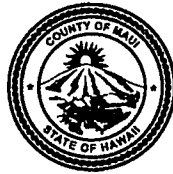


MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU-MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

2019 FEB 28 PM 2:34



RECEIVED

2019 FEB 28 AM 10:19

COUNTY OF MAUI

OFFICE OF THE MAYOR

OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF PLANNING

February 28, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Michael P. Victorino 2/28/19
Mayor Date

Honorable Kelly T. King, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King and Members:

SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN AMENDMENT (CPA) TO A NEW COMMUNITY PLAN DESIGNATION "WAIKAPU COUNTRY TOWN" (WCT) AND CHANGE OF ZONING (CIZ) TO A NEW ZONING DISTRICT "WAIKAPU COUNTRY TOWN" WITH THE ADDITION OF MAUI COUNTY CODE CHAPTER 19.96 WAIKAPU COUNTRY TOWN DISTRICT, LOCATED IN WAIKAPU, DISTRICT OF WAILUKU, ISLAND OF MAUI, HAWAII; TMK(S): (2) 3-6-002:003 (POR), (2) 3-6-004:003 (POR), (2) 3-6-004:006, (2) 3-6-005:007, AND (2) 3-6-006:036 (CPA 2018/0004) (CIZ 2018/0004)

The Department of Planning (Department) is transmitting for your review and action the Community Plan Amendment (CPA) and Change of Zoning (CIZ) with Maui County Code (MCC) Amendment 19.96 Waikapu Country Town District applications filed by Waikapu 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, Inc. A summary of the applications is as follows:

APPLICATION SUMMARY	
Application - CPA	The Community Plan Amendment will change the Community Plan Designation from "Agriculture," "Single-Family," and "Project District 5" on the 495.905 acres to a new community plan designation "Waikapu Country Town (WCT)."
Application - CIZ	The Change of Zoning will change the Zoning District from "Agricultural" and "Project District PD-WK/5" on the 495.905 acres to a new District entitled "Waikapu Country Town (WCT)." This new zoning District will be codified in Maui County Code as "Chapter 19.96 Waikapu Country Town."

Honorable Michael P. Victorino, Mayor

For Transmittal to:

Honorable Kelly T. King, Chair

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APPLICATION SUMMARY	
Applicant	Waikapu 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, Inc.
Owner	Waikapu 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, Inc.
Tax Map Keys	(2) 3-6-002:003 (POR), (2) 3-6-004:003 (POR), (2) 3-6-004:006, (2) 3-6-005:007, and (2) 3-6-006:036
Address	1670 Honoapiilani Highway, Waikapu, District of Wailuku, Maui, Hawaii
Area	Approximately 495.905 Acres
Land Use Designations	State Urban and Rural Districts (District Boundary Amendment to Rural and Urban Approved by State Land Use Commission on February 26, 2018) Wailuku-Kahului Community Plan: Agriculture, Single-Family, and Project District 5 Title 19, Zoning: Agricultural and Project District PD-WK/5 Maui Island Plan: Small Town and Rural Growth Boundaries Other: NOT located within the Special Management Area (SMA)
Brief Description	The Applicant is requesting a CPA and CIZ in order to build the mixed-use Waikapu Country Town project.
Public Hearing	Held by Maui Planning Commission (Commission) on August 28, 2018, in Wailuku, Maui, Hawaii.
Testimony	Verbal testimony during the public hearing was favorable toward the project and the entitlement process and community development to date. Additionally, testimony at the State Land Use Commission hearing was overwhelmingly in favor of the Waikapu Country Town.
Recommendation	The Commission recommended approval of the CPA by a vote of five ayes with three Commissioners excused. Further, the Commission recommended approval of the CIZ subject to 24 conditions by a vote of five ayes with three Commissioners excused. Both motions agreed to by unanimous decisions of Commissioners present at the hearing.

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The Commission conducted a public hearing on the subject application at its August 28, 2018, meeting. The Commission recommended approval of the CPA with the new CPA definition of Waikapu Country Town to the Maui County Council (Council). Furthermore, the Commission recommended approval of the Maui County Code Amendment Chapter 19.96 and CIZ subject to 24 conditions stated as follows:

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Applicant shall mitigate all Project generated traffic impacts as required by the SDOT-H. Applicant shall enter into an agreement to mitigate the traffic related impacts and the timing to complete traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Applicant shall reduce the number of project intersections with Honoapiilani Highway from three to two – one at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), and one at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Applicant shall be solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Applicant shall conduct an analysis of the suitability of a roundabout at the proposed Honoapiilani Highway and Main Street Intersection. The Applicant's analysis with findings shall be transmitted to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal will be pursued by the Applicant.
 - d. Applicant shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure the development layout provides pedestrian routes to these pedestrian crossings at these intersections.

Compliance with this condition shall be confirmed by SDOT-H.

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2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Applicant shall work with SDOT-A to address compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations that may hinder aircraft passage and/or airport operations at the Kahului Airport (OGG).
3. Transportation – DPW.
 - a. Applicant shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit to DPW for review and approval prior to the approval of the first subdivision application to the County of Maui for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
 - b. Applicant shall enter into an agreement with the DPW regarding the project's fair share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions may be made. The agreement may also consider the project's actual traffic generated inasmuch as any reductions (or increases) in traffic than originally estimated may reduce (or increase) the pro rata share in the future. Further, the Applicant shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.

Compliance with this condition shall be confirmed by DPW.

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

Honorable Michael P. Victorino, Mayor
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of drainage improvements and maintenance as reviewed and approved by the DPW shall be such that there will be no increase in runoff from the project site as a result of an increase in impervious surfaces. Compliance with this condition shall be confirmed by the DPW.

5. **Residential Workforce Housing.** Applicant shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market rate dwelling units as required by the Maui County Code and as agreed to by the Department of Housing and Human Concerns.
6. **Wastewater.** Applicant shall participate in the funding and/or construction of adequate private or public wastewater facilities to accommodate the proposed uses for each portion of Waikapu Country Town. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If the Applicant's proposed wastewater facilities are to be located within the State and County agricultural districts, Applicant shall apply for a State Special Permit in accordance with the provisions of Hawaii Revised Statutes (HRS) Chapter 205. If the Applicant desires to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. **Air Quality.** Applicant shall participate in an air quality monitoring program as required by the DOH.
8. **Education Contribution Agreement.** Applicant shall contribute to the development, funding, and/or construction of school facilities in compliance, with the *Educational Contribution Agreement for Waikapu Country Town*, undated but executed as of January 31, 2017, entered into by the Applicant and the Department of Education. Applicant 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 run with the land.

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9. **Energy Conservation Measures.** Applicant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per the rules of HRS Section 196-6.5. Applicant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. **Water Conservation Measures.** Applicant shall implement water conservation measures and BMPs such as the use of indigenous plants to the extent practicable and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
11. **Water System.** Applicant 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 in accordance with the applicable standards and requirements of the DOH and/or County of Maui, with plans submitted for approval by the appropriate agency. Applicant shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, the Applicant shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Applicant shall use fully-shielded street lights within the Waikapu Country Town area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion upward into the night sky.
13. **Sirens.** Applicant shall fund and install three civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.

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14. **Parks.** Applicant shall comply with the park dedication requirements of the County of Maui. Applicant shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and the Department, which shall be in accordance with the MCC. Particular attention shall be exercised in developing parks and recreational areas that may be used by all ages and that these recreational areas are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Applicant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Applicant shall submit to the Department an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings or farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources-State Historic Preservation District (DLNR-SHPD) shall be notified and shall make a determination on whether an archaeological inventory survey shall be provided by the Applicant for such area. The Applicant shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD.
17. **Notification of Agricultural Use.** Applicant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawaii 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 lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may

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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.

18. **Archaeological/Historic Sites.** Applicant shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of the Applicant's Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by the Applicant; and d) Applicant shall submit a preservation plan to DLNR-SHPD for two 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 DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two sites. Applicant shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Applicant shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. The Applicant shall notify DLNR-SHPD prior to the first ground disturbance activity.
19. **Cultural.** Applicant shall consult with those persons known as Waikapu 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 Project Area. Additionally, Applicant shall grant access easements over the appropriate portions of the Project 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 shall be recorded and run with the land.
20. **Endangered Species.** Applicant shall implement the following procedures to avoid potential impacts to endangered species: a) Applicant shall not clear dense vegetation, including woody plants greater than 15 feet in

Honorable Michael P. Victorino, Mayor
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height, along the periphery of the Project 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, b) Applicant shall consult with the United States Fish and 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 Project Area, c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.

21. Development in Compliance with Maui Island Plan. Applicant 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, "Waikapu Tropical Plantation Town."
22. Infrastructure Deadline. Applicant shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and storm water/drainage and other utility improvements within 10 years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. Compliance with Representations to the Council. Applicant shall develop the Project Area in substantial compliance with the representations made to the Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Applicant shall provide the Department, without any written prior notice, an annual report on the status of the development of the Project Area and Applicant's progress in complying with the conditions imposed herein. The first annual report shall be submitted within one year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.

Inasmuch as Council approval is required for the CPA, amendment to the MCC, and the CIZ, the Department transmits the subject applications to the Council for consideration. Accordingly, attached for your review are the following documents:

Honorable Michael P. Victorino, Mayor
For Transmittal to:
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1. Proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3061 (2002), WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 5, SINGLE-FAMILY AND AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII";
2. Proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO WAIKAPU COUNTRY TOWN SITUATED IN WAILUKU, MAUI, HAWAII";
3. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PROJECT DISTRICT 5 AND AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII";
4. Community Plan Map Nos. CP-426, CP-427, CP-428, CP-429, CP-430, and CP-431;
5. Land Zoning Map Nos. L-2705, L-2706, L-2707, L-2708, and L-2709.
6. Letter from Michele McLean, Planning Director, to Mr. Michael Summers, Project Consultant, Planning Consultants Hawaii, LLC, dated September 18, 2018, with the Maui Planning Commission's recommendation for Council approval of the CPA, MCC Amendment, and the CIZ with conditions;
7. Department's Recommendation to the Commission, dated August 28, 2018;
8. Department's Report to the Commission, dated August 28, 2018;
9. Department's Report Exhibits on digital drive - Consolidated Applications for a CPA and CIZ, Final Environmental Impact Statement (FEIS), Waikapu Country Town, State Land Use Commission's Acceptance of the FEIS, Decision & Order A15-798, Waikapu Country Town Design Guidelines, and Waikapu Country Town Sustainability Plan. *(On digital drive for reference as these documents are lengthy and the Final Environmental Impact Statement is three large volumes);*
10. State Land Use Commission Decision & Order A15-798;

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11. Waikapu Country Town Design Guidelines and Waikapu Country Town Sustainability Plan;
12. Adopted Minutes of the August 28, 2018, Commission meeting;
13. Community Plan Amendment Application, dated February 26, 2018 and February 27, 2018; and
14. Change in Zoning Application, dated February 27, 2018.

Thank you for your attention to this matter. Should you have any questions, please transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Planner (PDF)
Maui Planning Commission Members
via Carolyn Takayama-Corden, Secretary to the Boards and Commission (PDF)
State of Hawaii Land Use Commission
State Office Planning
Michael Summers, Project Consultant (PDF)
Project File

MCM:KFW:lk

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ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002),
WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP,
FROM PROJECT DISTRICT 5, SINGLE-FAMILY AND
AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT)
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is hereby amended for certain parcels of land situated at Wailuku, Maui, Hawaii, identified in Table 1, comprising approximately 495.905 acres, and more particularly described in Exhibit "A", which is attached hereto and made a part hereof, as shown in Community Plan Map Nos. CP-426, CP-427, CP-428, CP-429, CP-430, and CP-431, which are on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

Table 1

COMMUNITY PLAN AMENDMENT			
TMK	FROM	TO	ACRES
(2) 3-6-004:POR. of 003,	AG	Waikapu Country Town (WCT)	87.832
(2) 3-6-004:POR. of 003,	AG		48.807
(2) 3-6-004:006,	PD-5		53.630
(2) 3-6-006:036,	SF		0.721
(2) 3-6-004:POR. of 003,	SF		2.089
(2) 3-6-005:007,	PD-5		59.054
(2) 3-6-002:POR. of 003	AG		243.772
Total			495.905

SECTION 2. Part V.A. of the Wailuku-Kahului Community Plan, adopted by Ordinance No. 3061, relating to Land Use Maps, Land Use Categories and Definitions, is amended by inserting the following entry to be placed at the end of the list of Land Use Categories and Definitions to read as follows:

“WAIKAPU COUNTRY TOWN (WCT) 495.905 acres

The following description and planning standards are provided in Chapter 8, Directed Growth Plan of the Maui Island Plan, adopted December 2002.

Waikapu Country Town

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multi-family, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a “complete community”. Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing approximately 800 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into five (5) additional agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design should provide uninterrupted walking and bicycling trails, preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision.

