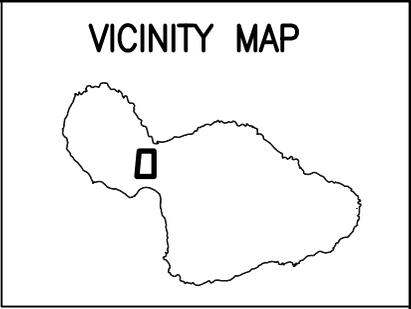
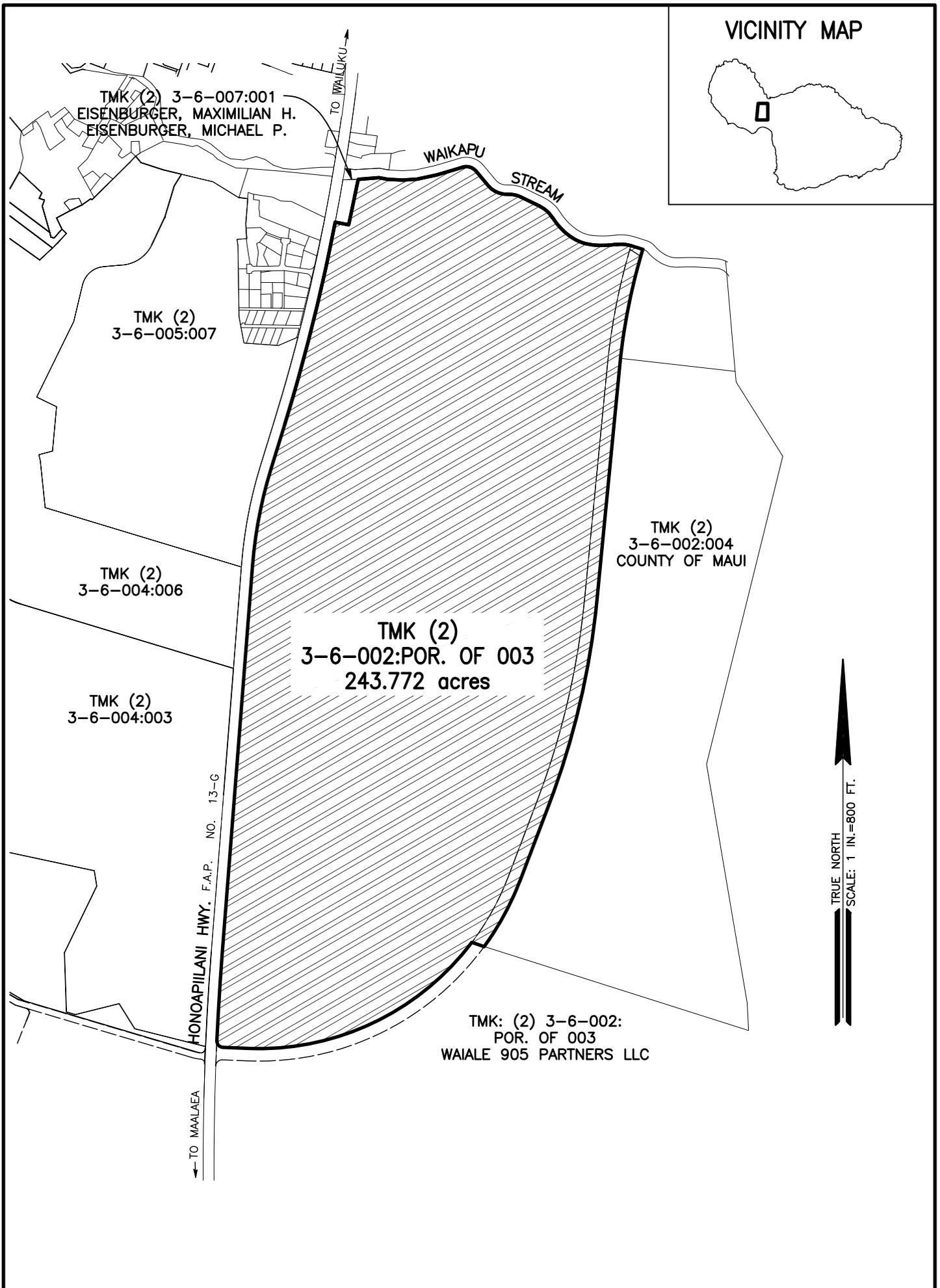
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

WP01



DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

# COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII  
 FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIALE PARK (LARGE-LOT) SUBDIVISION  
PORTION OF LOT 2**

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:  
92° 37' 04.2";  
and the chord azimuth and distance being:  
183° 33' 17.1"                      560.98 feet;
2. 184° 29' 30"                      2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:  
190° 51' 30"                      627.63 feet;
4. 197° 13' 30"                      296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";  
and the chord azimuth and distance being:  
194° 06' 22.5"                      1,339.76 feet;
6. 280° 48' 30"                      88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04'                              89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of Land Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same;
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:  
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:  
357° 07' 20";  
and the chord azimuth and distance being:  
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";  
and the chord azimuth and distance being:  
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:  
237° 54' 40";  
and the chord azimuth and distance being:  
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $57^{\circ} 54' 40''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $35^{\circ} 24'$ ;  
and the chord azimuth and distance being:  
 $316^{\circ} 39' 20''$       178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $35^{\circ} 24'$ ;  
the radial azimuth from the radius point to the end of the curve being:  $7^{\circ} 26' 10''$ ;  
and the chord azimuth and distance being:  
 $291^{\circ} 25' 05''$       148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $7^{\circ} 26' 10''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $351^{\circ} 33' 30''$ ;  
and the chord azimuth and distance being:  
 $269^{\circ} 29' 50''$       168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $171^{\circ} 33' 30''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $197^{\circ} 21'$ ;  
and the chord azimuth and distance being:  
 $274^{\circ} 27' 15''$       88.38 feet;
26.  $287^{\circ} 21'$       73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:  
 $106^{\circ} 12' 21''$   
and the chord azimuth and distance being:  
 $10^{\circ} 53' 40.5''$       733.12 feet;

28.      5° 35'                      1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;
  
29.      Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:  
  13° 16'                      1,347.68 feet;
  
30.      20° 57'                      521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
  
31.      Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:  
  28° 37' 57"                      481.26 feet;
  
32.      126° 18' 54"                      80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
  
33.      Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:  
  64° 19' 57"                      1,615.91 feet;
  
34.      92° 21'                      163.44 feet along same;
  
35.      Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:  
  92° 37' 04.2";  
  and the chord azimuth and distance being:  
  137° 29' 02.1"                      56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me  
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

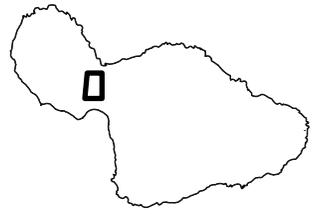
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Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

WP01

**Appendix F**  
**PROPOSED CHANGE IN ZONING (CIZ)**  
**MAPS**

VICINITY MAP



TMK (2)  
3-6-004:009  
THP ASSOCIATES

TMK (2) 3-6-004: 006  
WAIKAPU PROPERTIES, LLC

TMK (2) 3-6-004:  
POR. OF 003  
87.832 acres

TO WAILUKU →

HONOAPIILANI HWY.  
F.A.P. NO. 13-G



TMK (2) 3-6-002: 003  
WAIKALE 905 PARTNERS LLC

TMK (2)  
3-6-004:004  
PIPE DREAMS  
ENTERPRISES LLC

TMK (2)  
3-6-004:005  
PIPE DREAMS  
ENTERPRISES LLC

TMK (2) 3-6-004:POR. OF 003  
WAIKAPU PROPERTIES, LLC

← TO MAALAEA

DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-004:POR. OF 003

AREA

87.832 ACRES

# LAND ZONING MAP NO.

CHANGE IN ZONING – WAIKAPU, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIKAPU HEMA LARGE LOT SUBDIVISION  
PORTION OF LOT 6**

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Thence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"  
the chord azimuth and distance being:  
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:  
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:  
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me  
or under my supervision.



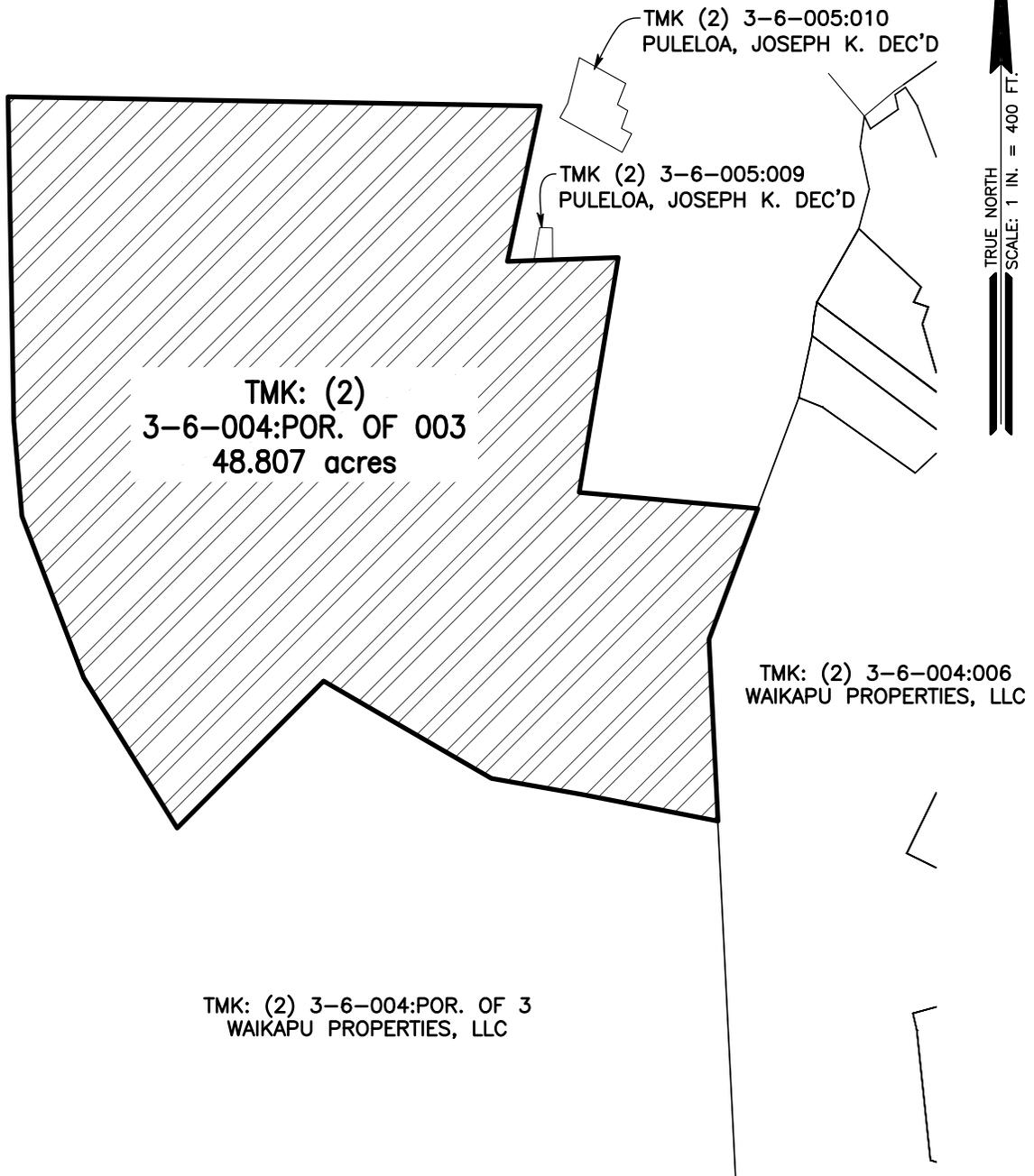
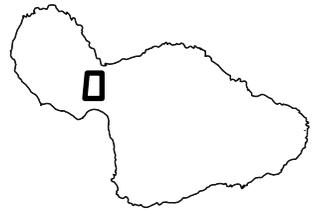
FUKUMOTO ENGINEERING, INC.

