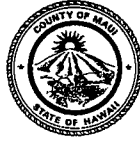


Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL

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

January 9, 2020

Jeffrey T. Pearson, Director
Department of Water Supply
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Pearson:

**SUBJECT: COMMUNITY PLAN AMENDMENT AND CHANGE IN
ZONING FOR MAALAEA AGRICULTURAL
SUBDIVISION (PSLU-41)**

On November 26, 2019 the Planning and Sustainable Land Use Committee recommended bills granting land-use entitlements for the Maalaea Agricultural Subdivision be passed on first reading.

Please see the attached document, entitled "EXHIBIT 'C'; CONDITIONS OF ZONING."

May I call your attention to Condition 13, which states, in part: "To ensure the property only uses its fair share of water resources, the wells must not draw water from any water source that would exceed the sustainable yield of the water source as set by the Commission on Water Resources Management." Do you have any comments on this specific provision? More generally, do you have any concerns with the potential development's water use?

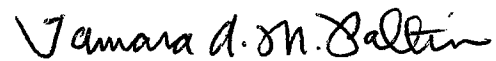
Please also reference Condition 14 and advise what criteria will be used to evaluate the engineering report for a long-term, reliable supply of water in compliance with Maui County Code Section 14.12.040.

May I please request your response by **January 22, 2020**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Mr. Jeffrey T. Pearson
January 9, 2020
Page 2

Should you have any questions, please contact me or the Committee staff (Ana Lillis at ext. 7660, James Krueger at ext. 7761, or Clarita Balala at ext. 7668).

Sincerely,



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:ltr:041aws01:alkl

Attachment

EXHIBIT "C"

CONDITIONS OF ZONING

1. MVI, LLC and any future owner or lessee must develop the property in substantial compliance with the submittals and representations made to the Maui County Council and the Council's Planning and Sustainable Land Use Committee in obtaining the Change in Zoning to Agricultural District.
2. MVI, LLC and any future owner or lessee must construct and maintain firebreaks on all perimeter property boundaries as well as boundaries around lots resulting from subdivision as approved by the Maui County Fire Department.
3. To provide safe continued access to the existing Pali Trail and continued vehicle access to the existing Pali Trail parking lot, MVI, LLC and any future owner or lessee must provide the following items as shown on Exhibit "i" prior to final subdivision approval:
 - a. A 24-foot wide trail and roadway lot between proposed Lots 5 and 6. This lot must be dedicated to the State Department of Land and Natural Resources.
 - b. A 10-foot wide trail lot adjoining a subdivision roadway lot starting at Honoapi`ilani Highway and ending at the makai end of the 24-foot wide trail and roadway lot described in Condition 3a. This 10-foot wide trail lot must be improved with a multiuse path paved with asphalt, concrete, or any other material approved by the State Department of Land and Natural Resources. This trail lot must be dedicated to the State Department of Land and Natural Resources.
 - c. A roadway access easement over a subdivision roadway lot starting at Honoapi`ilani Highway and ending at the makai end of the 24-foot wide trail and roadway lot described in Condition 3a. This easement must remain open to the public 24 hours a day in perpetuity and must be dedicated to the State Department of Land and Natural Resources.
 - d. A pedestrian crosswalk across Honoapi`ilani Highway at the Honoapi`ilani Highway and North Kihei Road intersection. Walk signaling must not be on demand.