Planning Guidelines:

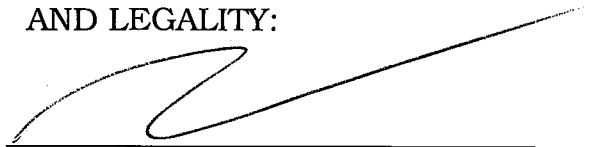
<u>Dwelling Unit Count:</u>	<u>1,433 residential units, not including accessory dwellings (Up to eighty (80) of these units can be rural residences. Up to 146 additional accessory dwelling units may be constructed.)</u>
<u>Residential Product Mix</u>	<u>Between 25% to 50% of the residential units shall be multi-family units.</u>
<u>Parks and Open Space</u>	<u>A diversity of park types and open space elements shall be provided in a manner that is consistent with the project's zoning code and design guidelines.</u>

”

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1445
2019-02-12 Ordinance Amd CPA

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

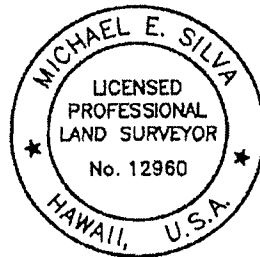
3,232.36 feet West

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. Hence 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.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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

WPK

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 Kacha, 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

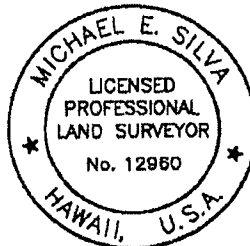
4,938.21 feet West

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. | 148° 00' | 409.00 feet along same; |
| 6. | 159 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9 | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12° 00' | 367.00 feet along same; |
| 11. | 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 Kacha; |
| 12. | 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 Kacha and Grant 1844, Apana 1 to J. Sylva; |
| 13 | 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; |
| 14 | 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; |
| 15. | 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 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
September 20, 2018

WPL 1

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 Wauhinecalii, 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 3221, Apana 3 to Oponui, 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:

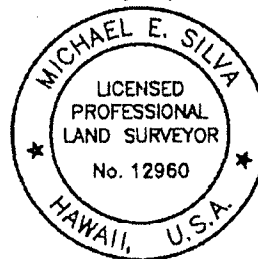
1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along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

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

WP:

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

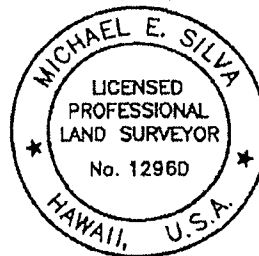
4,611.04 feet West

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 Oponui; |
| 5. | 343° 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Oponui; |
| 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 Oponui 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.

A handwritten signature in black ink that reads "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

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.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 Kani; 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 236-1, 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: $284^{\circ} 35' 07''$; the radial azimuth from radius point to the end of the curve being: $287^{\circ} 13' 13''$; 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);

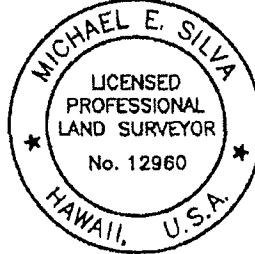
3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. 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 I 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, appearing to read "M Silva", written over a horizontal line.

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

WPEI

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:

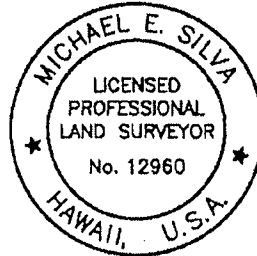
1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 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 I and 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, appearing to read "M Silva", written over a horizontal line.

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

WFOI

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO WAIKAPU COUNTRY TOWN SITUATED IN WAILUKU, MAUI,
HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 19.96

WAIKAPU COUNTRY TOWN DISTRICT

Sections:

19.96.010	Purpose and intent.
19.96.020	Definitions, general and administrative.
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19.96.130	Parking standards.
19.96.140	Additional standards for all districts.
19.96.150	Subdivision review.

19.96.010 Purpose and intent. The purpose and intent of this ordinance is to establish zoning that implements the Maui island plan’s directed growth strategy and the Wailuku-Kahului community plan. The Waikapu country town is intended to be a mixed-use residential community that addresses Maui’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.
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 and administrative.

Term	Definition
<i>Complete community</i>	A community that provides a diversity of housing types to serve a broad 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>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, but not limited to, land dedicated to the use, roadways, parks and open space, and undevelopable areas.
<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.

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,

Lot Type	Definition
	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 and 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.
Light industrial	A lot located and designed for light manufacturing and processing type uses.
Multi-plex	A lot located and designed to accommodate a detached building that resembles a larger house but which contains from three-to-six dwelling units.
Multi-family complex lot	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 the street to create ample space for canopy shade trees and a visually attractive streetscape.
Multi-family courtyard lot	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.
Parking	A lot designed for the purpose of providing off-street parking to service uses that may or may not be located on the lot.
Rural	A rural 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 green court	A lot located and designed to accommodate multiple cottage houses, single-family, and/or duplex houses arranged around and fronting onto a central garden or courtyard that may be partially or wholly open to the street.

Lot Type	Definition
Single-family large lot	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 small lot	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.
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
Agricultural tourism	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.
Civic space	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.
Common open space	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.
Cottage house	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.
Cultural tourism	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, the arts, crafts, foods, architecture, language, history, and recreation.
Food, beverage and merchandise kiosk	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

Term	Definition
	food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure, designed as a cart, located on private property, and does not constrain or block safe pedestrian and or automobile traffic.
Food processing	Facilities for the preparation of food products for regional distribution to retail, wholesale and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large scale food manufacturing and processing for off-site distribution and sales.
Funeral home	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.
Outside open-air dining	A restaurant or food service establishment with tables, dining facilities, and activities located outside in the open-air on a private property or on a private property sidewalk when the open air market is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open air dining facility.
Outside open-air sidewalk sales	An outdoor area set aside for the display and sale of products and located on the private property provided the open air market is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.
Radio and television broadcasting station	An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.
Recreational tourism	Offices and associated facilities for commercial tours and activities that are based around opportunities for outdoor and natural resource based recreation such as hiking, arboretums, botanical gardens, mountain biking, equestrian activities, rodeo, polo, and zip lines.
Repair, minor	Repair activities which have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include 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 and diesel engines; shoe repair; and watch,

Term	Definition
	clock, and jewelry repair; and other similar activities as may be approved.
Telecommunication and broadcasting tower or antenna	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 section 19.04.040 of this title, 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 section 19.04.040 of this title, 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 of the proposed use, and based upon the characteristics of the use, determine if a listed and/or defined use is similar to that proposed; provided further that such use must be consistent with the purpose and intent of the applicable zoning district, and land use designation, and objectives and policies of the general plan.

D. Conditional permits. A conditional permit is required for uses not determined to be similar to the permitted principal and accessory uses or special uses.

19.96.060 Controlling plan. A. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of the ordinance. Figure 1 is the controlling land use plan.

Figure 1: Controlling plan



19.96.070 Gross acreage allocations. A. Table 1 identifies the approximate gross acreage allocations to each zoning district.

B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.

C. In order to facilitate site planning flexibility, the gross acreage of the following districts: town center, main street, commercial/employment, residential, rural, and education may be further adjusted, exclusive of adjustments made pursuant to section

19.96.070 (B), by up to 5 percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the total project acres.

Table 1: Approximate gross acreage allocations

District	≈Gross acreage allocation
A. Town center	24.80
B. Main street	14.75
C. Commercial / employment	9.56
D. Residential	222.60
E. Rural	114.70
F. Education	12.00
G. Parks	32.50
H. Open space	65.00
Total project acres	≈495.905

19.96.80 Zoning districts. A. Town center. The purpose of the town center district is to create a commercial and social core for Waikapu within a portion of the original grounds of the Maui Tropical Plantation. The unique character and ambiance of the Maui Tropical Plantation 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 Waikapu country town residents living east (makai) of Honoapiilani 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 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. It is intended that pedestrian-oriented street design and landscape planting provide natural cooling and shading of the streets and sidewalks 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 the project and the developing Waikapu 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. The purpose of the residential district is 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, triplex, fourplex, sixplex, 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. The district is intended to accommodate residences that front 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 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. It is intended that the clustering, arrangement, and layout of the rural lots is 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 Waikapu country town residents and the broader Waikapu community. It is intended that the design of Waikapu country town'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 community green, square, plaza, passive park area, community garden, farm plot, natural area, 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 resources, 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 community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

19.96.90 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.

Table 2A: Commercial mixed-use table

Land use type	Zoning Districts		
	Town center	Main street	Commercial/employment
Commercial / retail / services			
Agricultural products processing <u>1/</u>	P	P	P
Agricultural tourism	P	P	P
Animal boarding facility <u>1/</u>	P	P	P
Animal hospital <u>1/</u>	P	P	P
Automobile services <u>1/</u>	P		P
Cultural tourism	P	P	
Daycare facility	P	P	P
Eating and drinking establishment	P	P	P
Education, specialized	P	P	P
Entertainment establishment	P	P	P
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

Land use type	Zoning Districts		
	Town center	Main street	Commercial/ employment
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
Recreational tourism	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
Employment			
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
Residential			
Boarding house <u>1/</u>	P	P	
Live work / mixed-use	P	P	
Dwelling unit, duplex	P	P	
Dwelling unit, fourplex	P	P	
Dwelling unit, multi-family (includes townhouses)	P	P	
Dwelling unit, townhouse	P	P	
Dwelling unit, triplex	P	P	
Cultural and entertainment			
Assembly area (church, community centers, etc.)	P	P	P
Entertainment	P	P	P
Civic			
Open space	P	P	P
Park	P	P	P
Civic space	P	P	P
Public facilities and public quasi-public			
Fire station			SU
Library	P	P	P
Police		P	P
Post office <u>1/</u>	P	P	P
Radio and television broadcasting station		P	P
Recycling collection center			P

Land use type	Zoning Districts		
	Town center	Main street	Commercial/employment
Redemption center			P
Telecommunication and broadcasting tower or antenna		P	P
Utility facilities, major	SU	SU	SU
Utilities facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Energy systems, small scale	AU	AU	AU
Home business <u>5/</u>	AU	AU	AU
Structures	AU	AU	AU
Other			
Other similar uses	AR	AR	AR
<u>1/</u> Shall not be permitted within or adjacent to the town center's village green <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. <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. <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. <u>5/</u> Shall be subject to the limitation of Maui County code chapters 19.04.040 and 19.67.			

B. Within the residential and rural districts, the land uses identified in table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2B: Residential use table

Land use type	Zoning Districts	
	Residential	Rural
Assembly area <u>6/</u>	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse <u>7/</u>	P	P
Civic space	P	P
Daycare facility <u>8/</u>	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P

Land use type	Zoning Districts	
	Residential	Rural
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land		P
Park	P	P
Parking, public	P	
Accessory		
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>9/</u>	AU	AU
Open space	AU	AU
Structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
Other		
Other similar uses	AR	AR
<u>6/</u> Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. <u>7/</u> Shall not have more than five bedrooms and not more than five boarders. <u>8/</u> For facilities serving more than 6 persons. <u>9/</u> Shall comply with the provisions of Maui County code chapter 19.35. The total number of ohana units permitted within the Waikapu country town shall not exceed 146.		

C. Within the education, parks, and open space districts the land uses identified in table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2C: Civic use table

Land use type	Zoning Districts		
	Education	Parks	Open space
Civic			
Civic space	P	P	P
Education, general	P		
Education, specialized	P		
Park	P	P	
Passive recreation	P	P	P
Public facilities and public quasi-public			
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P

Land use type	Zoning Districts		
	Education	Parks	Open space
Accessory			
Drainage facilities	AU	AU	AU
Structure	AU	AU	AU
Other			
Other similar uses	AR	AR	AR

D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C 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 this ordinance. 4) It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.

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.

B. For land uses permitted through special and/or conditional permit processes, the director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Permitted Lot Types

	TOWN CENTER	MAIN STREET	COMMERCIAL / EMPLOYMENT	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
Lot type								
Civic building	•	•	•			•	•	
Civic space	•	•	•	•	•	•	•	•
Commercial / retail / employment	•	•	•					
Commercial and 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	•	•		•				

C. Development standards that regulate lot sizes, and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in Table 4. Figure 2, A through P1 illustrates the lot type development standards.

¹ Architectural imagery is intended for illustrative purposes only.

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)	
Civic space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic building	6,000 / no max	60 / no max	N/A	45	N/A	15/ no max	15	10	N/A
Commercial / retail and employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Commercial and residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light industrial	6,000 / no max	60 / no max	NA	35	N/A	10/ no max	6	6	60
Multi-plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-family complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-family courtyard building	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	12 / no max	4	4	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-family cottage complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-family green court	1,650 / no max	N/A	N/A	30	Alley	5 / 15 ²	5	6	60
Single-family large lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ³ or Secondary Street	5 / 20	6	6	40
Single-family small lot	2,800 – 6,499	24 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ⁴ or Secondary Street	5 / 15	5	0	60

² Setback applicable to portion of the building fronting upon the street

³ No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

⁴ No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

	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)	
Townhouse lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

Figure 2, A: Civic Space

Civic Space Lot

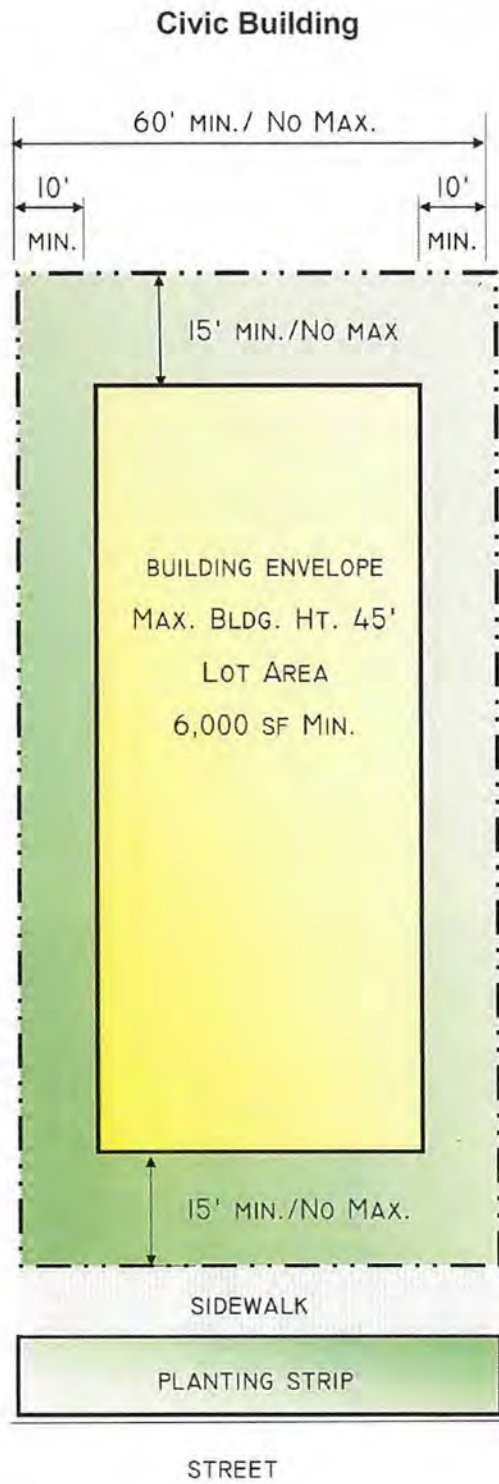
A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, B: Civic Building