  
 Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

WP01

VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

T.M.K. (2) 3-6-004:POR. OF 003

AREA

48.807 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIKAPU HEMA LARGE LOT SUBDIVISION  
PORTION OF LOT 6**

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kaeha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

1. 101° 00' 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2. 100° 00' 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;;
3. 120° 00' 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva;
4. 45° 00' 480.00 feet along same;
5. 159° 00' 409.00 feet along same;
6. 159 00' 400.00 feet along same;
7. 175° 00' 220.00 feet along same;
8. 271° 00' 1,235.00 feet along same;
9. 12° 00' 367.00 feet along same;

10. 268° 00' 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kaeha;
11. 9° 30' 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kaeha and Grant 1844, Apana 1 to J. Sylva;
12. 275° 10' 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
13. 20° 33' 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
148. 357° 07' 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres.

This work was prepared by me  
or under my supervision.



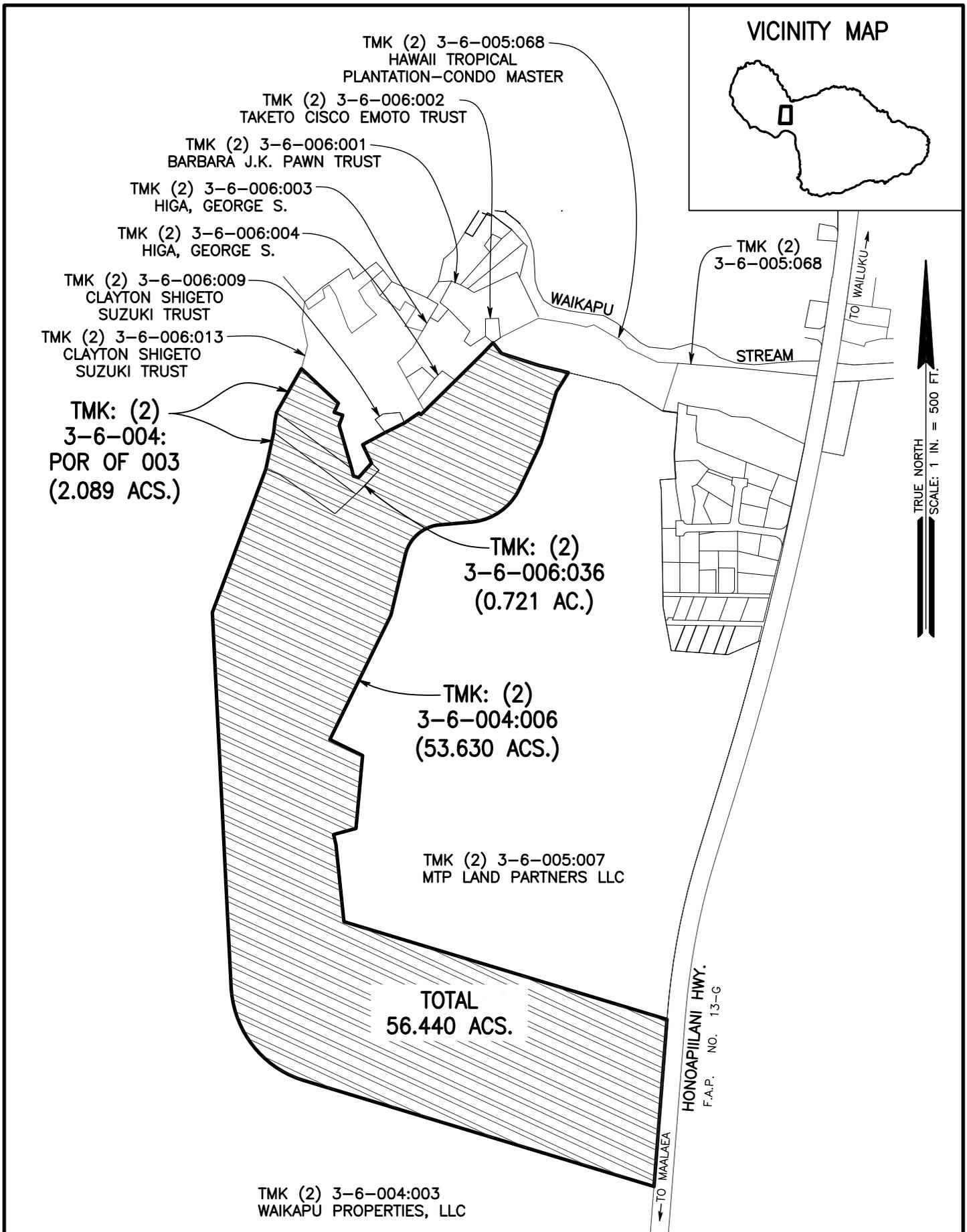
FUKUMOTO ENGINEERING, INC.

*Michael E. Silva*

Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

WP01



DATE: 03/05/2018

**TAX MAP KEYS**

T.M.K.: (2) 3-6-004:006  
 T.M.K.: (2) 3-6-006:036  
 T.M.K.: (2) 3-6-004:POR. OF 003

**AREA**  


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 56.440 ACRES

**LAND ZONING MAP NO.**

CHANGE IN ZONING – WAIKAPU, MAUI, HAWAII  
 FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**HAWAII TROPICAL PLANTATION SUBDIVISION**

**Lot 2**

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahhineealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:  
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5. 291° 45' 30" 58.59 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6. 305° 13' 264.12 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7. 227° 10' 111.95 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8. 226° 10' 47.92 feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9. 222° 30' 81.90 feet along same;
10. 133° 20' 40.00 feet along same;
11. 154° 32' 79.57 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12. 241° 51' 99.68 feet along Grant 2069, Apana 2 to Kaai;
13. 243° 45' 84.50 feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale;
14. 235° 29' 68.00 feet along the Grant 1713 to John Ross;
15. 307° 20' 10.00 feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
16. 225° 00' 19.78 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17. 225° 31' 08" 318.56 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18. 223° 33' 58.58 feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth and distance being:  
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being:  
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

- 34. 354° 00' 302.03 feet along same;
- 35. 286° 45' 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
- 36. 4° 29' 30" 651.86 feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

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Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

WP01

**DESCRIPTION**

**PORTION OF LOT 6  
OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND  
TAX MAP KEY (2) 3-6-006:036**

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

1. 312° 57' 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea;
2. 25° 42' 38.90 feet along Grant 1712, Apana 2 to Ihu;
3. 288° 27' 35.60 feet along same;
4. 19° 27' 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kalahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
5. 343° 54' 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
6. 346° 56' 30" 28.40 feet along same;
7. 286° 30' 21.10 feet along same;
8. 221° 50' 75.90 feet along same;
9. 313° 20' 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;

- |     |              |   |
|-----|--------------|---|
| 10. | 42° 30'      | 81.90 feet along same;  |
| 11. | 46° 10'      | 47.921 feet along same;   |
| 12. | 47° 10'      | 111.95 feet along same;   |
| 12. | 125° 13'     | 264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva;   |
| 13. | 111° 45' 30" | 58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;   |
| 14. | 192° 26' 23" | 143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;   |
| 15. | 186° 52' 53" | 79.99 feet along same;  |
| 16. | 210° 00'     | 196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres. |

This work was prepared by me  
or under my supervision.

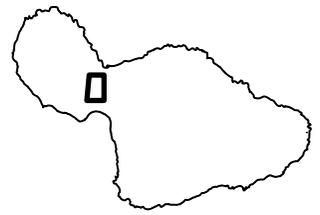


FUKUMOTO ENGINEERING, INC.

*M Silva*  
 \_\_\_\_\_  
 Michael E. Silva  
 Licensed Professional Land Surveyor  
 Certificate Number 12960  
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203  
 Wailuku, Hawaii 96793  
 March 5, 2018

VICINITY MAP



TMK: (2) 3-6-005:068  
HAWAII TROPICAL PLANTATION  
CONDO MASTER

TMK: (2) 3-6-007:002  
OCEANAS HUI LLC

WAIKAPU STREAM

TMK: (2) 3-6-007:010  
EVELYN N. KAMASAKI  
GIFT TRUST

TMK: (2) 3-6-007:013  
NEW DIRECTION IRA  
INC FBO D.P. TING

TMK: (2) 3-6-007:015  
DAVID K. HOOPAI TRUST

TMK: (2) 3-6-007:016  
PAULS, ANSELM

TMK: (2) 3-6-007:029  
KIM VAN RITCHIE TRUST

TMK: (2) 3-6-007:030  
PILLON, IRENE K.

TMK: (2) 3-6-005:007  
59.054 acres

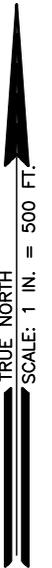
TMK: (2) 3-6-002:003  
WAIALE 905 PARTNERS LLC

TMK: (2) 3-6-004:006  
WAIKAPU PROPERTIES, LLC

HONOAPIILANI HWY.  
F.A.P. NO. 13-G

TO MALALEA

TO WAILUKU



LIST OF ADJOINING OWNERS:

A TMK: (2) 3-6-007:042  
CHUN, ELSIE N.

B TMK: (2) 3-6-007:041  
VALDEZ, GEORGE GREGORIO

C TMK: (2) 3-6-007:040  
DIAZ, MARTHA J.

D TMK: (2) 3-6-007:039  
LLOYD T. TAGUCHI TRUST

E TMK: (2) 3-6-007:038  
NAKAMOTO, DAVID T.

F TMK: (2) 3-6-007:037  
ANN N. WAKAMATSU TRUST

G TMK: (2) 3-6-007:023 (OLOLI PLACE)  
VARIOUS OWNERS

DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-005:007

AREA

59.054 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII  
FROM PROJECT DISTRICT (PD-WK/5) TO  
WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**HAWAII TROPICAL PLANTATION SUBDIVISION  
LOT 3**

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to E.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:  
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:  
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

15. Thence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:  
235° 12' 30"                      229.13 feet;
16. 205° 20'                      195.00 feet along same;
17. 196° 50'                      209.00 feet along same;
18. 212° 10'                      88.31 feet along same;
19. 283° 30'                      208.78 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 1 to Kaai;
20. 301° 30'                      195.00 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21. 276° 46'                      57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14'                      160.90 feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23. 357° 05'                      61.60 feet along same;
24. 354° 18'                      33.54 feet along same;
25. 86° 01'                      63.90 feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
26. 351° 55'                      40.00 feet along same;
27. 359° 06'                      455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
28. 349° 25'                      172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06'                      222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