4. MVI, LLC and any future owner or lessee must maintain a 50-foot buffer zone on either side along a subdivision roadway starting at Honoapiʻilani Highway and ending at the makai end of the 24-foot wide trail and roadway lot described in Condition 3a. The 50-foot buffer zone must also be along the 24-foot wide trail and roadway lot described in Condition 3a. Only Agricultural District uses that do not involve structures are allowed in this buffer zone.
5. MVI, LLC and any future owner or lessee must maintain a 200-foot buffer zone along the Honoapiʻilani Highway. Only Agricultural District uses that do not involve structures are allowed in this buffer zone.
6. Prior to final subdivision approval, MVI, LLC and any future owner or lessee must provide a 10-foot wide bikeway and pedestrian lot starting at the end of a subdivision roadway lot near the mauka end of the lot line between proposed lots 20 and 21 depicted on the map attached as Exhibit "i" and ending at the Honoapiʻilani Highway and Kapoli Street intersection. This 10-foot wide bikeway and pedestrian lot must be improved with a multiuse path paved with asphalt, concrete, or a similar material.
7. MVI, LLC and any future owner or lessee are responsible for traffic and roadway improvements necessary to mitigate the project's impacts. The necessary traffic and roadway improvements must be specified to the satisfaction of the State Department of Transportation, the County Department of Transportation, and the County Department of Public Works, and documented in a Memorandum of Agreement. The improvements must be completed prior to final subdivision approval.
8. MVI, LLC and any future owner or lessee must leave the area subject to the Change in Zoning undeveloped, without any structures, because of drainage concerns, to provide a buffer for cultural sites in the area, and to preserve views.
9. MVI, LLC and any future owner or lessee must not create a condominium property regime on the property.
10. The Maui County Council's approval of the Change in Zoning to Agricultural District is given with the expectation that MVI, LLC and any future owner or lessee will not pursue approvals under Chapter 201H, Hawaii Revised Statutes, or any other similar law or regulation for the property.

11. The County of Maui will have the right of first refusal to purchase for drainage mitigation purposes Lot 21 as depicted on Exhibit "i," which is approximately 40 acres. MVI, LLC or any future owner will offer the County the option to purchase the lot upon final subdivision approval for the property. The County will have 120 days to purchase the lot.
12. MVI, LLC and any future owner or lessee must not operate Short-Term Rental Homes, Bed and Breakfast Homes, or any other transient accommodations on the property.
13. MVI, LLC and any future owner or lessee must provide water for the property through private wells. To ensure the property only uses its fair share of water resources, the wells must not draw water from any water source that would exceed the sustainable yield of the water source as set by the Commission on Water Resources Management. Furthermore, any future homeowner's association or similar organization established on the property will collaborate with the Maui Nui Marine Resource Council and organizations with whom they have partnered to protect the Pohakea Watershed. The homeowner's association must pay 10 percent of its monthly homeowner's association fees to a fund managed by the Maui Nui Marine Resource Council or a partner organization for the purposes of implementing the Pohakea Watershed / Ma'alaea Bay Maui County, Hawaii Stormwater Management Plan, dated November 16, 2018, and attached as Exhibit "ii."
14. MVI, LLC and any future owner or lessee must receive confirmation from the Department of Water Supply that the property has a long-term, reliable supply of water prior to final subdivision approval.
15. Under Docket A91-67, 20.644 acres of the property were reclassified by the State Land Use Commission from Conservation to Rural. MVI, LLC and any future owner or lessee must adhere to the following conditions placed on the 20.644 acres as a result of that reclassification:
 - a. The 20.644 acres must continue in agricultural use, in compliance with the representations made to the State Land Use Commission.
 - b. The landowner must notify the State Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the property.
 - c. The landowner must immediately stop work and contact the State Historic Preservation Division should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burial,

rock or coral alignments, pavings, or walls be encountered during crop cultivation or any subsequent development activity.

- d. The landowner must provide annual reports to the State Land Use Commission, the State Office of Planning, and the County Department of Planning in connection with the status of the subject project in the Petitioner's progress in complying with the conditions imposed by the State Land Use Commission.
 - e. The State Land Use Commission may fully or partially release the conditions it imposed as to all or any portions of the 20.644 acres upon timely motion and upon the provision of adequate assurance of satisfaction of the conditions by the landowner.
16. MVI, LLC or any future owner or lessee must notify the residents of the Kihei-Makena Community Plan Area that a subdivision of the property is planned by:
- a. Posting three notices in an area newspaper of general circulation immediately after the Change in Zoning to Agricultural District is approved; and
 - b. Providing a free presentation to a community organization or similar organization in the Kihei-Makena Community Plan Area within 30 days after the approval of the Change in Zoning to Agricultural District.