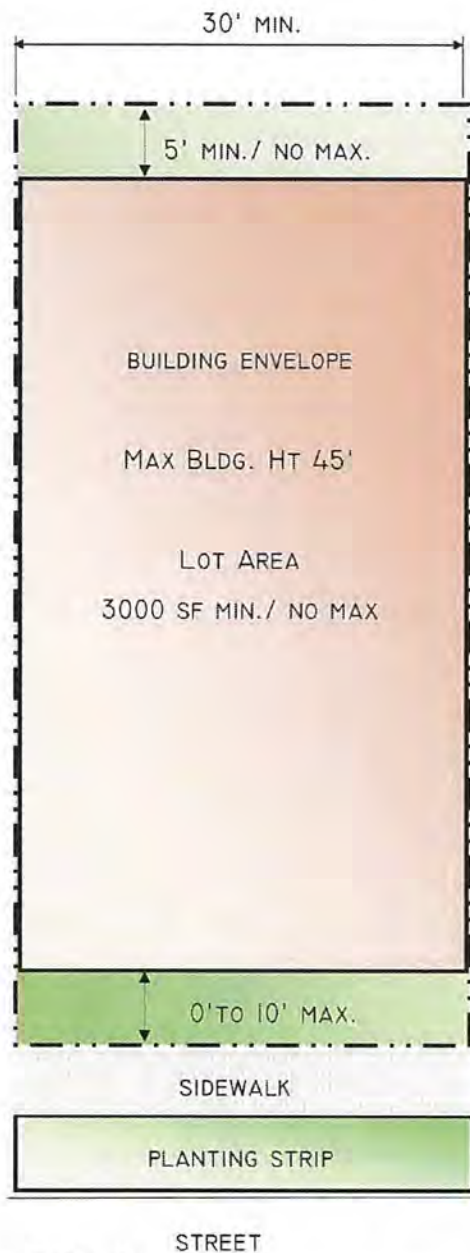


Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

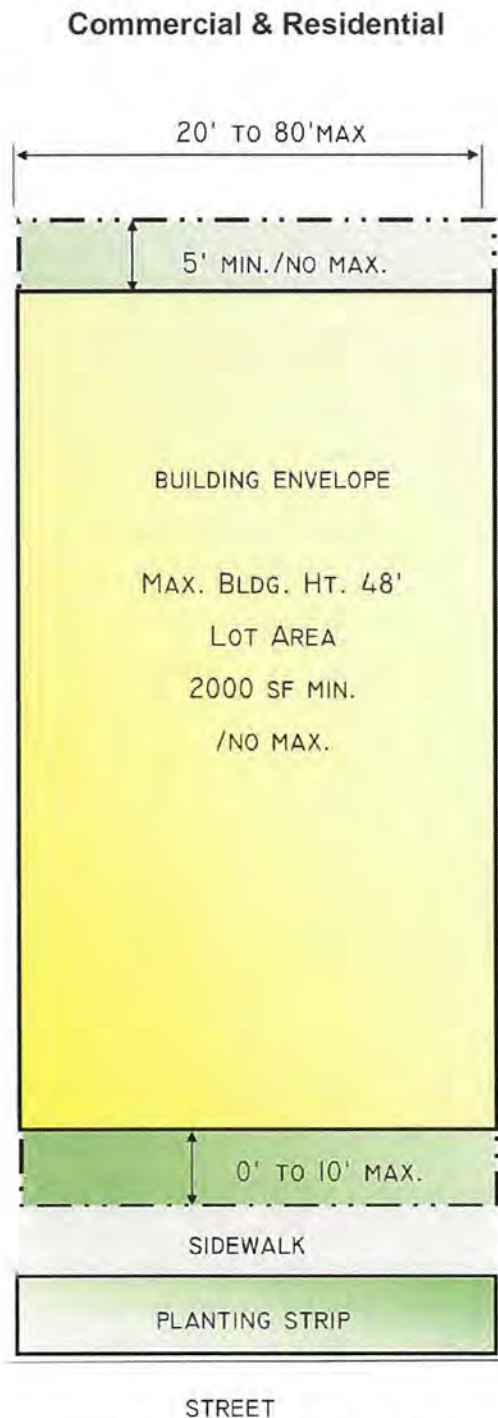


1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, D: Commercial & Residential

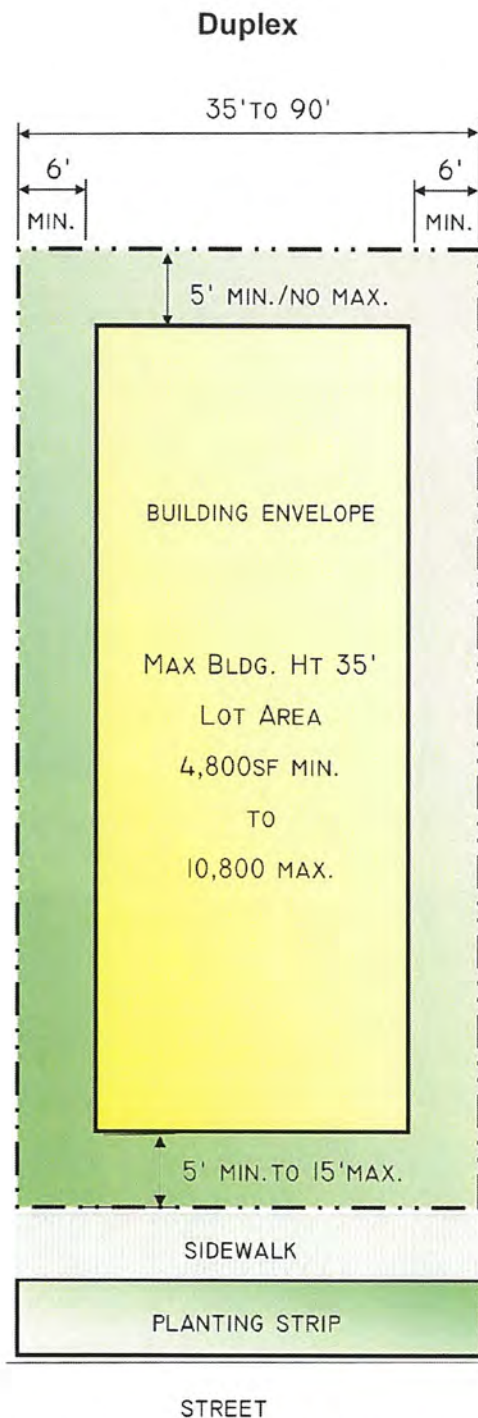


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, E: Duplex



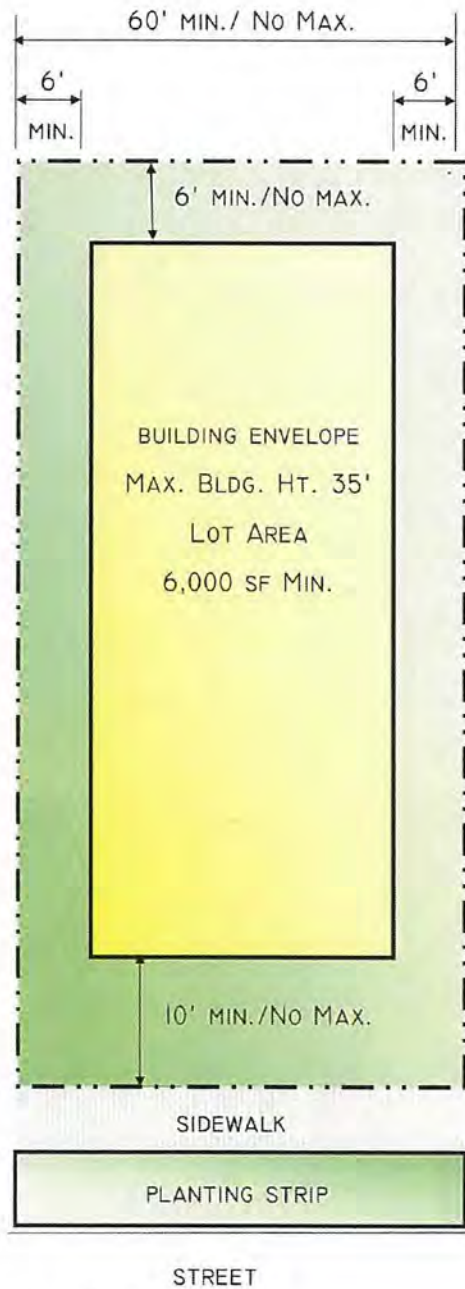
1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, F: Light Industrial

Light Industrial



1. Minimum street frontage is 60%

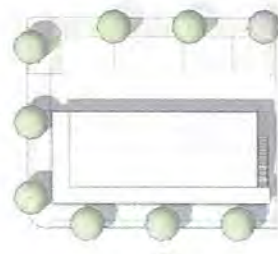
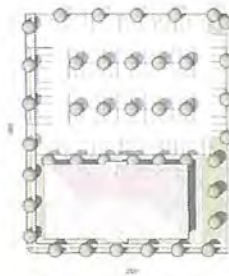
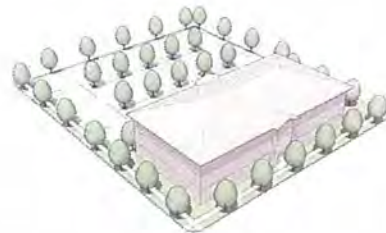
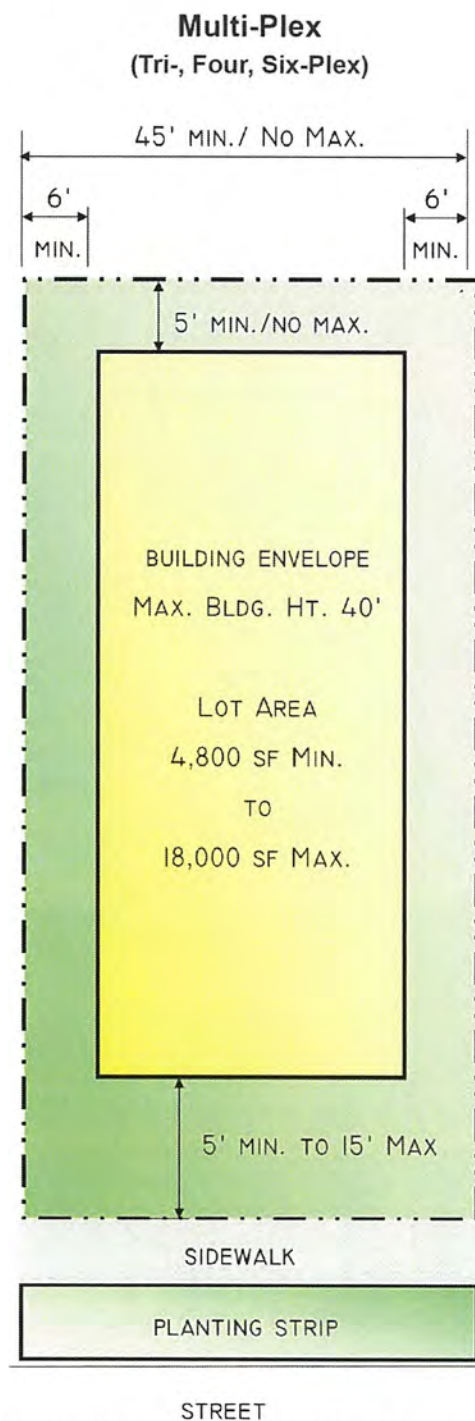


Figure 2, G: Multi-Plex



1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example

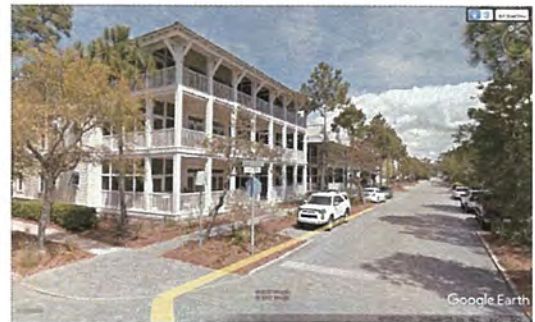
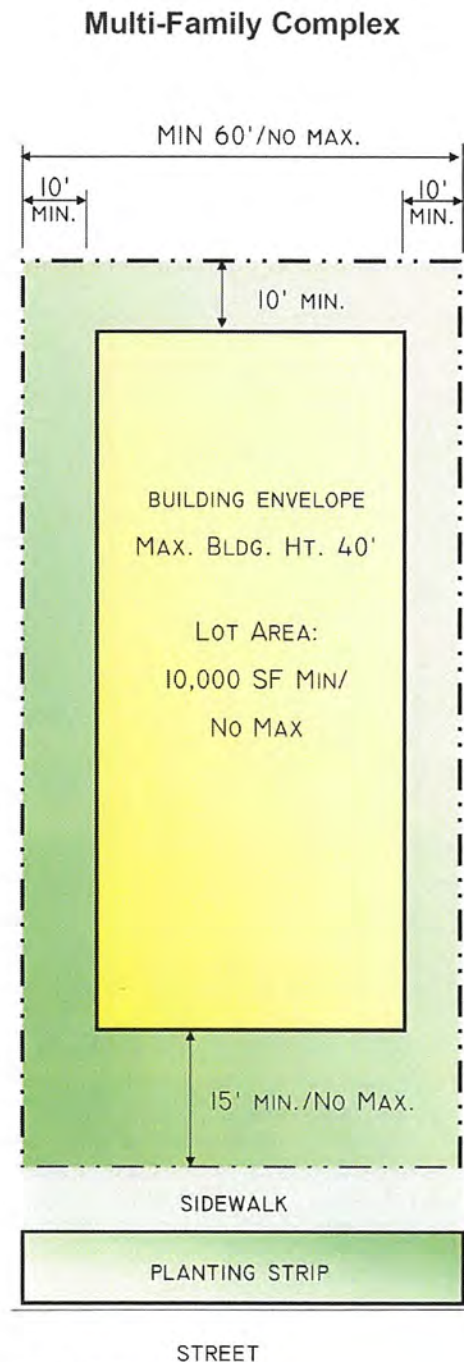


Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples

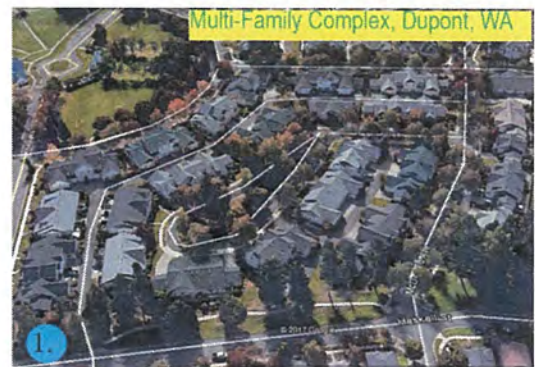


Figure 2 H, b: Multi-Family Complex

Multi-Family Complex

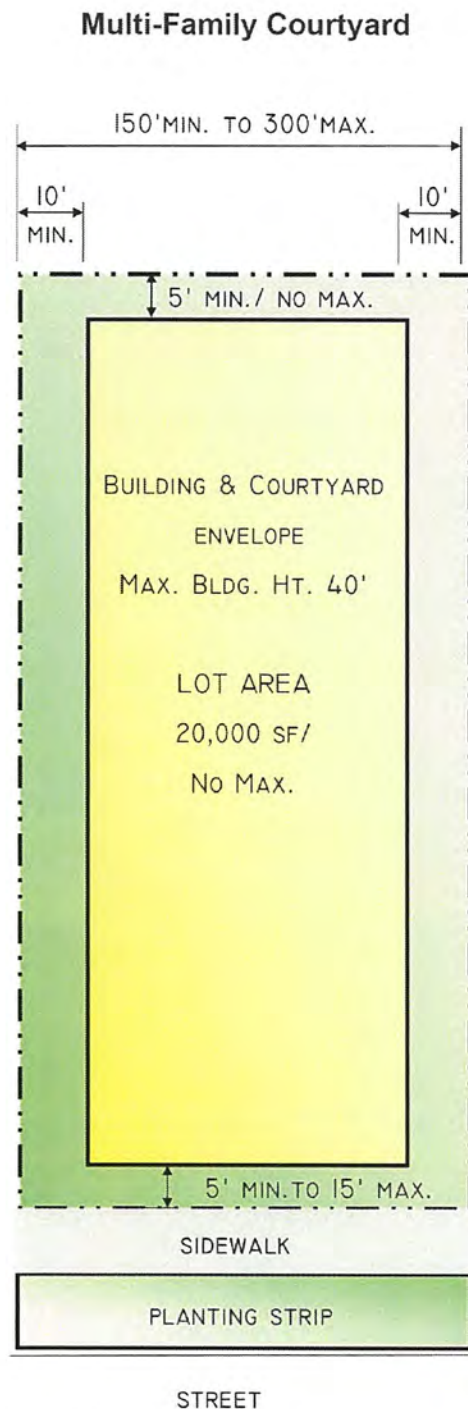


The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior 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.

Neighborhood Block & Lot Examples



Figure 2, I: Multi-Family Courtyard



1. Parking access is by alley or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

Neighborhood Block & Lot Examples



Figure 2, J: Parking

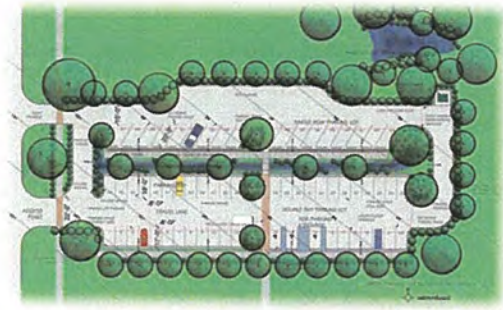
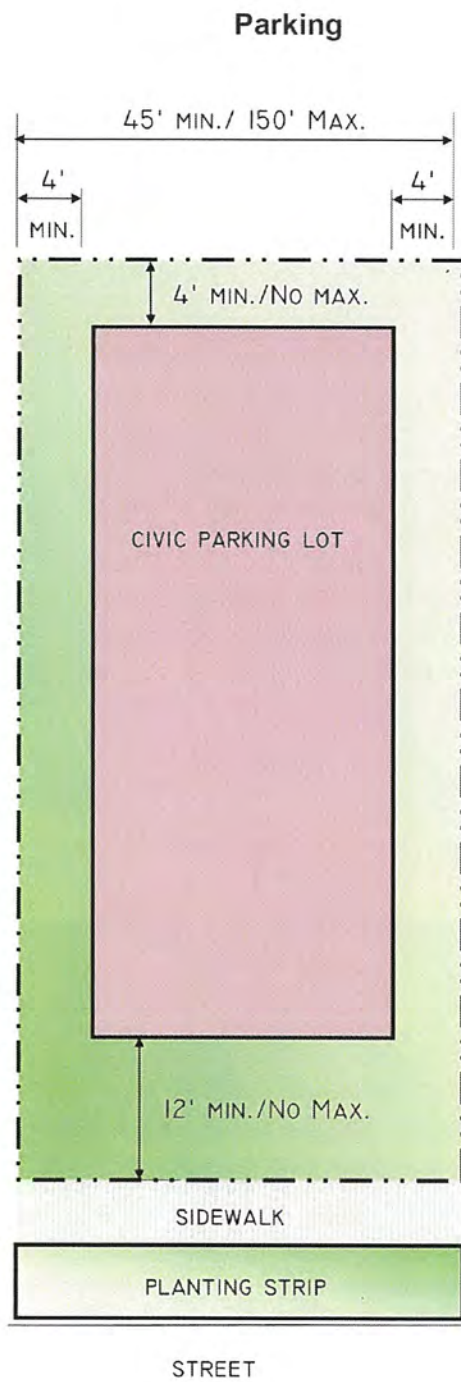
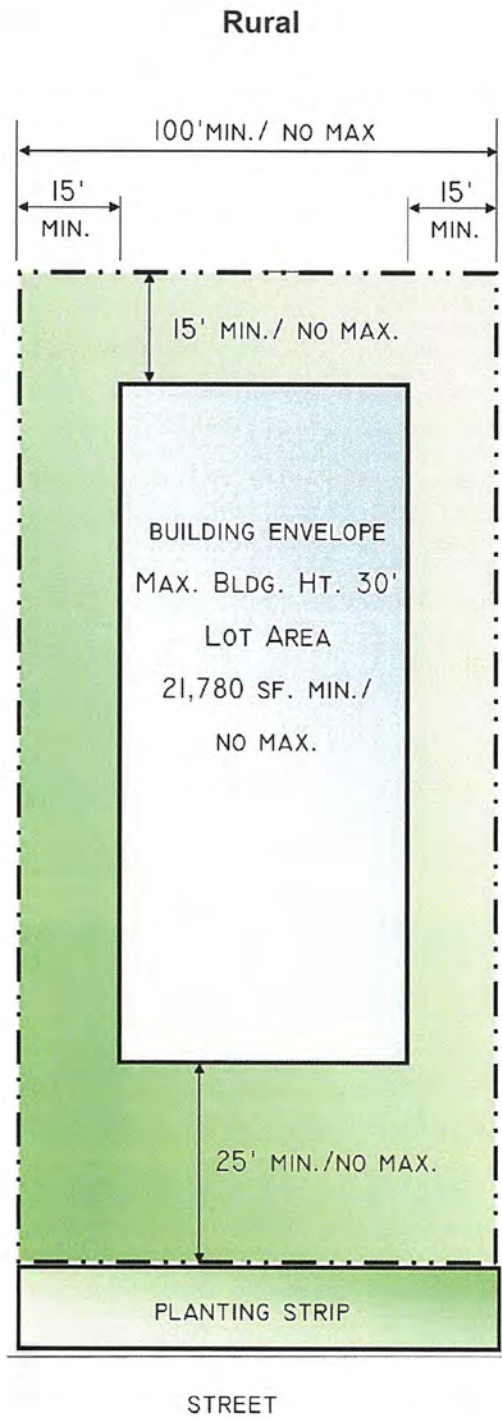