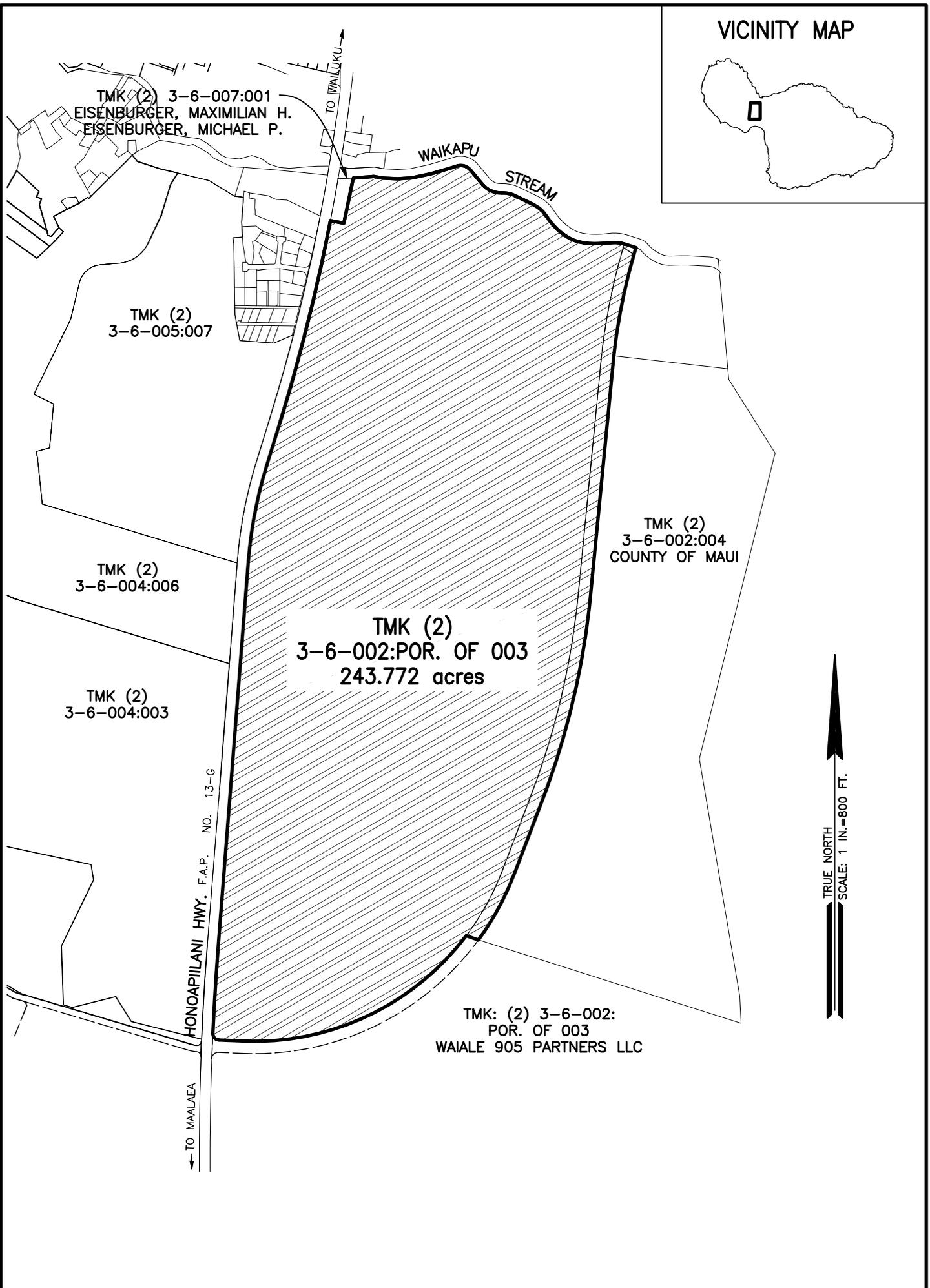
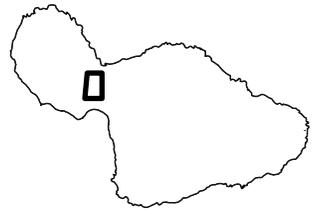
A handwritten signature in black ink that reads "M Silva".

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

WP01

VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

# LAND ZONING MAP NO.

CHANGE IN ZONING – WAIKAPU, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

**DESCRIPTION**

**WAIALE PARK (LARGE-LOT) SUBDIVISION  
PORTION OF LOT 2**

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:  
92° 37' 04.2";  
and the chord azimuth and distance being:  
183° 33' 17.1"                      560.98 feet;
2. 184° 29' 30"                      2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:  
190° 51' 30"                      627.63 feet;
4. 197° 13' 30"                      296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";  
and the chord azimuth and distance being:  
194° 06' 22.5"                      1,339.76 feet;
6. 280° 48' 30"                      88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04'                              89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of Land Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same;
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:  
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:  
357° 07' 20";  
and the chord azimuth and distance being:  
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";  
and the chord azimuth and distance being:  
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:  
237° 54' 40";  
and the chord azimuth and distance being:  
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $57^{\circ} 54' 40''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $35^{\circ} 24'$ ;  
and the chord azimuth and distance being:  
 $316^{\circ} 39' 20''$       178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $35^{\circ} 24'$ ;  
the radial azimuth from the radius point to the end of the curve being:  $7^{\circ} 26' 10''$ ;  
and the chord azimuth and distance being:  
 $291^{\circ} 25' 05''$       148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $7^{\circ} 26' 10''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $351^{\circ} 33' 30''$ ;  
and the chord azimuth and distance being:  
 $269^{\circ} 29' 50''$       168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being:  $171^{\circ} 33' 30''$ ;  
the radial azimuth from the radius point to the end of the curve being:  $197^{\circ} 21'$ ;  
and the chord azimuth and distance being:  
 $274^{\circ} 27' 15''$       88.38 feet;
26.  $287^{\circ} 21'$       73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:  
 $106^{\circ} 12' 21''$   
and the chord azimuth and distance being:  
 $10^{\circ} 53' 40.5''$       733.12 feet;

28.      5° 35'                      1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;
  
29.      Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:  
  13° 16'                      1,347.68 feet;
  
30.      20° 57'                      521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
  
31.      Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:  
  28° 37' 57"                      481.26 feet;
  
32.      126° 18' 54"                      80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
  
33.      Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:  
  64° 19' 57"                      1,615.91 feet;
  
34.      92° 21'                      163.44 feet along same;
  
35.      Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:  
  92° 37' 04.2";  
  and the chord azimuth and distance being:  
  137° 29' 02.1"                      56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me  
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
March 5, 2018

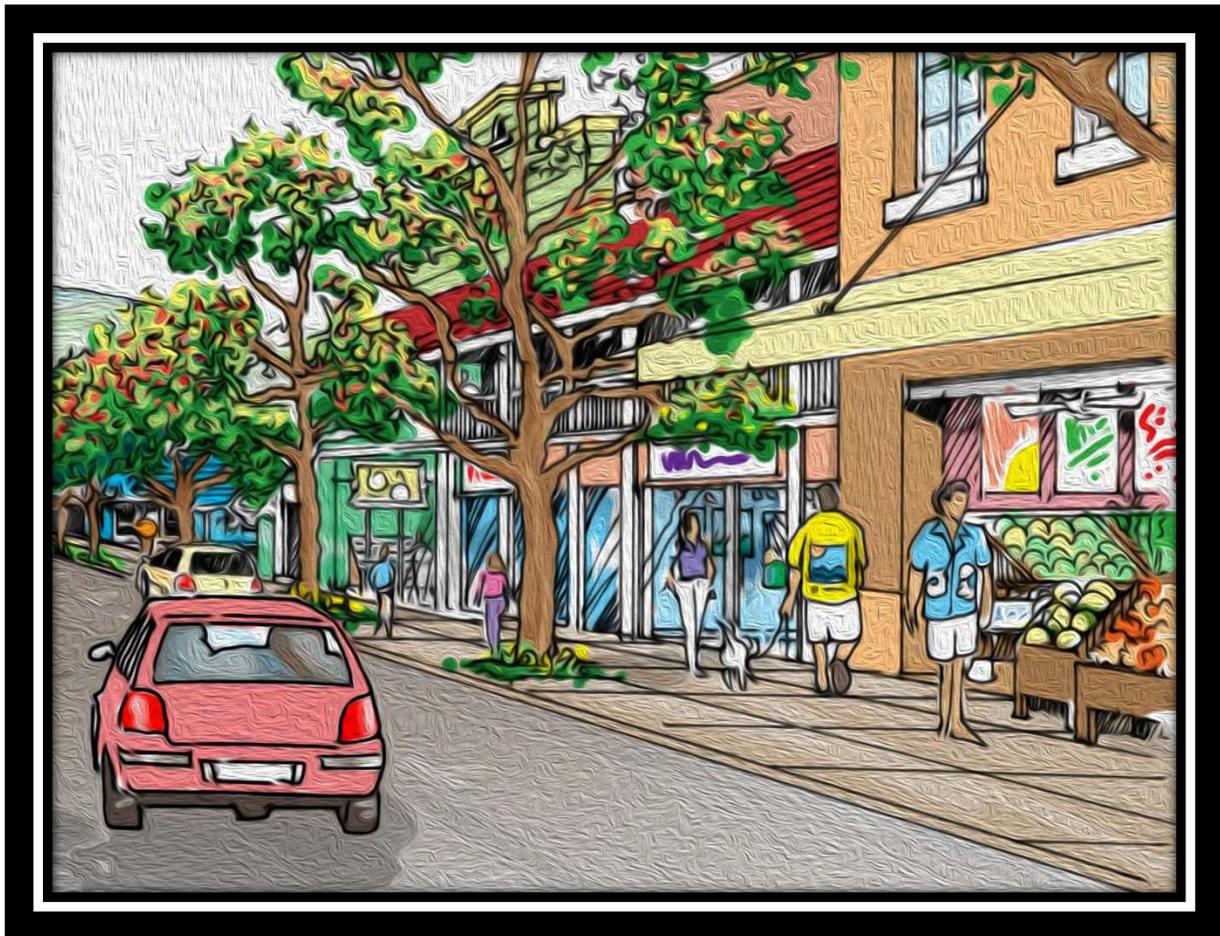
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Michael E. Silva  
Licensed Professional Land Surveyor  
Certificate Number 12960  
License Expires: 4/30/18

WP01

**Appendix G**  
**PROPOSED DRAFT FORM BASED**  
**ZONING ORDINANCE**

Waikapū  
Country Town  
**DRAFT Form-Based  
Zoning Code**

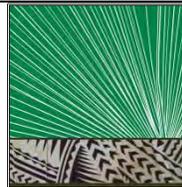


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**WAIKAPŪ COUNTRY TOWN  
DRAFT FORM-BASED ZONING CODE**

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**19.96.010 Purpose and Intent**

The purpose and intent of this ordinance is to establish zoning that implements the Directed Growth Strategy of the Maui Island Plan (December 2012), the Wailuku-Kahului Community Plan and the Waikapū Country Town Master Plan (WCT MP). The Waikapū Country Town (WCT) is intended to be a mixed-use residential community that addresses Maui Island’s future housing demand and provides for the diverse needs of the community’s residents. Key project objectives include:

1. Provide for a range of housing options to address projected housing demand;
2. Develop a “complete community” with a mix of housing, retail, and civic uses to support the community’s residents;
3. Create employment within the project to reduce vehicle commutes; and
4. Create the opportunity for more active and healthy lifestyles through the creation of pedestrian-oriented streets, greenways, separated pedestrian paths and bikeways, a diversity of park spaces and community supported agricultural development.

**19.96.020 Definitions, General & Administrative**

| <b>Term</b>                                      | <b>Definition</b>  |
|--|--|
| <i>Complete Community</i>                        | A community that provides a diversity of housing types to serve a diverse spectrum of income and age demographics and that provides a mix of employment, commercial and civic uses in an environmentally sustainable manner to address resident needs.   |
| <i>Complete Streets</i>                          | Streets that together with separated pedestrian and bicycle facilities enable safe and convenient walking, bicycling, transit, and driving throughout a community for all age and user groups.   |
| <i>Controlling Plan</i>                          | The land use plan that establishes the Project’s zoning districts.   |
| <i>Gross Acres</i>                               | The total acres of an area including land dedicated to the use, roadways, parks and open space, and undevelopable areas.   |
| <i>Neighborhood Plans</i>                        | Design development plans prepared for the Town Center District, Main Street District, and residential neighborhoods at the scale of at least one block. Neighborhood plans also include the rural lot conservation design plan; plans for the Community Park; major neighborhood scale elements of the off-street non-motorized pedestrian and bicycle network; and assessment of visual impacts to views of the West Maui Mountains and Haleakala from proposed development along Honoapiilani Highway. Plans shall be generally consistent with the WCT MP and shall be consistent with the WCT DGs. |
| <i>Net residential acres</i>                     | The gross area of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-of-way, and other undevelopable land within the site.  |
| <i>Net residential density</i>                   | The total number of dwelling units to be developed at a specific site divided by the net residential acres.  |
| <i>Town Center District Master Plan (TCMP)</i>   | An illustrative master plan prepared for the Town Center District.   |
| <i>Waikapū Country Town Master Plan (WCT MP)</i> | The WCT MP (August, 2017) illustrates the desired pattern of future land uses and describes the vision for various elements of the project including parks and open space, pedestrian and bicycle facilities,  |

| Term  | Definition  |
|---|---|
|   | schools, commercial, residential and civic uses. The WCT MP was presented in Chapter III of the Final Environmental Impact Statement (December, 2016) and in the WCT DGs.   |
| <i>Waikapū Country Town Final EIS (WCT FEIS)</i>          | The WCT FEIS (December, 2016) is the Final Environmental Impact Statement that was published in the Office of Environmental Quality Control's The Environmental Notice on January 8, 2017 and which was accepted by the State of Hawaii's Land Use Commission on January 20, 2017.              |
| <i>Waikapū Country Town Design Guidelines (WCT DGs)</i>   | The WCT DGs are the Project's urban design guidelines. They are to be used with the zoning ordinance to implement the WCT MP.   |
| <i>Waikapū Country Town Design Review Board (WCT DRB)</i> | The WCT DRB shall be a three (3) to seven (7) member body of appointed urban design professionals and community representatives responsible for reviewing development projects for consistency with the WCT DGs and for making recommendations to ensure that the WCT DGs are implemented.      |
| <i>Waikapū Country Town Sustainability Plan (WCT SP)</i>  | The WCT SP is the Project's Sustainability Plan (March, 2017), which provides objectives and strategies to achieve environmental sustainability in the areas of urban design, energy use, water use, storm drainage, solid waste management, agricultural development, and health and wellness. |