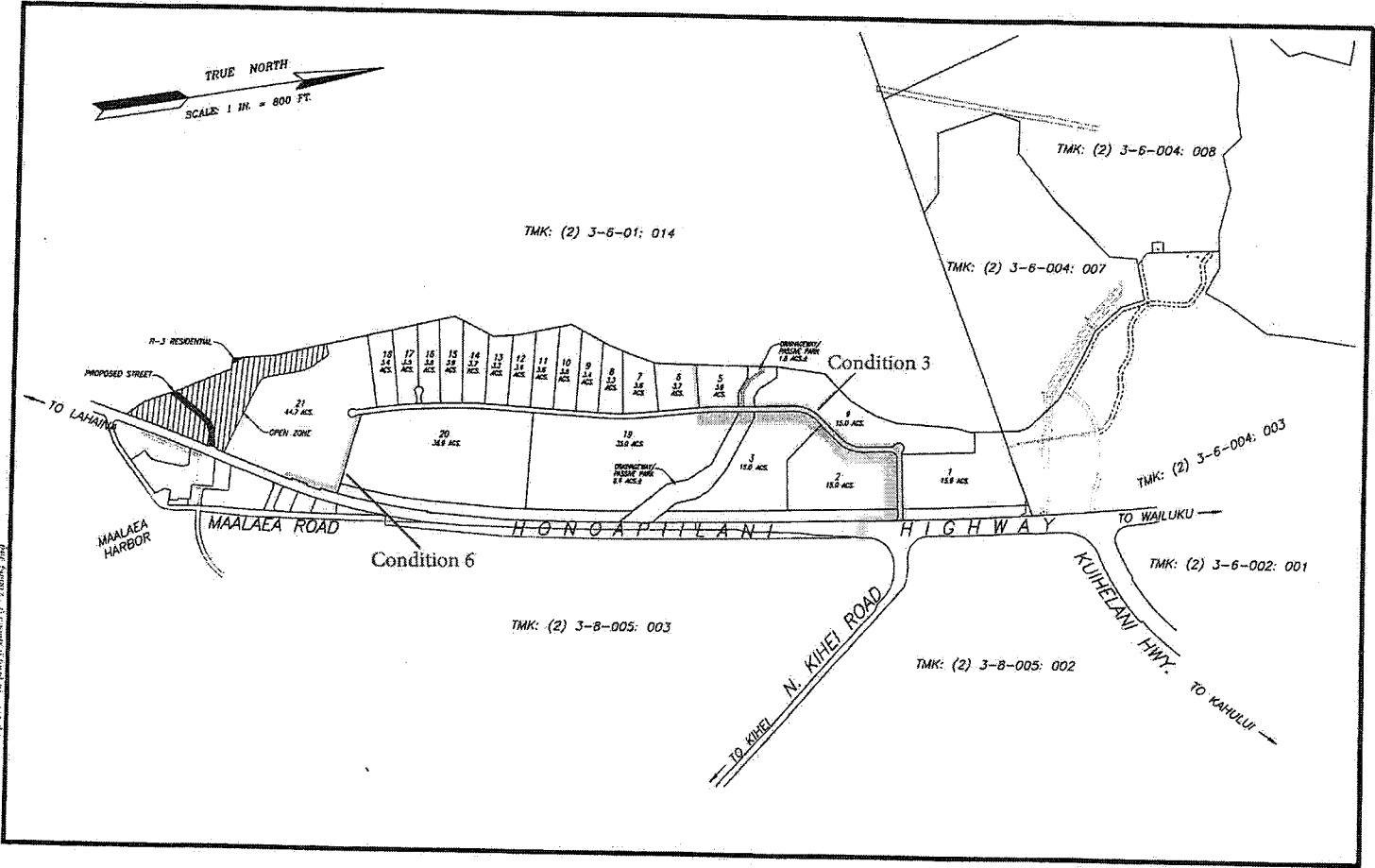


EXHIBIT "1"

**POHAKEA WATERSHED / MA'ALAEA BAY
MAUI COUNTY, HAWAII
STORMWATER MANAGEMENT PLAN**

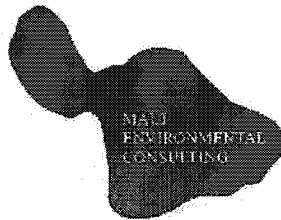
Prepared for:

Maui Nui Marine Resource Council

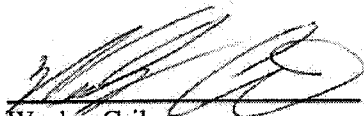
PO Box 331204
Kahului, HI 96733

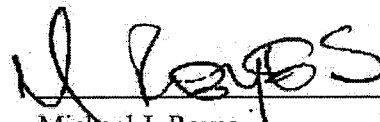
November 16th, 2018

Prepared by:



**Maui Environmental Consulting, LLC
PO Box 790568
Paia, HI 96779 • 808-866-6919**


Wesley Crile
Senior Ecologist


Michael J. Reyes
Senior Ecologist/Principal

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LAND DESCRIPTION

Open Zone 1

All that certain parcel of land known as Open Zone 1 of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northwestern corner of this parcel of land, being a point on the Southwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,733.18 feet South and 6,194.89 feet West and running by azimuths measured clockwise from True South; thence,

1. 228° 49' 30" 393.12 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
2. Following along the same, along the arc of a curve concave to the right, having a radius of 200.00 feet, the chord azimuth and distance being 254° 07' 30" for 170.94 feet, to a point; thence,
3. 279° 25' 30" 88.56 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a ½" pipe (set); thence,
4. 301° 05' 41" 15.00 feet along the Northwestern right-of-way line of Honoapiilani Highway (N.R.11. 13-C) and Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a ½" pipe (set); thence,
5. 31° 05' 41" 286.00 feet along the same, to a ½" pipe (set); thence,
6. Following along the same, along the arc of a curve concave to the left, the azimuth of a radial line passing through the point of curvature from the radius point being 121° 05' 41", and the point of tangency from the radius point being 118° 20' 52.6", having a radius of 11,539.55 feet, the chord azimuth and distance being 29° 43' 16.8" for 553.16 feet, to a ½" pipe (set); thence,
7. 153° 40' 17" 209.46 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a ½" pipe (set); thence,
8. 169° 48' 47" 258.31 feet along the same, to the point of beginning and containing an area of 4.250 acres.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



LAND DESCRIPTION

Open Zone 2

All that certain parcel of land known as Open Zone 2 of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company, Grant 11067 to Wailuku Sugar Company, Grant 10962 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

Situate at
Ukumehame, Wailuku, Maui, Hawaii


Beginning at a Westerly corner of this parcel of land and Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being a point on the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,005.12 feet South and 6,423.34 feet West and running by azimuths measured clockwise from True South: thence,

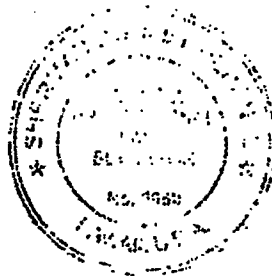
1. 184° 08' 47" 310.59 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a point; thence,
2. 176° 24' 47" 504.60 feet along the same, to a point; thence,
3. 266° 24' 47" 82.22 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
4. Following along the same, along the arc of a curve concave to the right, having a radius of 40.00 feet, the chord azimuth and distance being 299° 34' 53.5" for 43.77 feet, to a point; thence,
5. 332° 45' 00" 123.21 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
6. Following along the same, along the arc of a curve concave to the right, having a radius of 400.00 feet, the chord azimuth and distance being 345° 36' 00" for 177.92 feet, to a point; thence,
7. 358° 27' 00" 315.91 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
8. Following along the same, along the arc of a curve concave to the left, having a radius of 100.00 feet, the chord azimuth and distance being 331° 47' 30" for 89.73 feet, to a point; thence,
9. 305° 08' 00" 744.33 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
10. 31° 05' 41" 84.50 feet along the Southwesterly right-of-way line of Honoapiilani Highway (N.R.H. 13-C) Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a 1/2" pipe (set); thence,