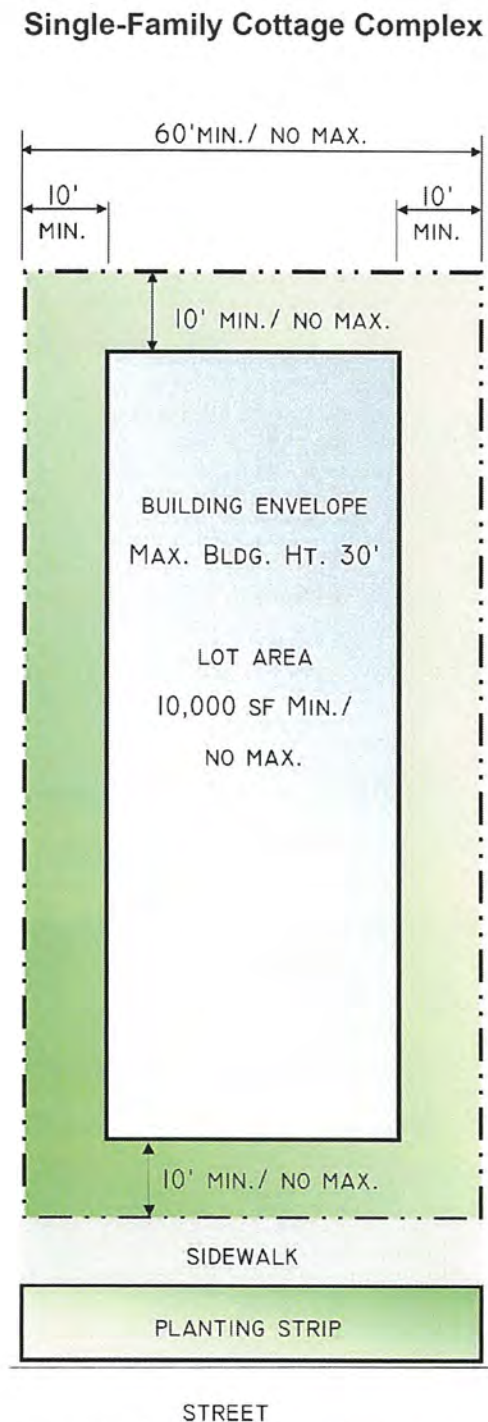
Figure 2, K: Rural



Neighborhood Block & Lot Example



Figure 2, L: Single-Family Cottage Complex

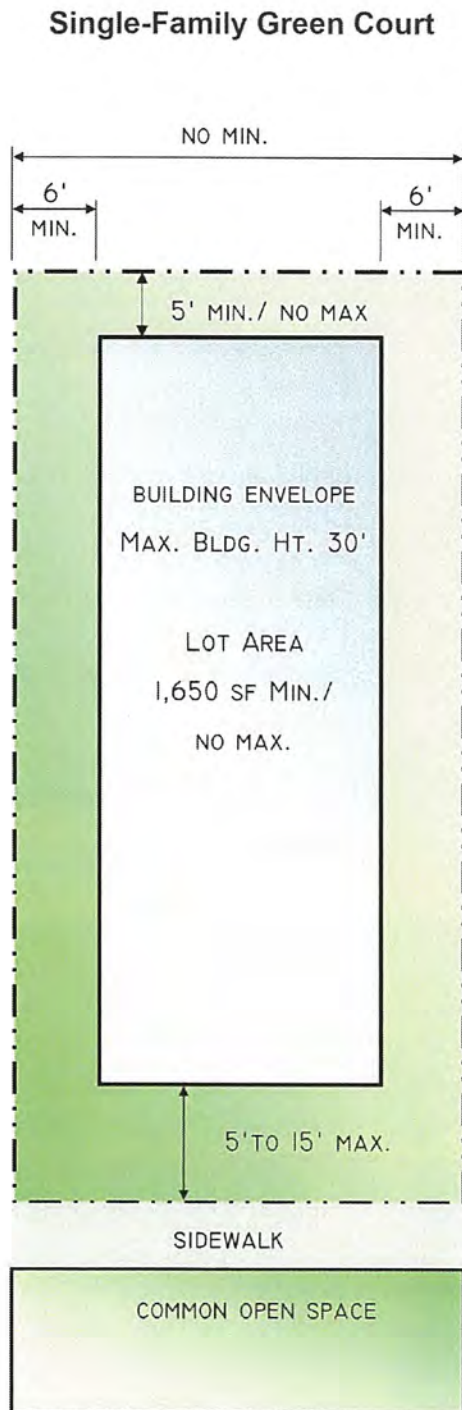


1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court

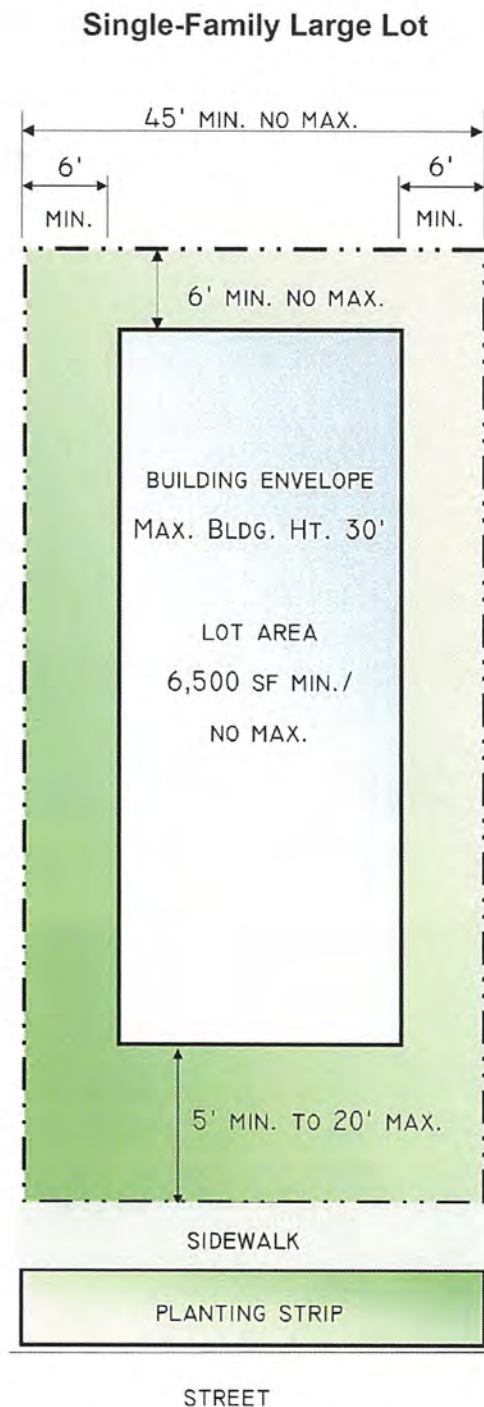


1. Parking access is by alley
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, N: Single-Family Large Lot

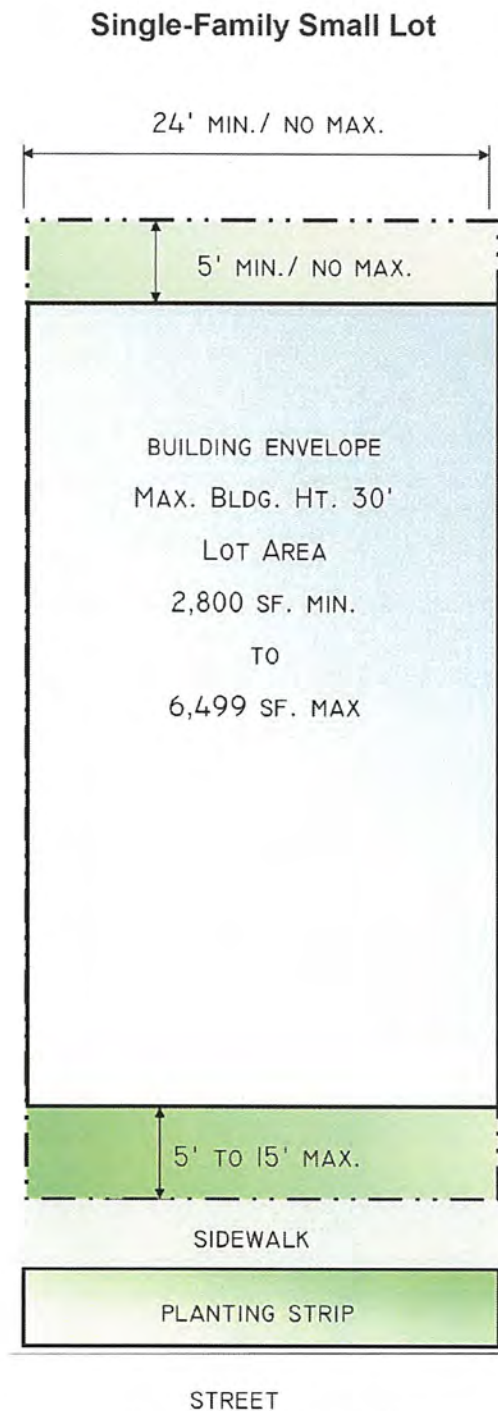


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%
3. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

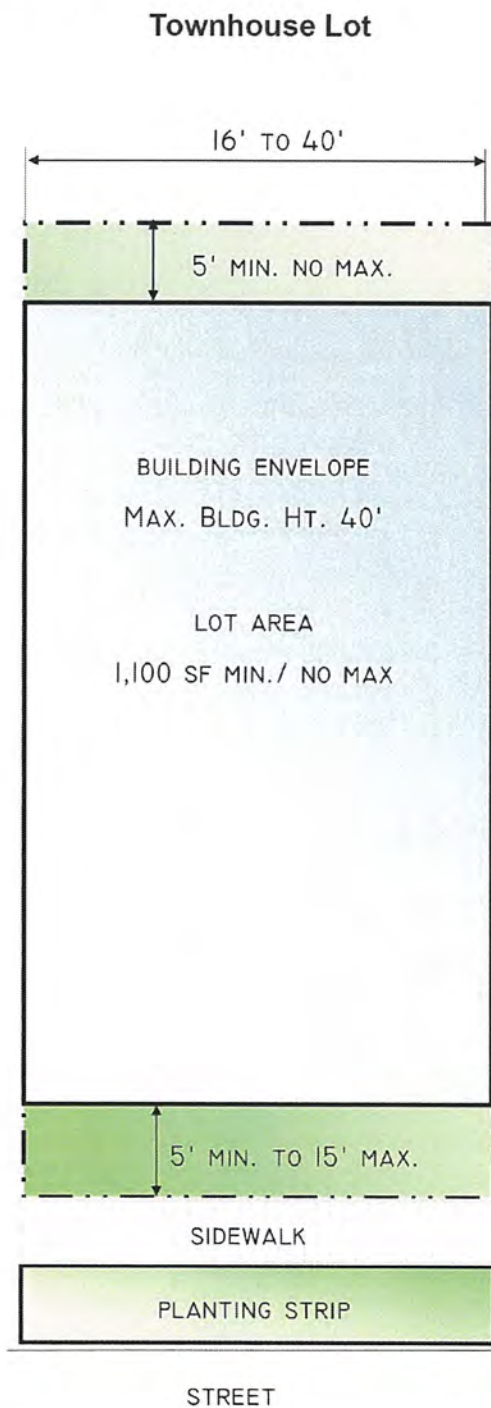


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
3. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



19.96.120 Minimum and maximum number of residential units and commercial space. A. At buildout, the number of dwelling units within the Waikapu country town should not be less than 1,326⁵ 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 Waikapu country town shall not exceed 80.

D. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town shall not be less than 25 percent of the total number of permitted non-ohana dwelling units and shall not be more than 50 percent of the total number of these units.

E. The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not exceed 200,000 square feet of floor area.

19.96.130 Parking standards. The mixed-land use pattern within Waikapu country town intends to foster more pedestrian and bicycle trips and less automobile trips than other more automobile dependent districts in Maui County. Therefore, the provisions in chapter 19.36B of this title as amended shall not apply to Waikapu country town.

19.96.140 Additional standards for all districts. A. Any tract of land or project site within the Waikapu country town for which development is sought shall be subject 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, short-term rental home, or bed and breakfast home.

19.96.150 Subdivision review. Before issuance of a final subdivision approval, the planning director shall review the subdivision to ensure the cohesive implementation of the following project elements: illustrative parks and open space plan; non-motorized pedestrian and bicycle network; and traffic calming elements within the project's roadways. These elements of the project shall be generally consistent with the project's design guidelines on file with the planning department at the time this ordinance is adopted."

⁵ Unless the owner and/or developer demonstrates that it is not feasible to build the minimum number of units.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1445
2019-02-19 Ordinance Chap 19.96

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
PROJECT DISTRICT 5 AND AGRICULTURAL TO
WAIKAPU COUNTRY TOWN (WCT) (CONDITIONAL ZONING)
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.38 and 19.510, Maui County Code, zoning designations are hereby amended (Conditional Zoning) for certain parcels of land situated at Wailuku, Maui, Hawaii, identified in Table 1, comprising approximately 495.905 acres, and more particularly described in Exhibit "A", which is attached hereto and made a part hereof, and in Land Zoning Map Nos. L-2705, L-2706, L-2707, L-2708, and L-2709, which are on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

Table 1

CHANGE IN ZONING			
TMK	FROM	TO	ACRES
(2) 3-6-004:POR. of 003,	AG	Waikapu Country Town (WCT)	87.832
(2) 3-6-004:POR. of 003,	AG		48.807
(2) 3-6-004:006,	AG		53.630
(2) 3-6-006:036,	AG		0.721
(2) 3-6-004:POR. of 003,	AG		2.089
(2) 3-6-005:007,	PD-WK/5		59.054
(2) 3-6-002:POR. of 003	AG		243.772
Total			495.905

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit “B”, attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit “C”.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Michael J. Hopper', written over a horizontal line.

MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1445
2019-02-12 Ordinance Change in Zoning

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

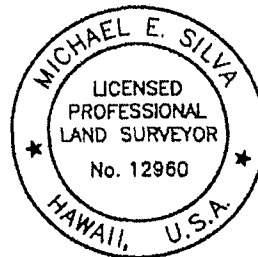
3,232.36 feet West

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.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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

WPR

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 Kacha, 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

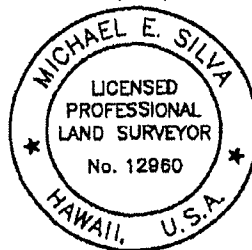
4,938.21 feet West

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. | 148° 00' | 409.00 feet along same; |
| 6. | 159° 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9. | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12° 00' | 367.00 feet along same; |
| 11. | 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 Kacha; |
| 12. | 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 Kacha and Grant 1844, Apana 1 to J. Sylva; |
| 13 | 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; |
| 14. | 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; |
| 15. | 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.

M Silva

 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 September 20, 2018

W.P. 1

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 Wahninecalii, 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 236-1, 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 Kaai, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Oponui, 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:

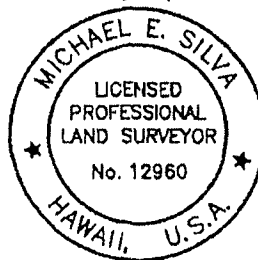
1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along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

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

wp.

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

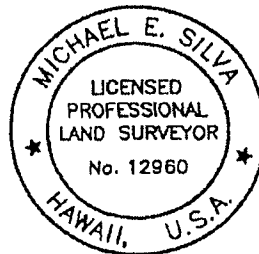
4,611.04 feet West

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 Kulahouka 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; |
| 11. | 192° 26' 23" | 113.95 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 Oponui 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
 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

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
 Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Han; 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 236-1, 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);

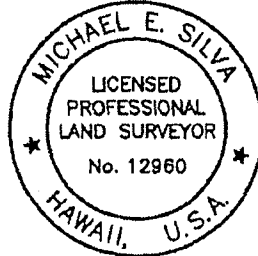
3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. 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. Hence 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, appearing to read "M Silva", written over a horizontal line.

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

WPC I

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:

15,360.51 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 I and 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;

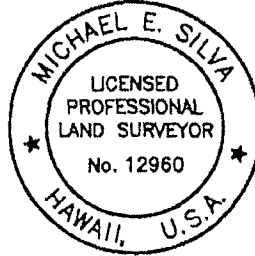
32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

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, appearing to read "M Silva", written over a horizontal line.

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

EXHIBIT "B"

CONDITIONS OF ZONING

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Applicant shall mitigate all Project generated traffic impacts as required by the SDOT-H. Applicant shall enter into an agreement to mitigate the traffic related impacts and the timing to complete traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Applicant shall reduce the number of project intersections with Honoapiilani Highway from three (3) to two (2) – one (1) at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), and one (1) at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Applicant shall be solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Applicant shall conduct an analysis of the suitability of a roundabout at the proposed Honoapiilani Highway and Main Street Intersection. The Applicant's analysis with findings shall be transmitted to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal will be pursued by the Applicant.
 - d. Applicant shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure the development layout provides pedestrian routes to these pedestrian crossings at these intersections.

Compliance with this condition shall be confirmed by SDOT-H.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Applicant shall work with SDOT-A to address compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations that may hinder aircraft passage and/or airport operations at the Kahului Airport (OGG).

3. Transportation – DPW.

- a. Applicant shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit to DPW for review and approval prior to the approval of the first subdivision application to the County of Maui for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Applicant shall enter into an agreement with the DPW regarding the project's fair share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions may be made. The agreement may also consider the project's actual traffic generated inasmuch as any reductions (or increases) in traffic than originally estimated may reduce (or increase) the pro rata share in the future. Further, the Applicant shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.

Compliance with this condition shall be confirmed by DPW.

4. Storm Water Management and Drainage. Applicant shall maintain existing drainage patterns as feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance as reviewed and approved by the DPW shall be such that there will be no increase in runoff from the project site as a result of an increase in impervious surfaces. Compliance with this condition shall be confirmed by the DPW.
5. Residential Workforce Housing. Applicant shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market rate dwelling units as required by the MCC and as agreed to by the Department of Housing and Human Concerns.

6. **Wastewater.** Applicant shall participate in the funding and/or construction of adequate private or public wastewater facilities to accommodate the proposed uses for each portion of Waikapu Country Town. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If the Applicant's proposed wastewater facilities are to be located within the State and County agricultural districts, Applicant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If the Applicant desires to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. **Air Quality.** Applicant shall participate in an air quality monitoring program as required by the DOH.
8. **Education Contribution Agreement.** Applicant shall contribute to the development, funding, and/or construction of school facilities in compliance, with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by the Applicant and the Department of Education. Applicant 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 run with the land.
9. **Energy Conservation Measures.** Applicant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per the rules of HRS Section 196-6.5. Applicant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. **Water Conservation Measures.** Applicant shall implement water conservation measures and BMPs such as the use of indigenous plants to the extent practicable and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.