**19.96.030 Definitions, Lot Types**

| Lot Type                         | Definition  |
|----------------------------------|---|
| Civic Building                   | A lot located and designed to accommodate public-quasi public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.  |
| Civic Space                      | A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation. |
| Commercial / Retail / Employment | A lot located and designed for a building(s) that accommodates a single and/or a mix of commercial, retail, and/or employment type uses.  |
| Commercial & Residential         | A lot designed to accommodate an attached or detached building(s) with a mix of residential and commercial type uses, which may occupy any story of the building.   |
| Duplex                           | A lot designed to accommodate a detached dwelling that accommodates two dwelling units.   |
| Multi-Plex                       | A lot located and designed to accommodate a detached building that resembles a large house but which contains from three to six dwelling units.   |
| Multi-Family Complex             | A lot located and designed to accommodate multiple multi-family buildings arranged in a manner that creates a garden like setting with common open space elements and buildings significantly setback from                                |

| Lot Type                            | Definition   |
|-------------------------------------|--|
|                                     | the street to create ample space for canopy shade trees and a visually attractive streetscape.   |
| Multi-Family Court Yard             | A lot located and designed to accommodate multi-family building(s) and/or multi-family houses arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.  |
| Public Parking                      | A lot designed for the purpose of providing off-street parking to service uses that are not located on the lot.  |
| Rural                               | A large residential lot that is intended to provide opportunities for a rural lifestyle that may entail small scale agriculture and animal husbandry, gardening and/or passive open space qualities.   |
| Single-Family Cottage Complex Lot   | Single-family cottage complex lots may accommodate multiple cottage houses with the houses arranged in a manner that creates a garden like setting with shared parking areas, common open space elements, pedestrian paths and other community facilities. Single-family cottage complex lots must maintain at least 30 percent of the lot area in common open space for the residents of the complex. |
| Single-Family Green Court           | A lot located and designed to accommodate multiple cottage houses, single-family and/or duplex houses arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.  |
| Single-Family Lower Density (SFLD)  | A single-family lot designed to accommodate a single-family dwelling with larger front, side and rear yard setbacks and additional land area for yards, pools and other permitted accessory uses.  |
| Single-Family Higher Density (SHFD) | A single-family lot designed to accommodate a single-family dwelling but not providing additional land area for larger front and rear yards, pools and other accessory uses.   |
| Town Center                         | A lot created within the Town Center District that is created pursuant to the Town Center District Master Plan (TCMP).   |
| Townhouse                           | A lot designed to accommodate a dwelling sharing a common sidewall with another single family dwelling of similar building type, typically arranged in a row.  |

**19.96.040 Definitions, Uses**

| Term                           | Definition  |
|--------------------------------|---|
| <i>Beverage Service Kiosks</i> | A small structure open at one or more sides, which makes and dispenses beverages such as coffee, juice, and soda and which is a self-contained portable structure, designed as a cart, and does not constrain or block safe pedestrian and or automobile traffic. |
| <i>Civic Space</i>             | Public uses that serve a unique community purpose such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.   |
| <i>Common open space</i>       | Facilities and yard areas identified within projects for the use and enjoyment of a community’s residents and maintained and operated by an organization of property holders. This does not include surface parking areas.  |

| <b>Term</b>                                 | <b>Definition</b>   |
|---|---|
| <i>Cottage House</i>                        | A dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single-Family Cottage Complex Lot. Unenclosed decks and porches are not counted towards the floor area of the house. A Cottage House is not an accessory dwelling (Ohana) unit.  |
| <i>Eating establishment, fast food</i>      | <p>An establishment, other than a bakery, bake shop, candy or ice cream store, which provides as a principal use the sale of foods or beverages in a ready-to-consume state, for consumption off the premises. Fast-food restaurants may have sit-down seating and delivery service, but not provide dancing, live entertainment, the service of alcoholic beverages, or a bar. Fast-food restaurants may have some outdoor dining and drive-up service. A fast food establishment's design or principal method of operation includes two or more of the following characteristics:</p> <ol style="list-style-type: none"> <li>1) Food or beverages are served in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable;</li> <li>2) The line of food or beverages is limited; and is usually prepared in advance of the customer's order;</li> <li>3) Food or beverages are served over a general service counter for the customer to carry to a seating facility within the restaurant, or carry-out off premises, or to an occupant of a motor vehicle while seated in the vehicle, such as through a drive-in window; and</li> <li>4) Carry-out sales, including delivery service, constitute over ten percent of the food service business.</li> </ol> |
| <i>Food and beverage truck</i>              | A movable licensed and State Department of Health approved truck and/or trailer from which food is cooked, or served pre-cooked and sold to the public.   |
| <i>Food, beverage and merchandise kiosk</i> | A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure, designed as a cart, and does not constrain or block safe pedestrian and or automobile traffic.  |
| <i>Food processing</i>                      | Facilities for the preparation of food products for regional distribution to retail, wholesale and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, and packaging plants, large scale food manufacturing and processing for off-site distribution and sales.  |
| <i>Funeral home</i>                         | A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.  |
| <i>Outside open air dining</i>              | A restaurant or food service establishment with tables, dining facilities and activities located outside in the open air on a private property, on a public property or on the sidewalk when the open air market is used in conjunction with a business located within the building or structure  |

| Term   | Definition   |
|--|--|
|  | located along and adjacent to the open air dining facility.  |
| <i>Outside open air side walk sales</i>                    | An outdoor area set aside for the display and sale of products and located on the sidewalk provided the open air market is used in conjunction with a business located within the building or structure located along and adjacent to the side walk sales.   |
| <i>Radio and television broadcasting station</i>           | An establishment engaged in transmitting oral and visual programs to the public and that consists of facilities such as a studio, transmitter, and antennas.   |
| <i>Repair, minor</i>                                       | Repair activities which have relatively little impact on surrounding land uses and can be compatibly located with other businesses. Examples include interior upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids and prosthetic devices; garment repair; household appliance repair, except those with gasoline engines; shoe repair; and watch, clock and jewelry repair. |
| <i>Telecommunication and Broadcasting tower or antenna</i> | A self-supporting lattice, guyed, or monopole structure which is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.   |

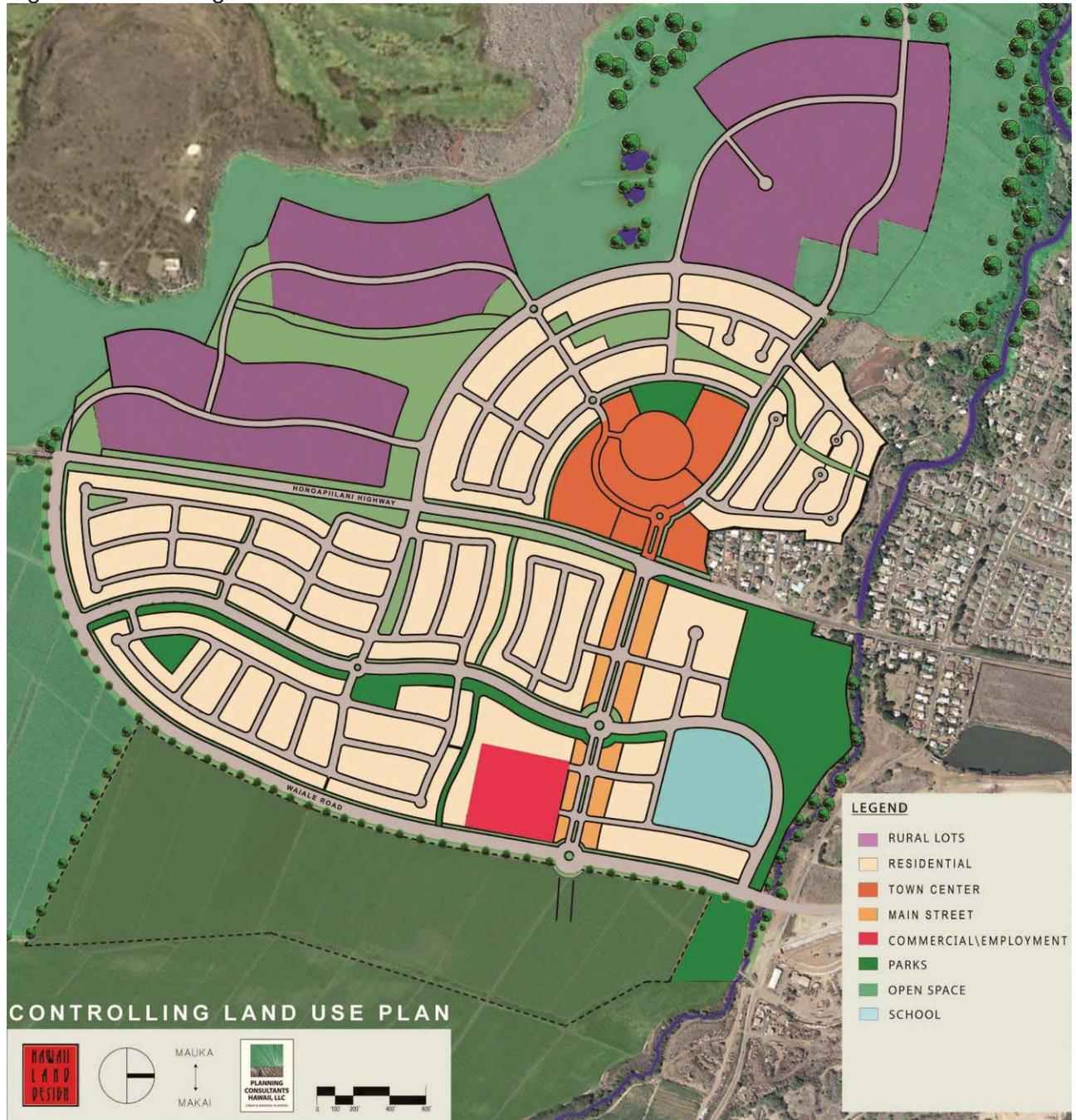
**19.96.050 Types of Uses and Interpretation of Use Terms**

- A. *Types of Uses.* For the purposes of this title, there are three types of uses: principal use, accessory use, and special use. Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed and is identified as a principal use or accessory use; meets all criteria identified for the use and if it is identified as a use which requires a special use permit, said permit is obtained and all conditions are complied with.
- B. *Interpretation of terms.* If a definition or term exists in this zoning ordinance, but is defined in a different way in Maui County Code (MCC) Section 19.04.040, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance then the definition set forth in MCC Section 19.04.040, shall apply.
- C. *Interpretation of uses.* If a proposed use does not appear in the list of terms or within the definitions of those terms or is not defined elsewhere in this title, the Planning Director, or authorized representative, will conduct an administrative review (AR) of the proposed use and, based upon the characteristics of the use, determine which listed and/or defined use is equivalent to that proposed; provided further that such use is consistent with the purpose and intent of the applicable zoning district, and land use designation, and objectives and policies of the General Plan.

**19.96.060 Controlling Land Use Plan**

The Controlling Land Use Plan establishes eight (8) zoning districts that are together intended to implement a mix of land uses that once developed achieve the purpose and intent of the ordinance. Figure 1 is the Controlling Land Use Plan.

Figure 1: Controlling Land Use Plan



**19.96.070 Gross Acreage Allocations**

At full development of the project site the gross acreage allocations to each district shall be within five (5) percent, plus or minus any minor adjustments required for plotting the final roadway alignments, of the gross acreage allocated to the district as shown in Table 1; however, the total gross acreage of all districts shall not exceed the total project acres.