11. 121° 05' 41" 15.00 feet along the same, to a ½" pipe (set); thence.
12. 31° 05' 41" 21.20 feet along the same, to a point; thence.
13. 99° 25' 30" 108.43 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence.
14. Following along the same, along the arc of a curve concave to the left, having a radius of 250.00 feet, the chord azimuth and distance being 74° 07' 30" for 213.68 feet, to a point; thence.
15. 48° 49' 30" 363.09 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence.
16. 184° 08' 47" 59.81 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumohame [T.M.K.: (2)3-6-01:14] to a ½" pipe (set); thence.
17. 165° 07' 47" 112.44 feet along the same, to a ½" pipe (set); thence.
18. 167° 31' 47" 394.87 feet along the same, to a ½" pipe (set); thence.
19. 105° 51' 47" 58.03 feet along the same, to a point; thence.
20. Following along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) along the arc of a curve concave to the left, the azimuth of a radial line passing through the point of curvature from the radius point being 266° 44' 51", and the point of tangency from the radius point being 232° 39' 52", having a radius of 185.00 feet, the chord azimuth and distance being 159° 42' 21.5" for 108.43 feet, to the point of beginning and containing an area of 10.488 acres.

This work was done by me or
under my direct supervision.

AKAMA LAND SURVEYING, INC.


Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/3/19)



LAND DESCRIPTION

R-3 Zone

All that certain parcel of land known as R-3 Zone of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being a portion of Grant 11067 to Wailuku Sugar Company.

Situate at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Northerly corner of this parcel of land being a point of the Northwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 31,005.12 feet South and 6,423.34 feet West and running by azimuths measured clockwise from True South; thence,

1. Following along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) along the arc of a curve concave to the right, the azimuth of a radial line passing through the point of curvature from the radius point being $232^{\circ} 39' 52''$, and the point of tangency from the radius point being $266^{\circ} 44' 51''$, having a radius of 185.00 feet, the chord azimuth and distance being $339^{\circ} 42' 21.5''$ for 108.43 feet, to a point; thence.
2. $105^{\circ} 51' 47''$ 45.82 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame [T.M.K.: (2)3-6-01:14] to a $\frac{1}{2}$ " pipe set; thence.
3. $184^{\circ} 08' 47''$ 89.41 feet along the same, to the point of beginning and containing an area of 0.060 acre.

This work was done by me or
under my direct supervision.

AKAMA LAND SURVEYING, INC.

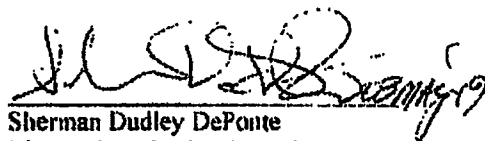

Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



EXHIBIT "A-3"

LAND DESCRIPTION
Road/Street Reserve Zone

All that certain parcel of land known as the Road/Street Reserve Zone of a portion of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) being portion(s) of Grant S-13975 to Wailuku Sugar Company and Grant 3152 to Henry Cornwell.

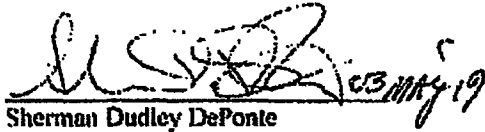
Situatē at
Ukumehame, Wailuku, Maui, Hawaii

Beginning at the Southwesterly corner of this parcel of land, being a point on the Southwesterly property boundary line of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) and a point along the Southeasterly property boundary line of a portion of Government Land of Ukumehame (T.M.K.: (2)3-6-01:14) the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "1.UKE" being 31,733.18 feet South and 6,194.89 feet West and running by azimuths measured clockwise from True South; thence,

1. 169° 48' 47" 58.32 feet along the Southeasterly property boundary line of a portion of Government Land of Ukumehame (T.M.K.: (2)3-6-01:14) to a point; thence,
2. 228° 49' 30" 363.09 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
3. Following along the same, along the arc of a curve concave to the right, having a radius of 250.00 feet, the chord azimuth and distance being 254° 07' 30" for 213.68 feet, to a point; thence,
4. 279° 25' 30" 108.43 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
5. 31° 05' 41" 53.80 feet along the Northwesterly right-of-way line of Honoapiilani Highway (N.R.H. 13-C) and Lot 1-A of the Maalaea Triangle-Honoapiilani Highway Widening Subdivision (Subdivision File No. 3.1976) to a 1/2" pipe (set); thence,
6. 99° 25' 30" 88.56 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to a point; thence,
7. Following along the same, along the arc of a curve concave to the left, having a radius of 200.00 feet, the chord azimuth and distance being 74° 07' 30" for 170.94 feet, to a point; thence,
8. 48° 49' 30" 393.12 feet along the remainder of Lot 21 of the Maalaea Plantation Subdivision (Subdivision File No. 3.2385) to the point of beginning and containing an area of 0.775 acre.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
218245(5/03/19)