11. **Water System.** Applicant 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 in accordance with the applicable standards and requirements of the DOH and/or County of Maui, with plans submitted for approval by the appropriate agency. Applicant shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, the Applicant shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Applicant shall use fully-shielded street lights within the Waikapu Country Town area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion upward into the night sky.
13. **Sirens.** Applicant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Applicant shall comply with the park dedication requirements of the County of Maui. Applicant shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the MCC. Particular attention shall be exercised in developing parks and recreational areas that may be used by all ages and that these recreational areas are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Applicant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Applicant shall submit to the Department an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings or farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources-State Historic Preservation District (DLNR-SHPD) shall be

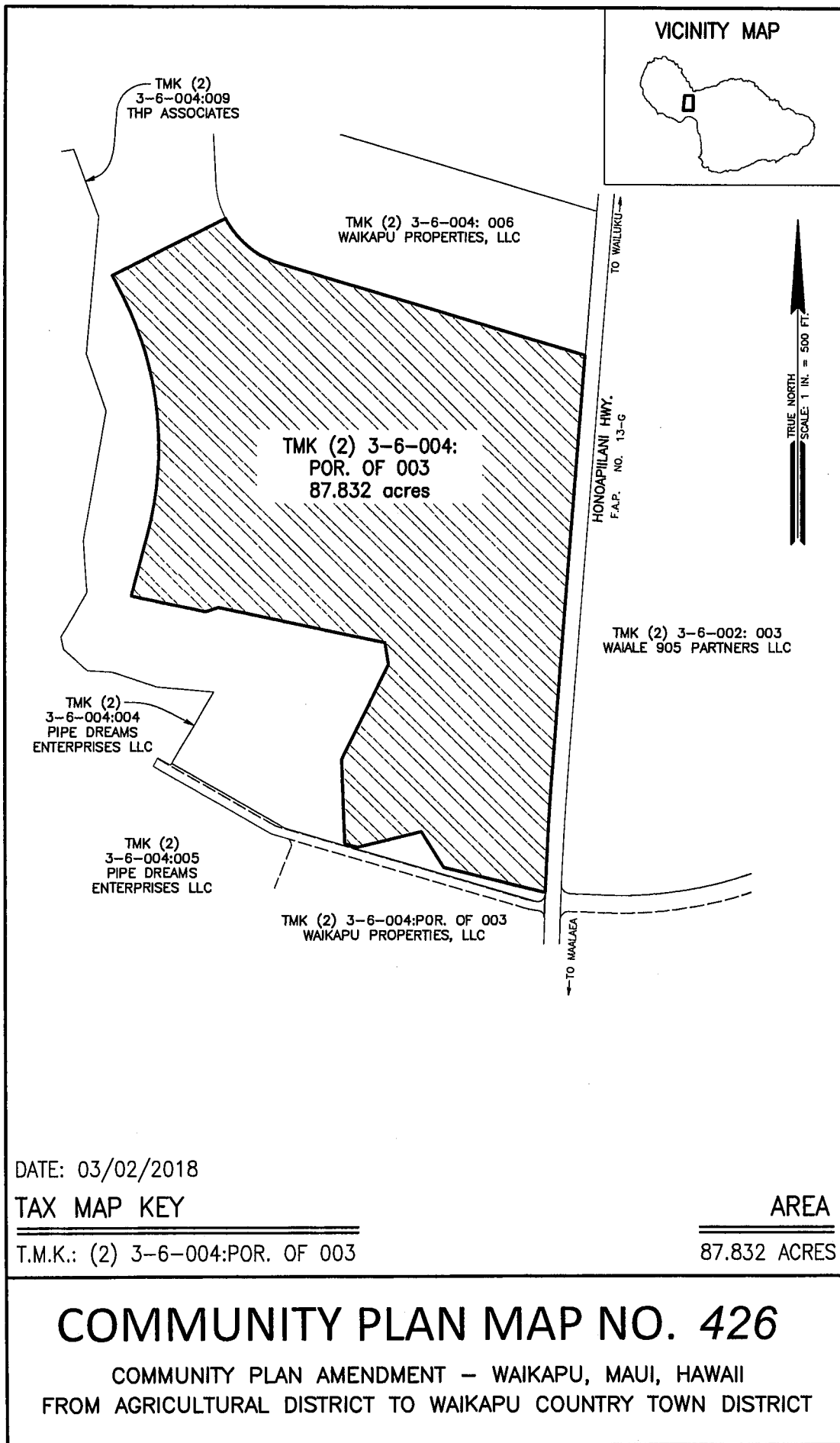
notified and shall make a determination on whether an archaeological inventory survey shall be provided by the Applicant for such area. The Applicant shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD.

17. Notification of Agricultural Use. Applicant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of Hawaii Revised Statutes (HRS) Chapter 165, the Hawaii 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 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.
18. Archaeological/Historic Sites. Applicant shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of the Applicant's Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by the Applicant; and d) Applicant shall submit a preservation plan to DLNR-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 DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Applicant shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Applicant shall provide verification to the Planning Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. The Applicant shall notify DLNR-SHPD prior to the first ground disturbance activity.
19. Cultural. Applicant shall consult with those persons known as Waikapu 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 Project Area. Additionally, Applicant shall grant access easements over the appropriate portions of the Project 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 shall be recorded and run with the land.

20. **Endangered Species.** Applicant shall implement the following procedures to avoid potential impacts to endangered species: a) Applicant shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project 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, b) Applicant shall consult with the United States Fish and 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 Project Area, c) For any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. **Development in Compliance with Maui Island Plan.** Applicant 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, "Waikapu Tropical Plantation Town."
22. **Infrastructure Deadline.** Applicant shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and storm water/drainage and other utility improvements within ten (10) years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. **Compliance with Representations to the Maui County Council.** Applicant shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in reversion of the Project Area to its former zoning and community plan classifications.
24. **Annual Reports.** Applicant shall provide the Department, without any written prior notice, an annual report on the status of the development of the Project Area and Applicant's progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.

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



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.

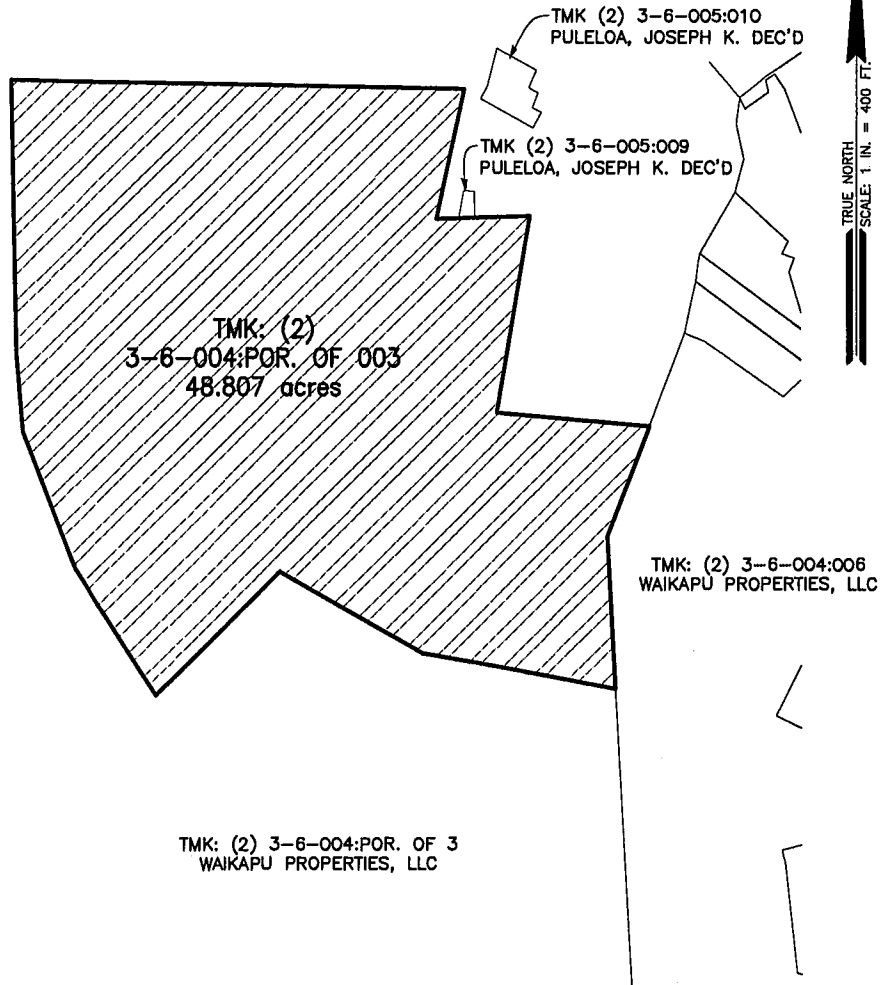
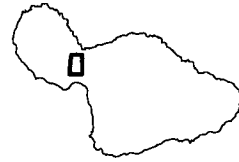
A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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. 427

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:

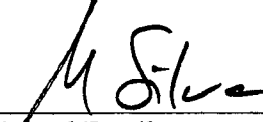
1. 101° 00' 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2. 100° 00' 215.00 feet along the remainder of 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. 148° 00' 409.00 feet along same;
6. 159 00' 400.00 feet along same;
7. 175° 00' 220.00 feet along same;
8. 179° 00' 750.00 feet along same;
9. 271° 00' 1,235.00 feet along same;

10. 12° 00' 367.00 feet along same;
11. 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;
12. 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;
13. 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;
14. 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;
15. 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.



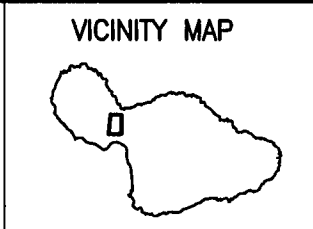
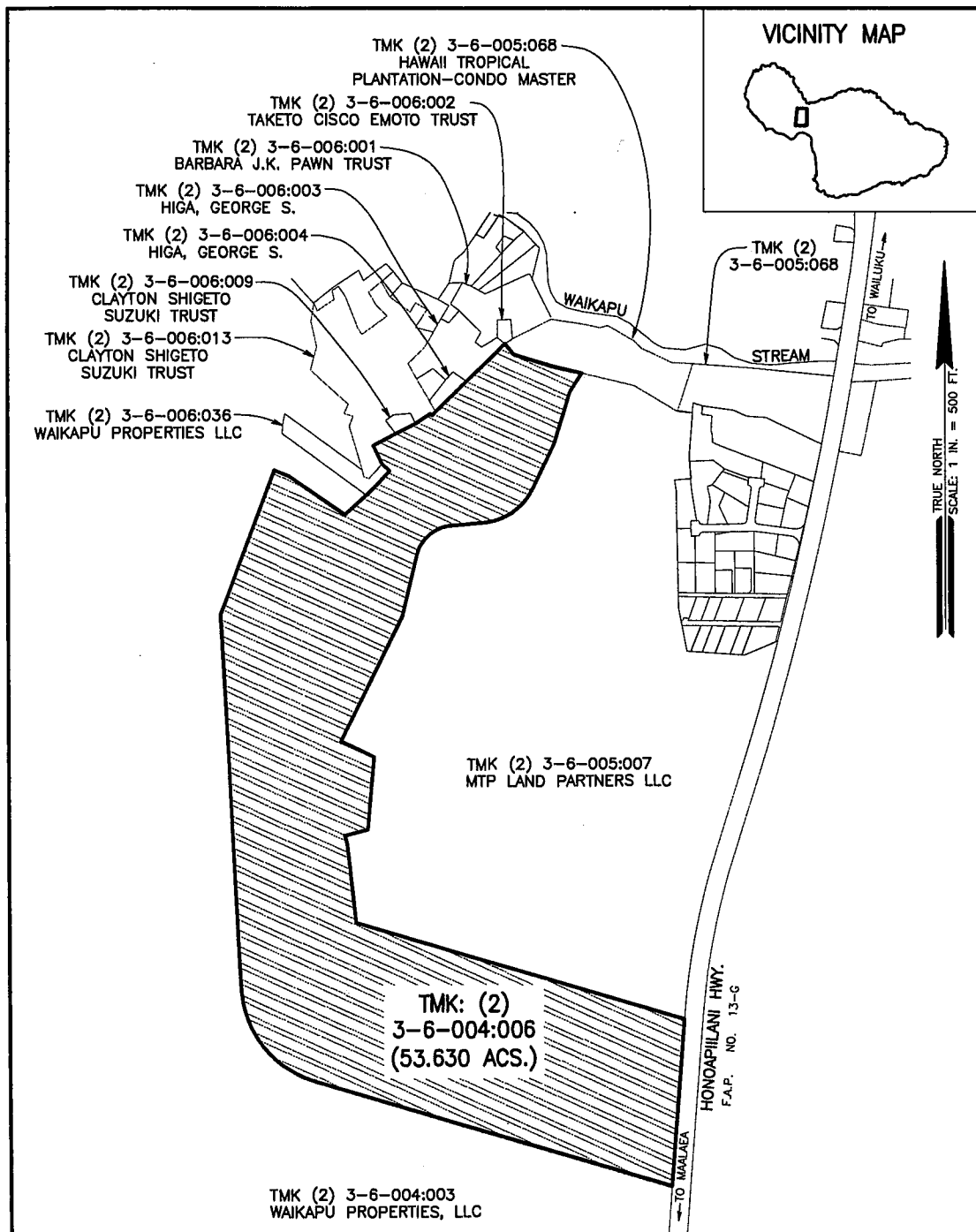
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Certificate Number 12960
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
September 20, 2018

WP01



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. 428

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 Wahninealii, 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.