Table 1: Gross Acreage Allocations

| District                   | Gross Acreage Allocation |
|----------------------------|--------------------------|
| A. Town Center             | 24.73                    |
| B. Main Street             | 14.7                     |
| C. Commercial / Employment | 8                        |
| D. Residential             | 228.668                  |
| F. Rural                   | 125.807                  |
| G. Education               | 12                       |
| H. Parks                   | 32.50                    |
| I. Open Space              | 49.5                     |
| <b>TOTAL PROJECT ACRES</b> | <b>495.905</b>           |

**19.96.080 Zoning Districts**

**A. Town Center**

The purpose of the Town Center District is to create a commercial and social core for Waikapū within a portion of the original grounds of the Maui Tropical Plantation (MTP). The unique character and ambiance of the MTP grounds will create a Village Green, which will be the defining feature of the Town Center. The Village Green will give the community a distinct sense of place that invites residents to gather and relax and enjoy the tropical grounds and scenic views of the West Maui Mountains. Here it is intended for residents to have convenient access to goods and services such as restaurants, cafes, or a farmer’s market. Designed around the Village Green may be live-work residences, multi-family residences and a mix of retail, business, entertainment and personal service uses.

**B. Main Street**

The purpose of the Main Street District is to create a second conveniently located town core to service WCT residents living east (makai) of Honoapi’ilani Highway. The District is envisioned to comprise a mix of retail, business and personal service uses organized around a Main Street design typology that invites walking and bicycling. Development within the District may also include multi-family residences and live-work residences. The adopted neo-traditional main street design typology intends that buildings will front onto wide sidewalks with parking placed within the street right-of-way, within strategically located public parking lots, and on-site at the rear of buildings. Pedestrian oriented street design and landscape planting to provide natural cooling and shading of the streets and sidewalks is required within the District.

**C. Commercial / Employment**

The purpose of the Commercial / Employment District is to establish an area for uses that deliver goods and services and/or create employment in the professional services, light

manufacturing, warehousing, repair services, sales and distribution sectors. The district may also accommodate one or more neighborhood grocery stores or general merchandise stores that serve both the Project and the developing Waikapū trade area. It is envisioned that the District will be characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities.

#### **D. Residential District**

The purpose of the Residential District to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges and market demands. Building types might include single-family residential, duplex, tri-plex, four-plex and six-plex or even larger buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district might include: small lot single-family, large lot single-family, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, townhomes, and live-work units. At least twenty-five percent of the units within the district shall be multi-family units.

The District shall accommodate single- and multi-family residences with residences fronting onto aesthetically pleasing and pedestrian oriented streets. The District may accommodate a variety of block types to accommodate a range of lot sizes. The District should include areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces should emphasize an aggressive urban landscape planting program and the design of more visually attractive streetscapes.

#### **E. Rural**

The purpose of the Rural Residential District is to provide large residential lots at the boundary of the urban development to serve as a rural transition to the agricultural lands. It is intended that the rural lots might include areas for personal and/or commercial flower and vegetable gardening, orchards and the raising of chickens, horses, goats and other types of livestock. Conservation subdivision design shall determine the clustering, arrangement and layout of the rural lots to preserve areas of common open space.

#### **F. Education**

The purpose of the Education District is to provide a site for private and/or public education facilities to service the project population and neighboring communities.

#### **G. Parks**

The purpose of the Parks District is to provide a variety of active and passive park spaces for use by WCT residents and the broader Waikapū community. It is intended that the design of WCT's parks will address community needs at the neighborhood and community-wide scale and will include mini-parks, neighborhood parks, and community parks that offer a variety of facilities to support active and passive recreation uses. The Parks District also allows for civic spaces, which may include uses such as a green,

square, plaza, passive park area, community garden, farm plot, or natural or historic area worthy of preservation.

**H. Open Space**

The purpose of the Open Space District is to preserve lands from development for the protection of environmental and cultural resources, public health and safety, and community livability and wellbeing. Lands within the Open Space District may include limited passive and active recreational activities, such as bikeways, trails, community gardens, areas for viewing natural and scenic resources, and areas set aside for picnicking and other passive recreation. The Open Space District also allows for civic spaces, which may include uses such as a green, square, plaza, passive park area, community garden, farm plot, or natural or historic area worthy of preservation.

**19.96.090 Principal, Accessory, and Special Uses**

- A. Within the *Town Center, Main Street and Commercial / Employment Districts*, the land uses identified in Table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special use (SU). A Special Use shall require the issuance of a Special Use Permit.
- B. Other similar uses not specifically enumerated in Table 2A may be permitted as a Principal Use, Accessory Use, or Special Use by the director of planning, or authorized representative. In making its determination, the director of planning, or authorized representative, must determine that the proposed use meets the following tests: 1) It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district; 2) It is compatible with the purpose and intent of that zoning district; 3) It is compatible with the purpose and intent of the ordinance; and 4) It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a Special Use Permit.

Table 2A: Commercial Mixed-Use Table

| Land Use Type                              | Zoning Districts |             |                           |
|--|------------------|-------------|---------------------------|
|  | Town Center      | Main Street | Commercial/<br>Employment |
| <b>Commercial / Retail / Services</b>      |                  |             |                           |
| Agricultural products processing <u>1/</u> | P                | P           | P                         |
| Animal Boarding Facility <sup>1/</sup>     | P                | P           | P                         |
| Animal hospital <u>1/</u>                  | P                | P           | P                         |
| Automobile Services <u>1/</u>              | P                |             | P                         |
| Beverage service kiosks                    | P                | P           | P                         |
| Day care facility                          | P                | P           | P                         |
| Eating and Drinking Establishment          | P                | P           | P                         |
| Eating establishment, fast food            |                  |             | P                         |
| Education, specialized                     | P                | P           | P                         |
| Entertainment establishment                | P                | P           | P                         |

| Land Use Type                                     | Zoning Districts |             |                           |
|---|------------------|-------------|---------------------------|
|   | Town Center      | Main Street | Commercial/<br>Employment |
| Food and beverage retail <u>2/</u> ; <u>3/</u>    | P                | P           | P                         |
| Food and beverage truck                           | P                | P           | P                         |
| Food, beverage and merchandise kiosk              | P                | P           | P                         |
| Funeral Home                                      |                  |             | P                         |
| General merchandise <u>2/</u> ; <u>3/</u>         | P                | P           | P                         |
| General Office                                    | P                | P           | P                         |
| Hotel <u>4/</u>                                   | P                | P           | P                         |
| Nursery School                                    | P                | P           | P                         |
| Outside open air dining                           | P                | P           | P                         |
| Outside open air markets                          | P                | P           | P                         |
| Outside open air sidewalk sales                   | P                | P           | P                         |
| Parking, public                                   | P                | P           | P                         |
| Personal and business services                    | P                | P           | P                         |
| Personal service establishment                    | P                | P           | P                         |
| Recreation, indoor                                | P                | P           | P                         |
| SBR service establishment                         |                  | P           | P                         |
| Self-Storage                                      |                  |             | P                         |
| Shopping Center <u>3/</u>                         |                  |             | P                         |
| Swap meet or open air market                      | P                | P           | P                         |
| <b>Employment</b>                                 |                  |             |                           |
| Food processing                                   | P                | P           | P                         |
| Light manufacturing and processing <u>1/</u>      | P                | P           | P                         |
| Medical center, minor                             |                  | P           | P                         |
| Production facilities, multi-media                |                  | P           | P                         |
| Repair, minor                                     |                  | P           | P                         |
| Storage, Wholesale, Distribution                  |                  |             | P                         |
| <b>Residential</b>                                |                  |             |                           |
| Boarding House <u>1/</u>                          | P                | P           |                           |
| Live Work / Mixed-Use                             | P                | P           |                           |
| Dwelling unit, duplex                             | P                | P           |                           |
| Dwelling unit, four-plex                          | P                | P           |                           |
| Dwelling unit, multi-family (includes townhouses) | P                | P           |                           |
| Dwelling unit, townhouse                          | P                | P           |                           |
| Dwelling unit, triplex                            | P                | P           |                           |
| <b>Cultural and Entertainment</b>                 |                  |             |                           |
| Assembly  | P                | P           | P                         |
| Entertainment                                     | P                | P           | P                         |
| <b>Civic</b>                                      |                  |             |                           |
| Open Space  | P                | P           | P                         |
| Park  | P                | P           | P                         |
| Civic Space                                       | P                | P           | P                         |
| <b>Public Facilities and Public Quasi-Public</b>  |                  |             |                           |
| Fire Station                                      |                  |             | SU                        |
| Library   | P                | P           | P                         |
| Police  |                  |             | P                         |
| Post Office <u>1/</u>                             | P                | P           | P                         |
| Radio and television broadcasting station         |                  | P           | P                         |
| Recycling collection center                       |                  |             | P                         |
| Redemption Center                                 |                  |             | P                         |

| Land Use Type  | Zoning Districts |             |                           |
|--|------------------|-------------|---------------------------|
|  | Town Center      | Main Street | Commercial/<br>Employment |
| Telecommunication and broadcasting tower or antenna  |                  | P           | P                         |
| Utility Facilities, major  | SU               | SU          | SU                        |
| Utilities Facilities, minor  | P                | P           | P                         |
| <b>Accessory</b>   |                  |             |                           |
| Drainage Facilities  | AU               | AU          | AU                        |
| Energy Systems, Small Scale  | AU               | AU          | AU                        |
| Home Occupation <u>5/</u><br>Structures  | AU               | AU          | AU                        |
| <b>Other</b>   |                  |             |                           |
| Other Similar Uses   | AR               | AR          | AR                        |
| <p><u>1/</u> Shall not be permitted within or adjacent to the Town Center's Village Green</p> <p><u>2/</u> Within the Town Center and Main Street Districts gross floor area shall be limited to a maximum of 5,000 square feet on the subject lot or within the subject building.</p> <p><u>3/</u> Within the Commercial / Employment District gross floor area shall be limited to a maximum of 12,000 square feet on the subject lot for all uses within a single building. Shopping centers featuring multiple uses within multiple buildings on a single lot shall be limited to 24,000 square feet of combined floor area. Exceeding these standards shall require a Special Use Permit.</p> <p><u>4/</u> Shall be limited to a maximum of 30 rooms within the Town Center District and a maximum of 150 rooms within the Commercial / Employment and Main Street Districts, but no more than 50 rooms shall be permitted within the Main Street District.</p> <p><u>5/</u> Shall be subject to the limitation of MCC Chapter 19.04.040.</p> |                  |             |                           |

C. Within the *Residential and Rural Districts* the land uses identified in Table 2B shall either be principal uses (P) or accessory to a permitted use (AU).

Table 2B: Residential Use Table

| Land Use Type                                    | Zoning Districts |       |
|--|------------------|-------|
|  | Residential      | Rural |
| Agriculture                                      |                  | P     |
| Animal and livestock raising                     |                  | P     |
| Apartment  | P                |       |
| Boardinghouse <u>6/</u>                          | P                | P     |
| Civic Space                                      | P                | P     |
| Day care facility                                | SU               | SU    |
| Cottage House                                    | P                |       |
| Dwelling unit, duplex                            | P                |       |
| Dwelling unit, four-plex                         | P                |       |
| Dwelling unit, multi-family (Includes townhouse) | P                |       |
| Dwelling unit, single-family                     | P                | P     |
| Dwelling unit, townhouse                         | P                |       |
| Dwelling unit, triplex                           | P                |       |
| Lodging House                                    | P                |       |
| Riding Academy                                   |                  | SU    |
| Recreation, Open Land                            |                  | P     |
| Park   | P                | P     |

| Land Use Type                                    | Zoning Districts |       |
|--|------------------|-------|
|  | Residential      | Rural |
| Parking, public                                  | P                |       |
| <b>Accessory</b>                                 |                  |       |
| Drainage Facilities                              | AU               | AU    |
| Energy Systems, Small Scale                      | AU               | AU    |
| Gardens  | AU               | AU    |
| Garage Sales                                     | AU               | AU    |
| Home Occupations <u>5/</u>                       | AU               | AU    |
| Ohana Units <u>7/</u>                            | AU               | AU    |
| Open Space                                       | AU               | AU    |
| Structure  | AU               | AU    |
| <b>Public Facilities and Public Quasi-Public</b> |                  |       |
| Utility Facilities, major                        | SU               | SU    |
| Utility Facilities, minor                        | P                | P     |
| <b>Other</b>                                     |                  |       |
| Other Similar Uses                               | AR               | AR    |

6/ Shall not have more than five bedrooms and not more than five boarders.  
7/ Shall comply with the provisions of MCC Chapter 19.35. The total number of Ohana Units permitted within the WCT shall not exceed 146.