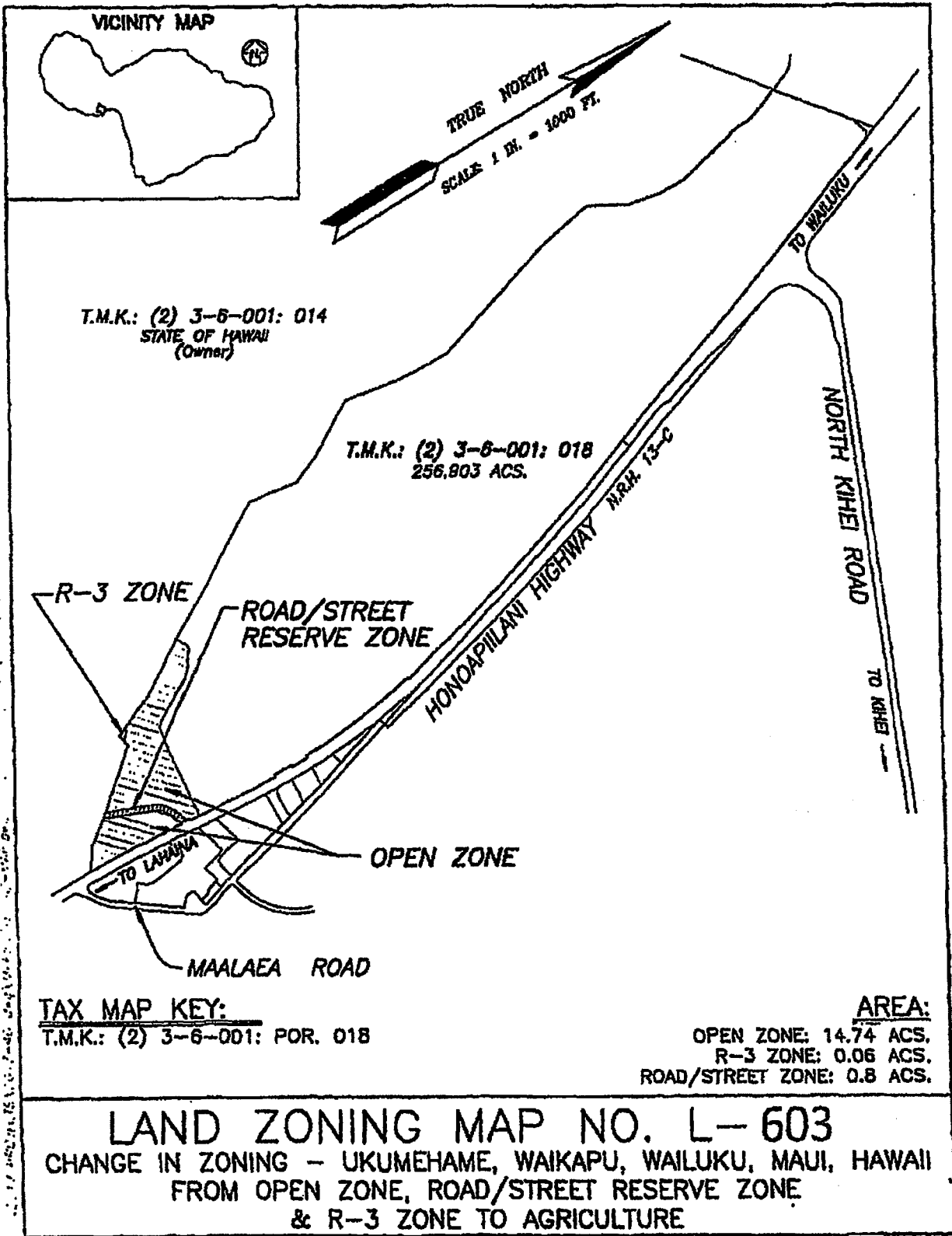


EXHIBIT "B"