

ALAN M. ARAKAWA  
Mayor

MICHELE CHOUTEAU MCLEAN  
Director

JOSEPH W. ALUETA  
Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

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OFFICE OF THE MAYOR

November 19, 2018

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

For Transmittal to:

Honorable Elle Cochran, Chair  
and Members of the Infrastructure and  
Environmental Management Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*Alan Arakawa* 11/20/18  
Mayor Date

Dear Chair Cochran and Members:

**SUBJECT: TRAFFIC SAFETY AND ENVIRONMENTAL CONCERNS  
RESULTING FROM DEVELOPMENT IN MAKENA, MAUI,  
HAWAII; TMKS: (2) 2-1-005:026 AND (2) 2-1-005:129 THROUGH  
(2) 2-1-005:139 (IEM-80) (RFC 2018/0128)**

The Department of Planning (Department) has received your letter dated October 29, 2018 asking for information regarding the subject topic and parcels. Your requests and the Department's responses follow:

1. *Please explain whether a right-of-entry was obtained from the property owner (via consultant) for the above-mentioned parcels and whether any inspection reports or enforcement letters have been filed.*

The Zoning Inspector has been to the property and is preparing a report of his visit. Essentially, the road is in and completed, as are the water tank (outside the Special Management Area [SMA]), the injection well, and two (2) retention basins. All of these elements are in the locations indicated on the project plans. The pad for the dwelling has not been graded.

2. *During the Committee's meeting of August 20, 2018, community members stated that unpermitted grading was seen taking place on tax map keys (2) 2-1-005:024, 108, 129, 131, 132 and 137.*
  - a. *Has the Department investigated these allegations?*

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It is unclear where, specifically, the community believes unauthorized grading took place, so it is not possible to address the community's concerns; however, the Zoning Inspector has visited the property and determined that grading in the SMA occurred within the limits of the approved site plan.

- b. *Please explain whether any penalties may be imposed for parcels within the SMA, pursuant to Section 205A-32, Hawaii Revised Statutes.*

Penalties may be imposed for any unpermitted work within the SMA pursuant to Section 205A-32, Hawaii Revised Statutes, and Section 12-202-25 of the *Special Management Area Rules* for the Maui Planning Commission.

3. *According to information provided by you and the Department of Public Works, a SMA Minor permit and a building permit were issued for tax map key (2) 2-1-005:135.*

- a. *Please explain whether the submitted farm plan and the SMA Minor permit for the construction of a single family residence (less than 7,500 square feet in size) align with the capacity of the water tank.*

The water tank was constructed outside the SMA, so was not scrutinized by the Department. A water tank size concern, if there is one, would be the purview of another department.

- b. *The submitted farm plan includes serving as a habitat restoration for the deer population. According to the State-level Hawaii Invasive Species Council, Axis Deer are considered an invasive species. Please explain whether the Department is planning to reconsider the Farm Plan given the intention to foster invasive species.*

The Applicant is providing clarifying information with respect to conservation, in writing, addressing this issue. Once received, the Department will consider processing a revised farm plan description.

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

Sincerely,



MICHELE MCLEAN  
Planning Director

xc: Joseph Alueta, Deputy Planning Director (PDF)  
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
David Raatz, Administrative Planning Officer (PDF)  
Jeffrey P. Dack, Current Planning Supervisor (PDF)  
Keith C. Scott, Staff Planner (PDF)  
Jay Arakawa, Supervising Zoning Inspector (PDF)

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Project File

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