D. Within the *Education, Parks, and Open Space Districts* the land uses identified in Table 2C shall either be principal uses (P) or accessory to a permitted use (AU).

Table 2C: Civic Use Table

| Land Use Type                                    | Zoning Districts |       |            |
|--|------------------|-------|------------|
|  | Education        | Parks | Open Space |
| <b>Civic</b>                                     |                  |       |            |
| Civic Space                                      | P                | P     | P          |
| Education, general                               | P                |       |            |
| Park   | P                | P     |            |
| Passive Recreation                               | P                | P     | P          |
| <b>Public Facilities and Public Quasi-Public</b> |                  |       |            |
| Utility Facilities, major                        | SU               | SU    | SU         |
| Utility Facilities, minor                        | P                | P     | P          |
| <b>Accessory</b>                                 |                  |       |            |
| Drainage Facilities                              | AU               | AU    | AU         |
| Structure  | AU               | AU    | AU         |
| <b>Other</b>                                     |                  |       |            |
| Other Similar Uses                               | AR               | AR    | AR         |

**19.96.100 Permitted Lot Types**

A. Land uses permitted within each zoning district shall be located on lots that are compatible with the purpose and intent of the zoning district as well as the desired urban design standards for each lot type. Table 3 identifies the lot types permitted within each of the established zoning districts.

Table 3: Permitted Lot Types

| Lot Type                         | TOWN CENTER | MAIN STREET | COMMERCIAL / EMPLOYMENT | RESIDENTIAL | RURAL |
|----------------------------------|-------------|-------------|-------------------------|-------------|-------|
| Civic Building                   | •           | •           | •                       |             |       |
| Civic Space                      | •           | •           | •                       | •           | •     |
| Commercial / Retail / Employment | •           | •           | •                       |             |       |
| Commercial & Residential Duplex  | •           | •           |                         | •           |       |
| Light Industrial                 | •           | •           | •                       |             |       |
| Multi-Plex                       | •           | •           |                         | •           |       |
| Multi-Family Complex             | •           | •           |                         | •           |       |
| Multi-Family Courtyard           | •           | •           |                         | •           |       |
| Parking Lot, public              | •           | •           | •                       | •           |       |
| Rural                            |             |             |                         |             | •     |
| Single-Family Cottage Complex    |             |             |                         | •           |       |
| Single-Family Green Court        |             |             |                         | •           |       |
| Single-Family Large Lot          |             |             |                         | •           |       |
| Single-Family Small Lot          |             |             |                         | •           |       |
| Town House Lot                   | •           | •           |                         | •           |       |

B. Development standards that regulate building height, scale and massing placed on each of the permitted lot types as well as from where vehicles are permitted to access onsite parking are hereby established. Table 4 identifies the development standards established for each lot type. Figure 2 A-11<sup>1</sup> are illustrations of the lot type development standards.

**19.96.110 Lot Type Development Standards**

Table 4: Lot Type Development Standards

|                       | Lot Area (Min/Max) In SF | Lot Width (Min/Max) In ft.) | FAR (Net Min / Max in %) | Building Height (Max in ft.) | Parking Access | Setbacks In ft. |            |            | Street Frontage (Min in %) |
|-----------------------|--------------------------|-----------------------------|--------------------------|------------------------------|----------------|-----------------|------------|------------|----------------------------|
|                       |                          |                             |                          |                              |                | Front (Min/Max) | Rear (Min) | Side (Min) |                            |
| <b>Civic Space</b>    | no min / no max          | no min / no max             | N/A                      | N/A                          | N/A            | N/A             | N/A        | N/A        | N/A                        |
| <b>Civic Building</b> | 5,000 / no max           | 50 / no max                 | N/A                      | 48                           | N/A            | N/A             | 5          | 0          | N/A                        |

<sup>1</sup> Architectural imagery is intended for illustrative purposes only.

|   | Lot Area<br>(Min/Max)<br>In SF | Lot<br>Width<br>(Min/Max<br>In ft.) | FAR<br>(Net Min /<br>Max in %) | Building<br>Height<br>(Max in<br>ft.) | Parking<br>Access                              | Setbacks<br>In ft. |               |               | Street<br>Frontage<br>(Min in %) |
|---|--------------------------------|-------------------------------------|--------------------------------|---------------------------------------|--|--------------------|---------------|---------------|----------------------------------|
|   |                                |                                     |                                |                                       |  | Front<br>(Min/Max) | Rear<br>(Min) | Side<br>(Min) |                                  |
| <b>Commercial /<br/>Retail and<br/>Employment</b> | 3,000 / no<br>max              | 30 / no<br>max                      | 200                            | 45                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 0 / 10             | 5             | 0             | 70                               |
| <b>Duplex</b>                                     | 4,800 /<br>10,800              | 35 / 90                             | N/A                            | 35                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 5 / 15             | 5             | 10            | 70                               |
| <b>Commercial &amp;<br/>Residential</b>           | 2,000 / no<br>max              | 20 / 80                             | N/A                            | 48                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 0 / 10             | 5             | 0             | 60                               |
| <b>Light Industrial</b>                           | 6,000 / no<br>max              | 60                                  | NA                             | 35                                    | N/A  | 0                  | 5             | 0             | N/A                              |
| <b>Multi-Plex</b>                                 | 4,800 /<br>18,000              | 45/ no max                          | N/A                            | 40                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 5 / 15             | 5             | 6             | 70                               |
| <b>Multi-Family<br/>Complex</b>                   | 10,000 / no<br>max             | 60 / no<br>max                      | 90                             | 40                                    | N/A  | 15 / no<br>max     | 10            | 10            | N/A                              |
| <b>Multi-Family<br/>Courtyard<br/>Building</b>    | 20,000 / no<br>max             | 150 / 300                           | 70                             | 40                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 5 / 15             | 5             | 10            | 50                               |
| <b>Public Parking<br/>Rural</b>                   | N/A                            | N/A                                 | N/A                            | N/A                                   | N/A  | N/A                | N/A           | N/A           | N/A                              |
| <b>Single-<br/>Family Cottage<br/>Complex</b>     | 21,780 / no<br>max             | 100 / no<br>max                     | N/A                            | 30                                    | N/A  | 25 / no<br>max     | 15            | 15            | N/A                              |
| <b>Single-Family<br/>Green Court</b>              | 10,000 / no<br>max             | 60 / no<br>max                      | N/A                            | 30                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 10 / no<br>max     | 10            | 10            | N/A                              |
| <b>Single-Family<br/>Large Lot</b>                | 1,650 / no<br>max              | NA                                  | N/A                            | 30                                    | Alley  | 5 / 15             | 5             | 6             | 60                               |
| <b>Single-Family<br/>Small Lot</b>                | 5,000 / no<br>max              | 45 / no<br>max                      | N/A                            | 30                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 5 / 20             | 6             | 6             | 40                               |
| <b>Single-Family<br/>Small Lot</b>                | 2,800 –<br>5,000               | 24 / no<br>max                      | N/A                            | 30                                    | Alley, Side<br>Drive or<br>Secondary<br>Street | 5 / 15             | 5             | 0             | 60                               |
| <b>Townhouse Lot</b>                              | 1,100 / no<br>max              | 16 / 40                             | N/A                            | 40                                    | Alley, or<br>Secondary<br>Street               | 5 / 15             | 5             | 0             | 70                               |

Figure 2, A: Commercial / Retail / Employment

Commercial / Retail / Employment



Neighborhood Block & Lot Example



1. Minimum lot size is 3,000 sq. ft.
2. Maximum FAR is 200%
3. Parking access is by alley, side drive or secondary street
4. Minimum street frontage is 70%