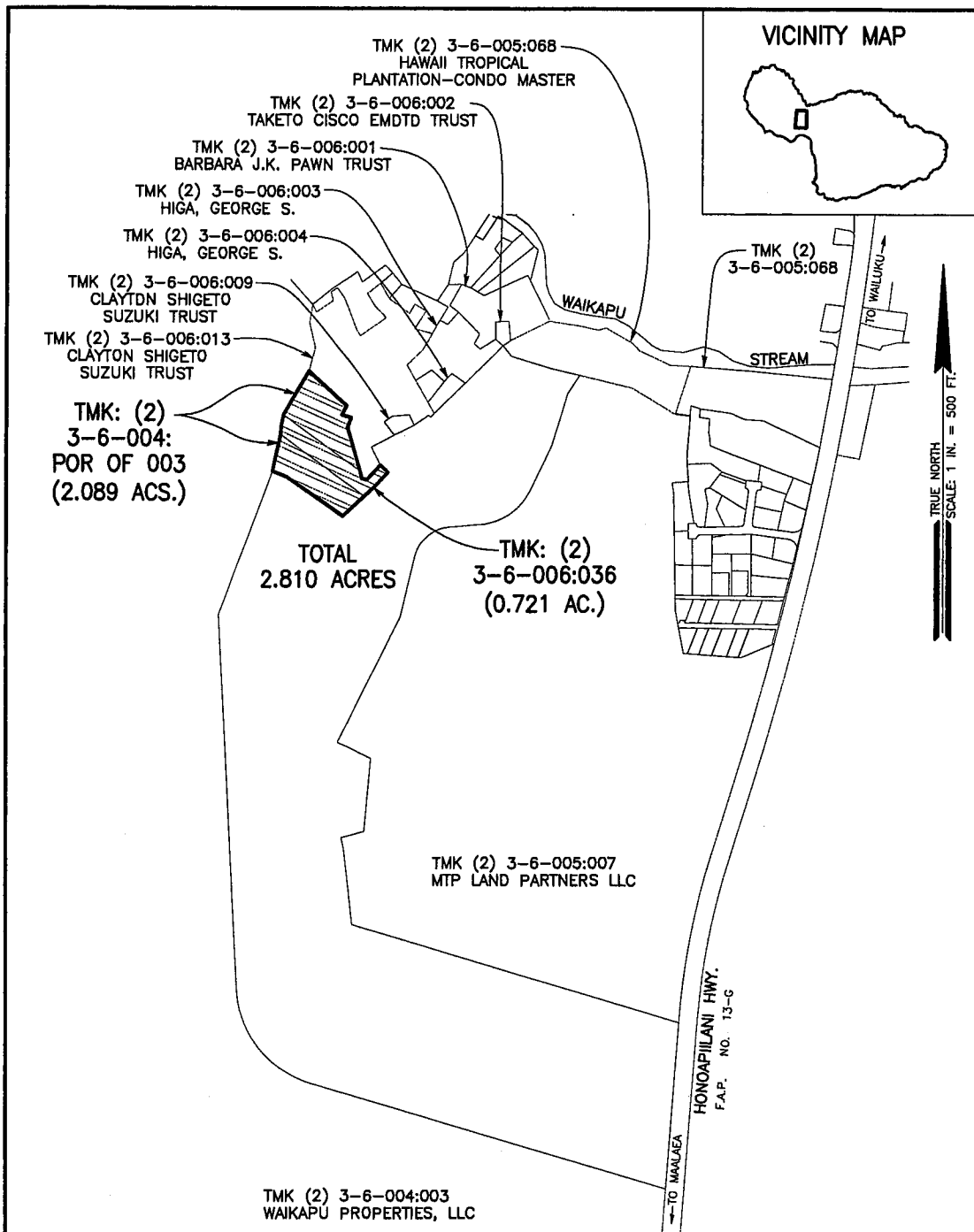
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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 KEYS

T.M.K.: (2) 3-6-006:036

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

AREA

2.810 ACRES

COMMUNITY PLAN MAP NO. 429

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

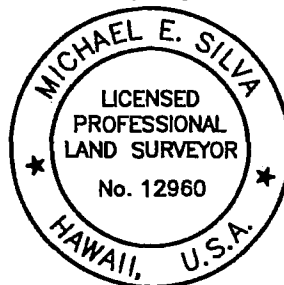
4,611.04 feet West

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.

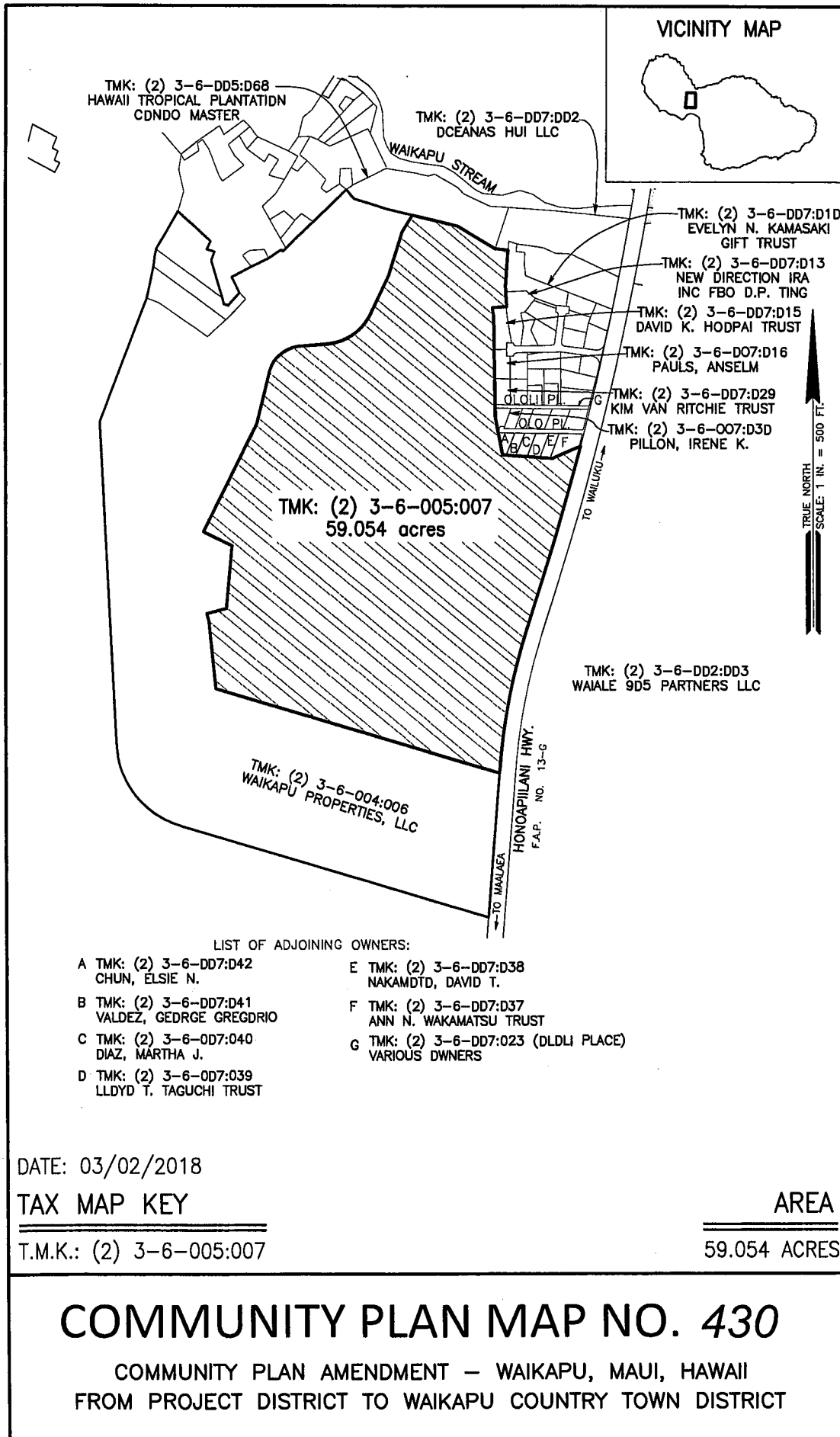


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A handwritten signature of Michael E. Silva in black ink, written over a horizontal line.

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



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: $284^{\circ} 35' 07''$; the radial azimuth from radius point to the end of the curve being: $287^{\circ} 13' 13''$; and the chord azimuth and distance being:
 $15^{\circ} 54' 18.5''$ 563.99 feet;
2. $17^{\circ} 13' 30''$ 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.



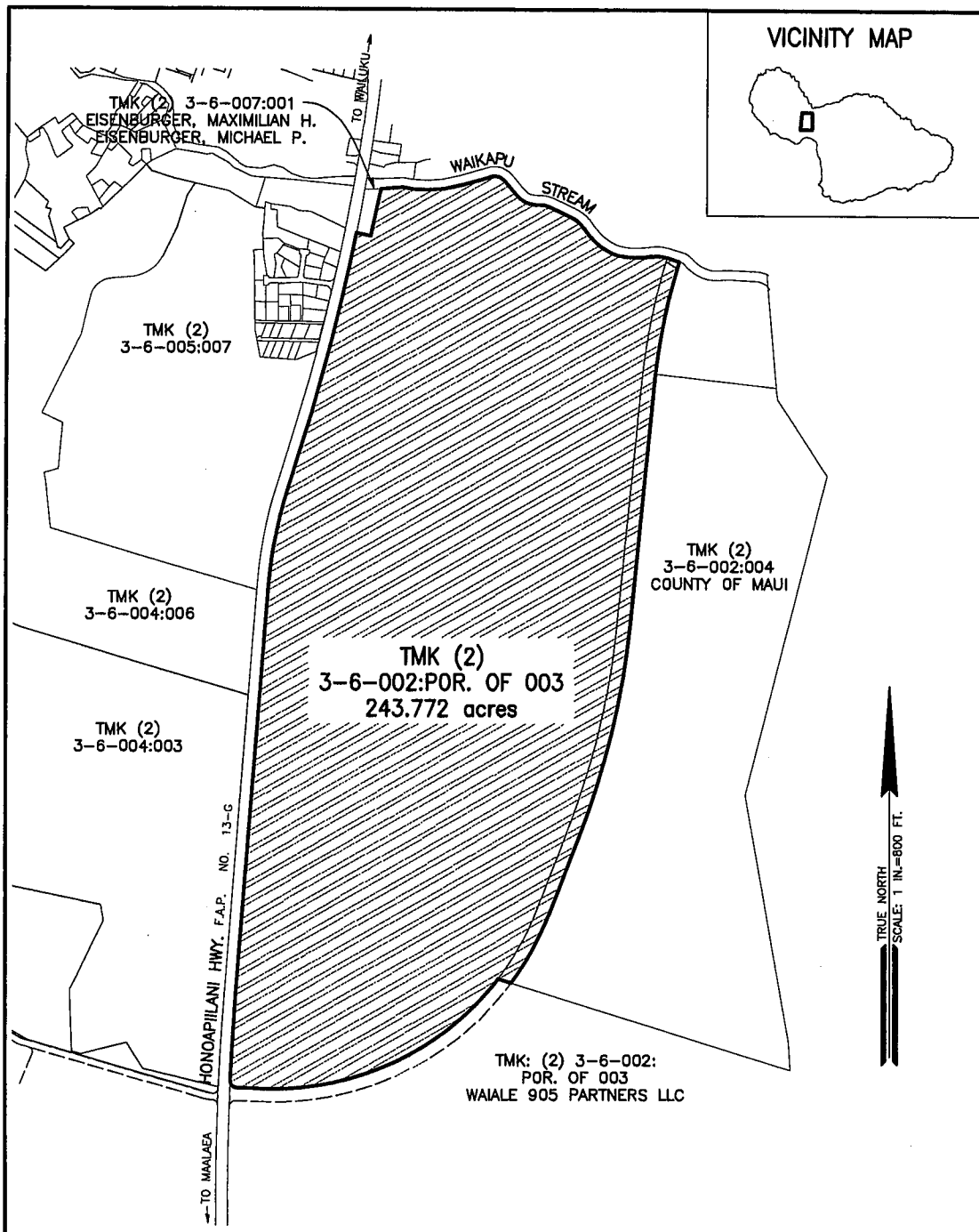
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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. 431

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.