Figure 2, C: Commercial & Residential

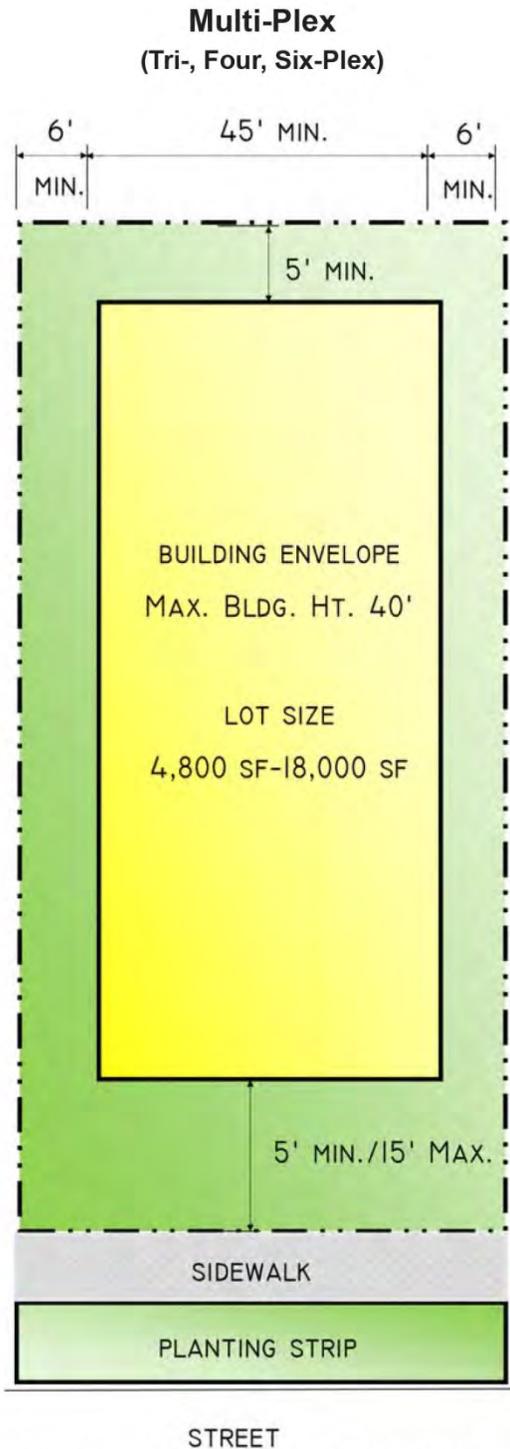


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

**Neighborhood Block & Lot Example**



Figure 2, D: Multi-Plex

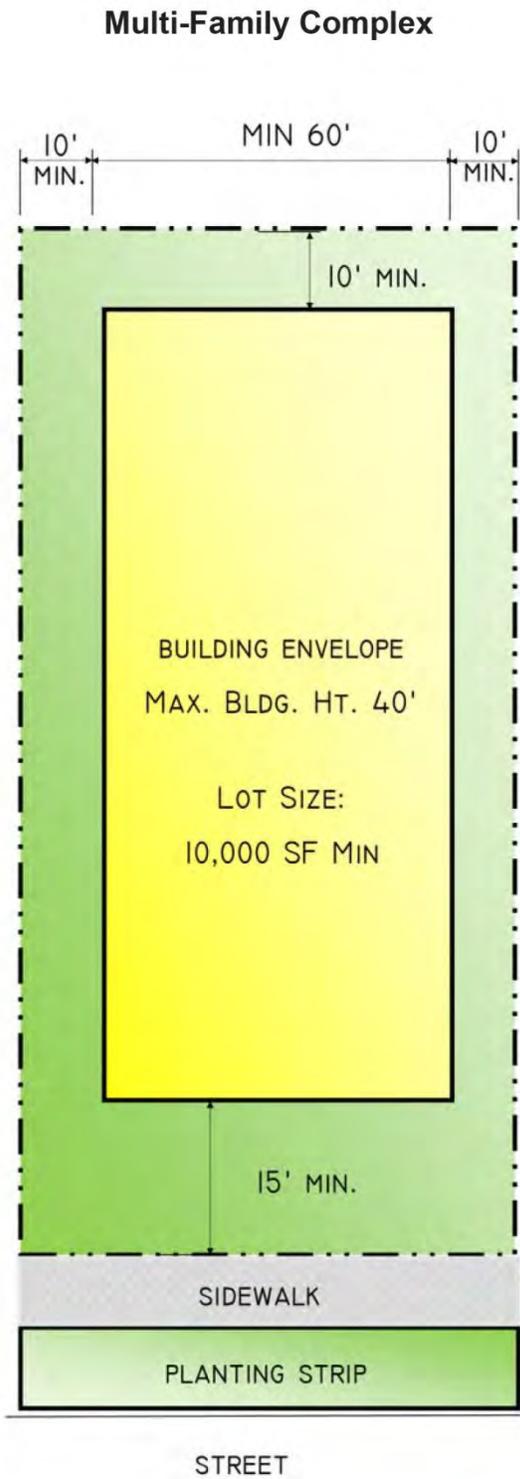


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

**Neighborhood Block & Lot Example**



Figure 2, E, a: Multi-Family Complex



**Neighborhood Block & Lot Examples**



Figure 2 E, b: Multi-Family Complex

Multi-Family Complex



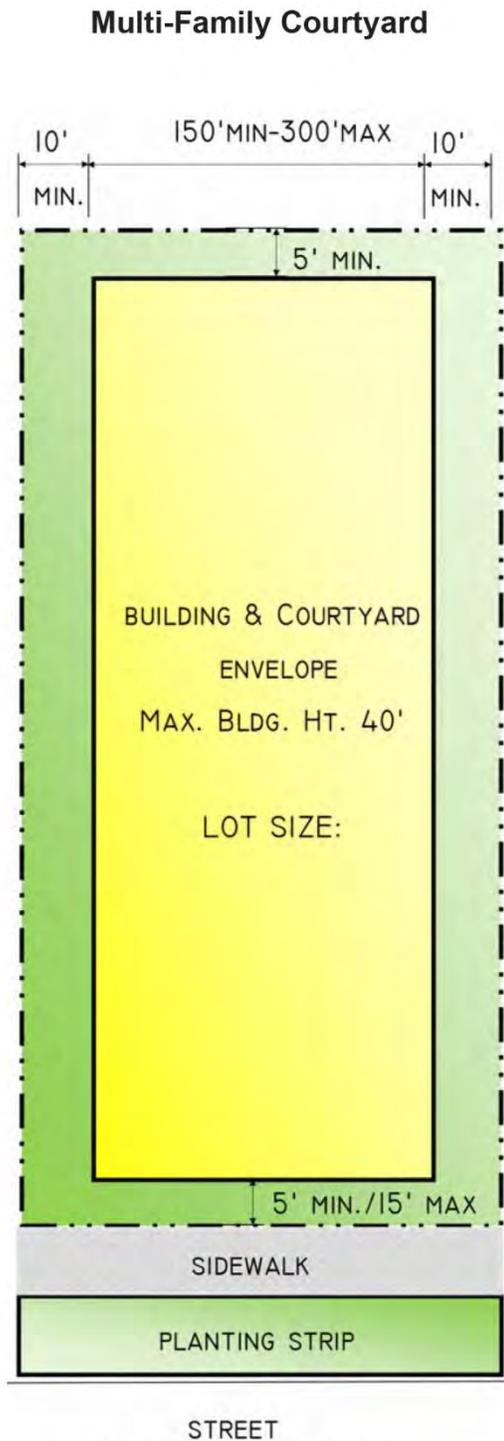
Neighborhood Block & Lot Examples



The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior of the lot and the buildings oriented towards a common open space and the primary street (3) and (4). All multi-family complex lots are required to locate surface parking within the interior of the lot and it is to be screened from the adjoining roadways by landscape planting. Setback areas along primary and secondary streets are to provide professionally designed and maintained landscape planting to create a garden like setting.



Figure 2, F: Multi-Family Courtyard

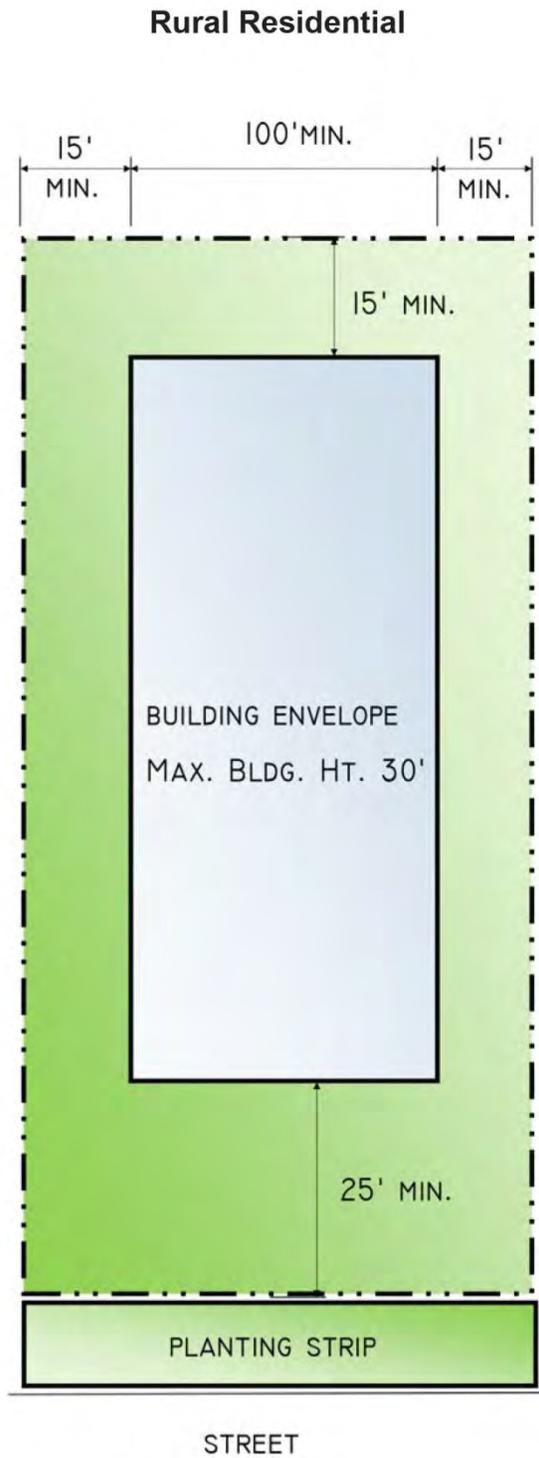


Neighborhood Block & Lot Examples



1. Parking access is by alley or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 70%

Figure 2, G: Rural Residential

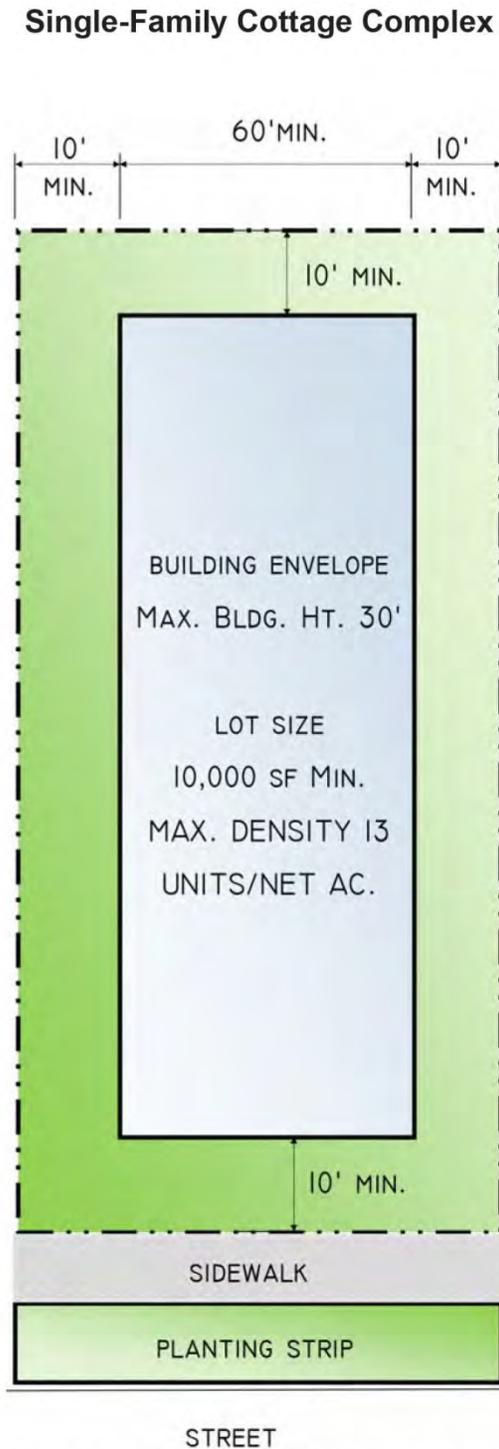


**Neighborhood Block & Lot Example**



1. Minimum lot size is 21,780 sq. ft. (1/2 acre)

Figure 2, H: Single-Family Cottage Complex

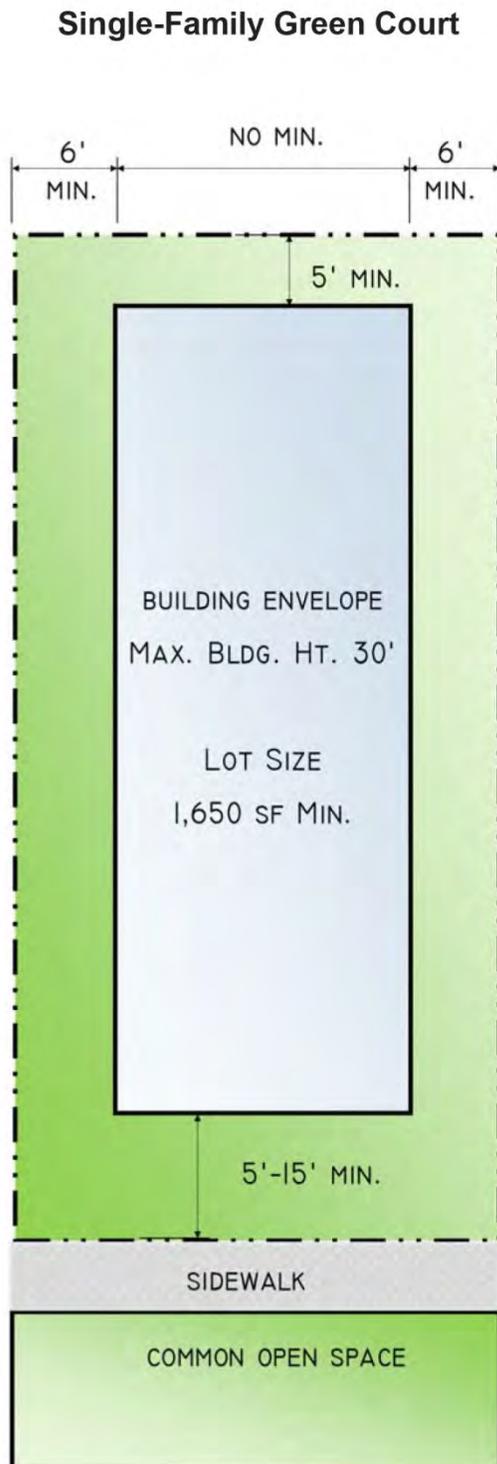


**Neighborhood Block & Lot Example**



1. Parking access is by alley, side drive or secondary street

Figure 2, I: Single-Family Green Court

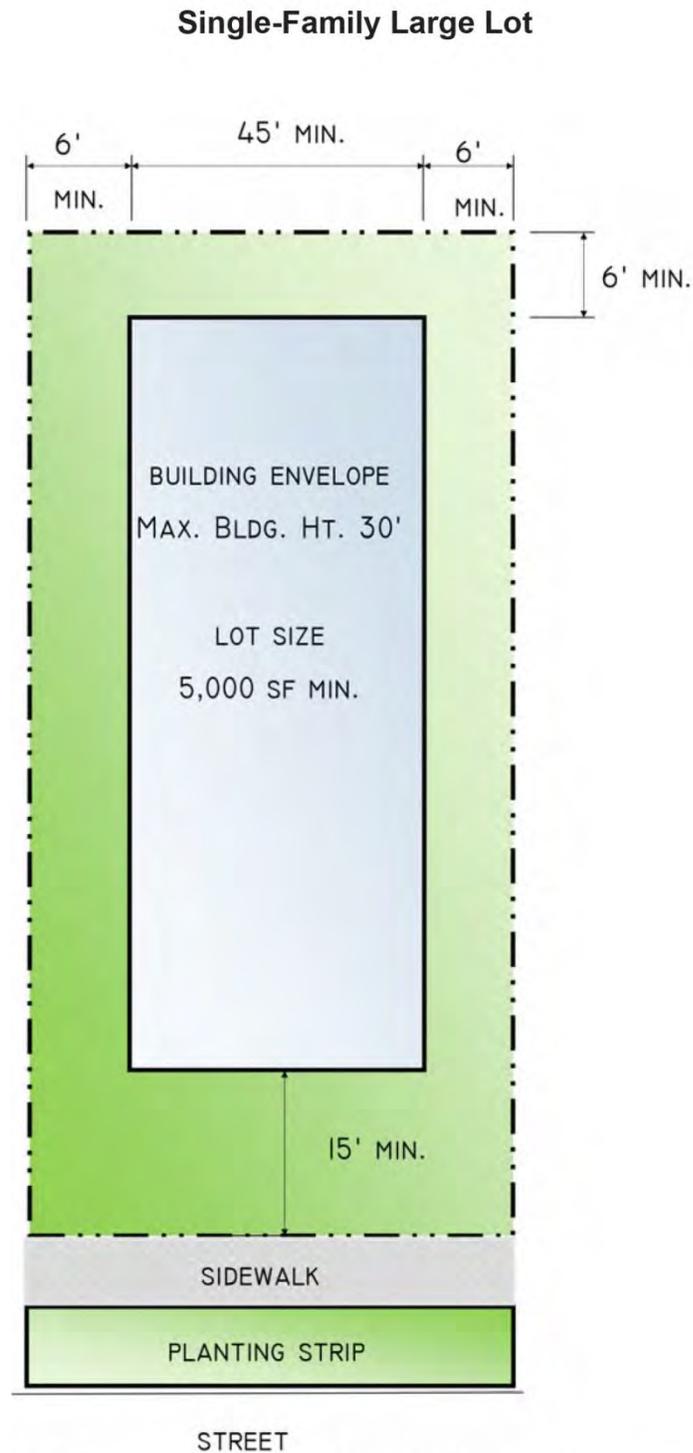


*alley access is by alley  
minimum street frontage is 60%*

**Neighborhood Block & Lot Example**



Figure 2, J: Single-Family Large Lot

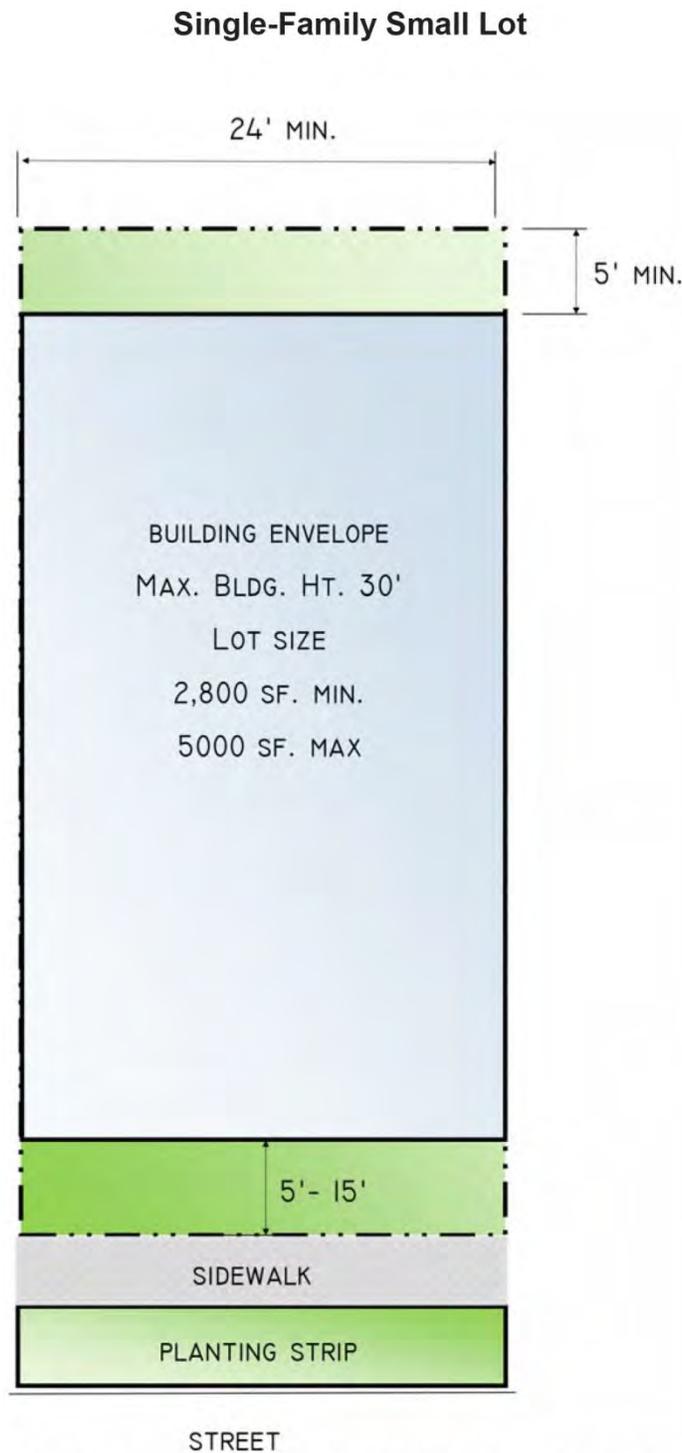


**Neighborhood Block & Lot Example**



1. Parking access is permitted by alley, side drive or secondary street
2. Attached garages must be setback a minimum of 15-feet from the architectural facade
3. Minimum street frontage is 40%

Figure 2, K: Single-Family Small Lot

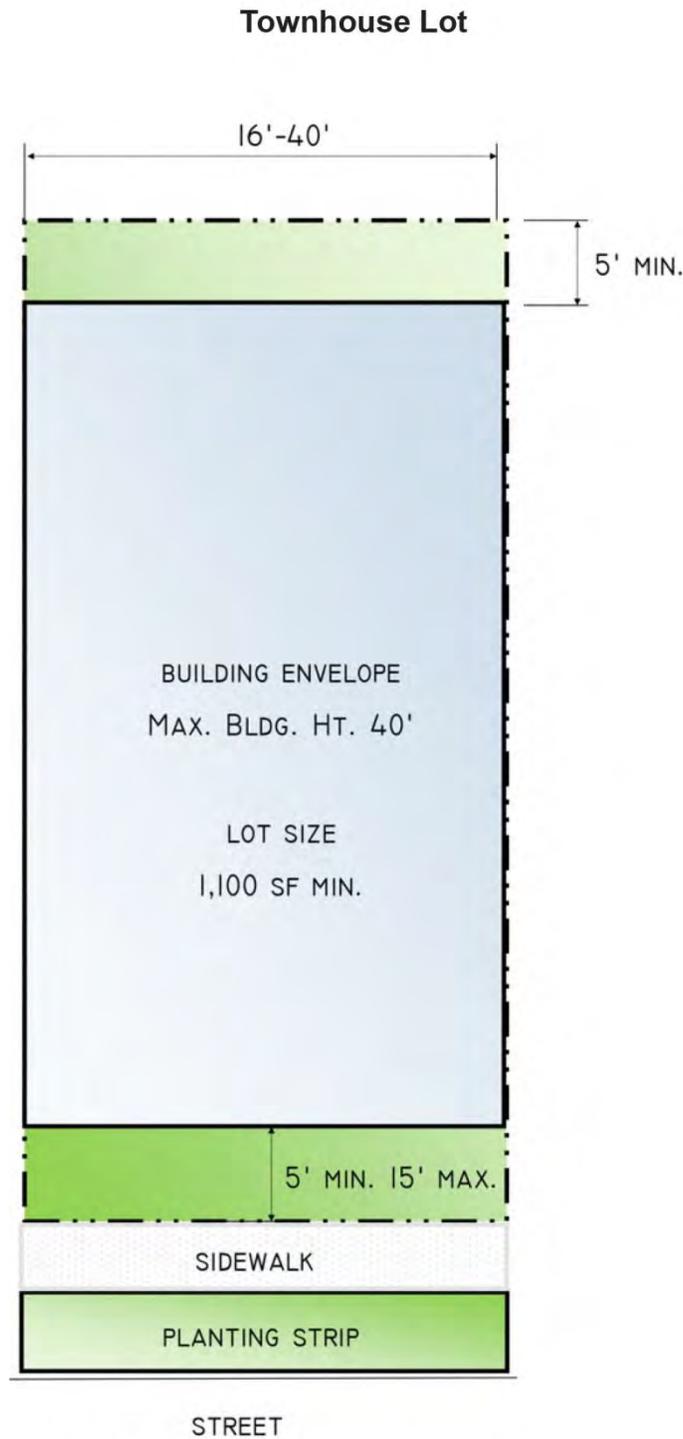


**Neighborhood Block & Lot Example**



1. Parking access is permitted by alley, side drive or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,000 square feet
3. Attached garages must be setback a minimum of 10-feet from the architectural facade
4. Minimum street frontage is 60%

Figure 2, L: Townhouse Lot



Neighborhood Block & Lot Examples



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

**19.96.120 Minimum and Maximum Number of Residential Units and Commercial Space**

- A. At buildout, the number of dwelling units within the WCT shall not be less than 1,326 and shall not be more than 1,433, plus up to an additional 146 Ohana dwelling units.
- B. The maximum number of Ohana dwelling units shall not exceed 146.
- C. The maximum number of Rural Residential lots within the WCT shall not exceed 80.
- D. Multi-Family Residential Units. The minimum number of multi-family residential units within the WCT shall not be less than 25 percent of the total number of single- and multi-family residential units and shall not be more than 50 percent of the total number of these units.
- E. The total number of dwelling units may exceed the maximum number of units permitted if the subject units qualify as State and/or County affordable housing units or are permitted pursuant to an update of the Maui County General Plan.
- F. The maximum amount of commercial, retail and employment space within the WCT shall not exceed 200,000 square feet.

**19.96.130 Additional Standards for All Districts**

- A. Any tract of land or project site within the WCT for which development is sought shall be subject to conditions imposed by the department of planning, the department of public works, the department of environmental management, and the State of Hawaii departments of health, transportation, and land and natural resources, pursuant to any applicable statute, ordinance, rule or regulation.
- B. A dwelling or dwelling unit shall not be used for fractional ownership or as a transient vacation rental, time-share unit or bed and breakfast home.

**19.96.140 Urban Design Review**

- A. It is intended that the build-out of the WCT will be done in a manner that conforms to the zoning ordinance and the Waikapū Country Town Design Guidelines (WCT DGs).
- B. The WCT DGs shall be used together with the zoning ordinance to ensure that development projects implement the desired character of urban design envisioned for the WCT. The WCT DGs shall address subdivision, street, and parking area design parameters. The WCT DGs shall also provide guidelines related to building design, architectural character, landscape planting, signage, and community and civic amenities such as street furniture, signage, lighting, pedestrian and bicycling infrastructure, and sustainability practices. As the need arises, the WCT DGs may be supplemented with more detailed design recommendations related to any element of the WCT.
- C. The WCT DGs shall be approved by the Planning Director with recommendations provided to the Director by the Urban Design Review Board (UDRB).
- D. The Planning Director shall approve neighborhood plans for general consistency with the WCT MP and the WCT DGs. The Planning Director may request comments and recommendations on neighborhood plans from the Waikapū Country Town Design Review Board (WCT DRB). Before issuance of a final subdivision approval, neighborhood plans shall be approved by the Planning Director for the following elements of the WCT:

1. Town Center District;
  2. Main Street District;
  3. Residential neighborhoods at the scale of at least one block;
  4. Rural Lot Conservation Subdivision Design Plan;
  5. Community and Neighborhood Parks;
  6. Major neighborhood scale elements of the off-street non-motorized pedestrian and bicycle network;
  7. Visual impacts to West Maui Mountains and Haleakala of development proposed along Honoapiilani Highway
- E. Design review for parking master plans; on-site parking compliance; signage; architectural design of individual residential and commercial buildings; and landscape planting of individual lots shall be conducted by the WCT DRB. The procedures for the establishment, administration and responsibilities of the WCT DRB shall be set forth in the WCT DGs.