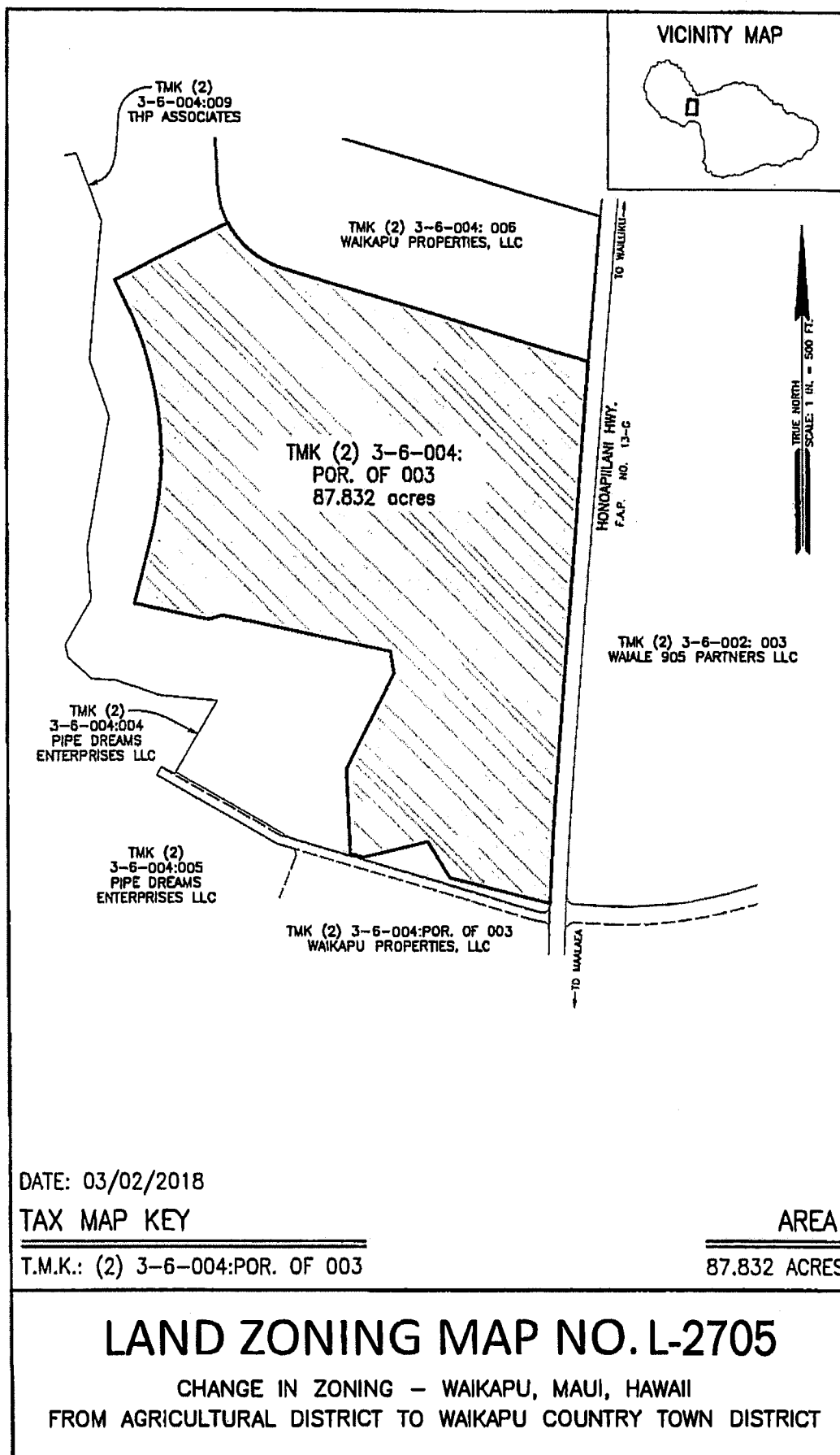
A handwritten signature of Michael E. Silva in black ink, written over a horizontal line.

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

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



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.



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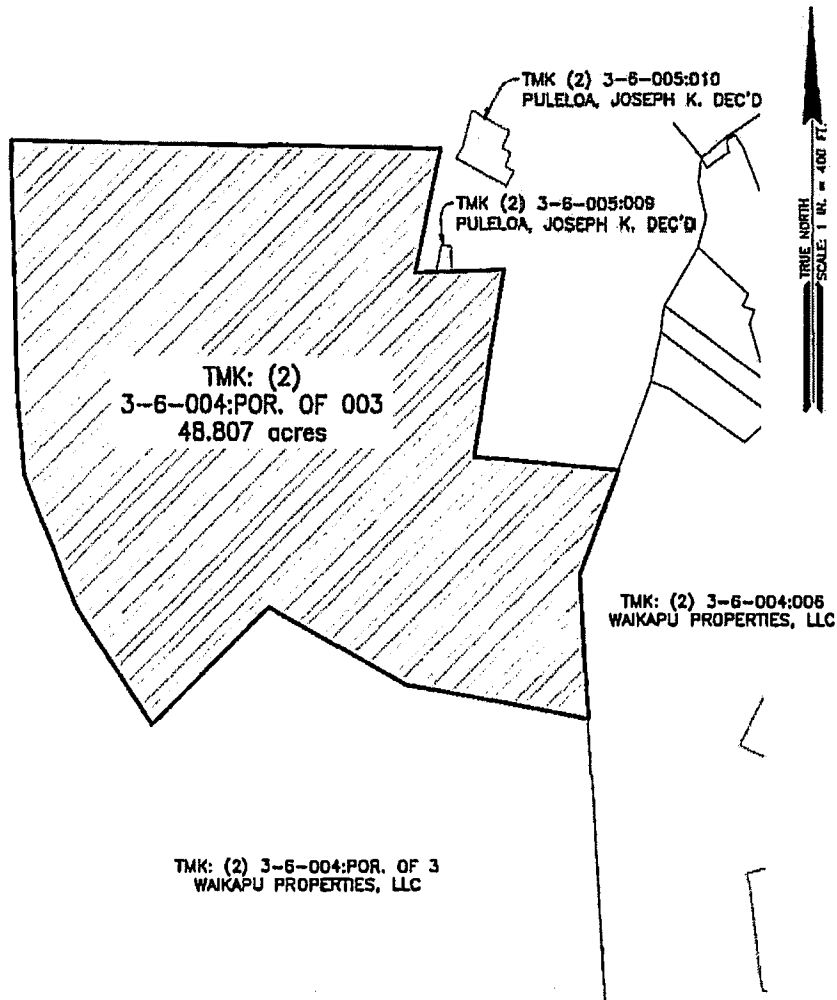
A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

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) 3-6-004:POR. OF 003

AREA

48.807 ACRES

LAND ZONING MAP NO. L-2706

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. 148° 00' 409.00 feet along same;
6. 159 00' 400.00 feet along same;
7. 175° 00' 220.00 feet along same;
8. 179° 00' 750.00 feet along same;
9. 271° 00' 1,235.00 feet along same;

10. 12° 00' 367.00 feet along same;
11. 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;
12. 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;
13. 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;
14. 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;
15. 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.



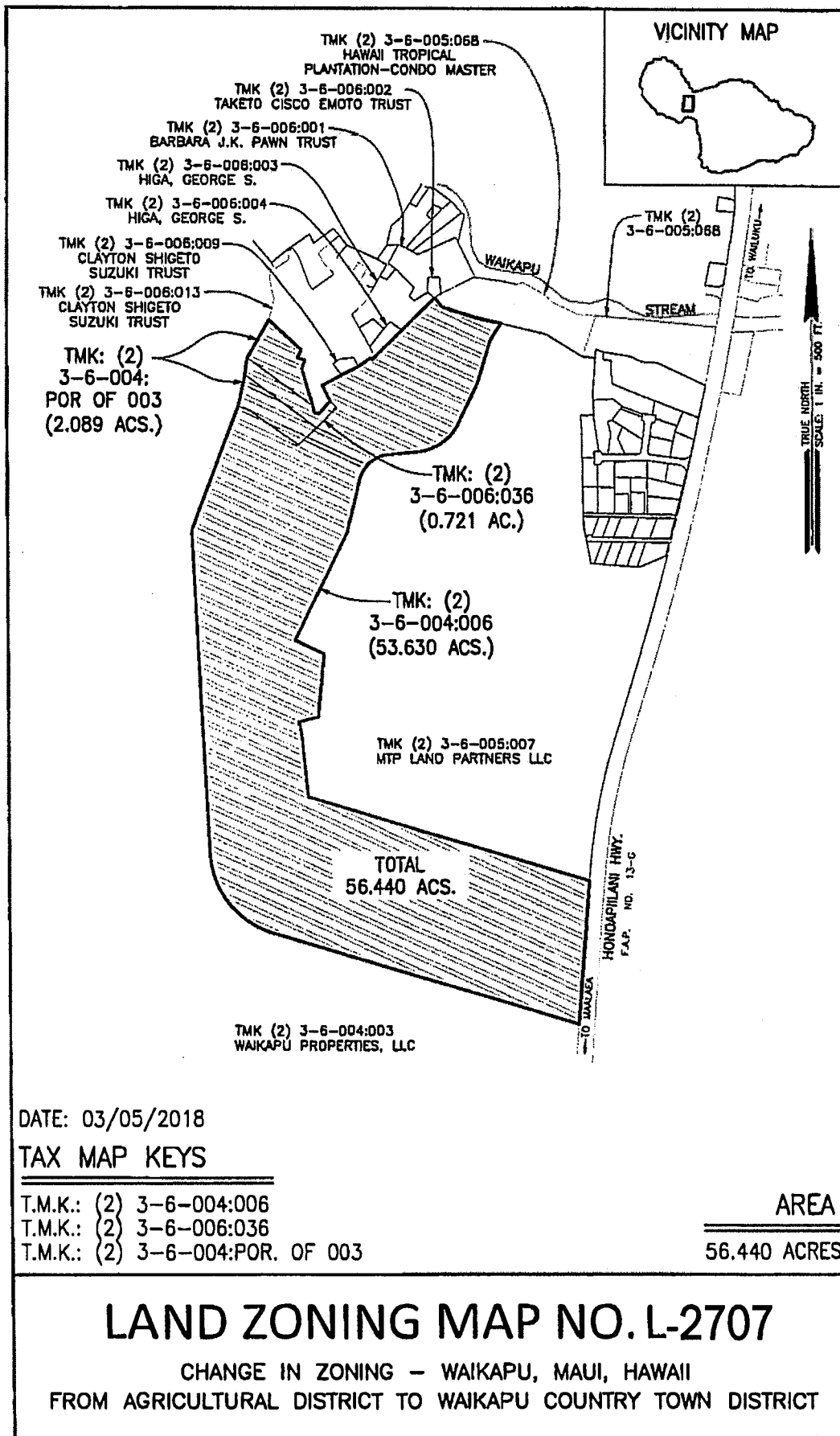
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
September 20, 2018

WP01



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, appearing to read "M Silva", written over a horizontal line.

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.

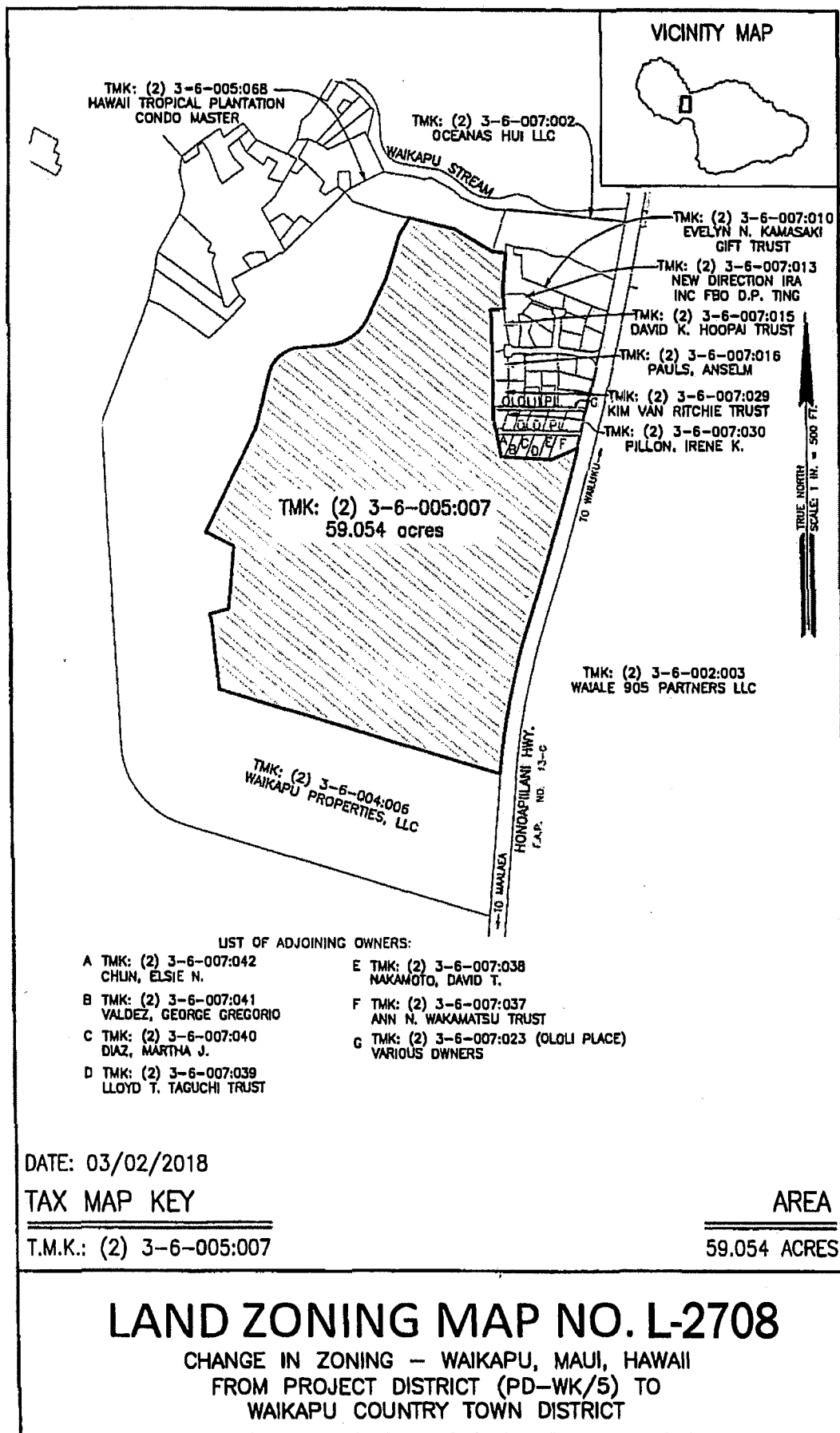


FUKUMOTO ENGINEERING, INC.

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



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: $284^{\circ} 35' 07''$; the radial azimuth from radius point to the end of the curve being: $287^{\circ} 13' 13''$; and the chord azimuth and distance being:
 $15^{\circ} 54' 18.5''$ 563.99 feet;
2. $17^{\circ} 13' 30''$ 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.

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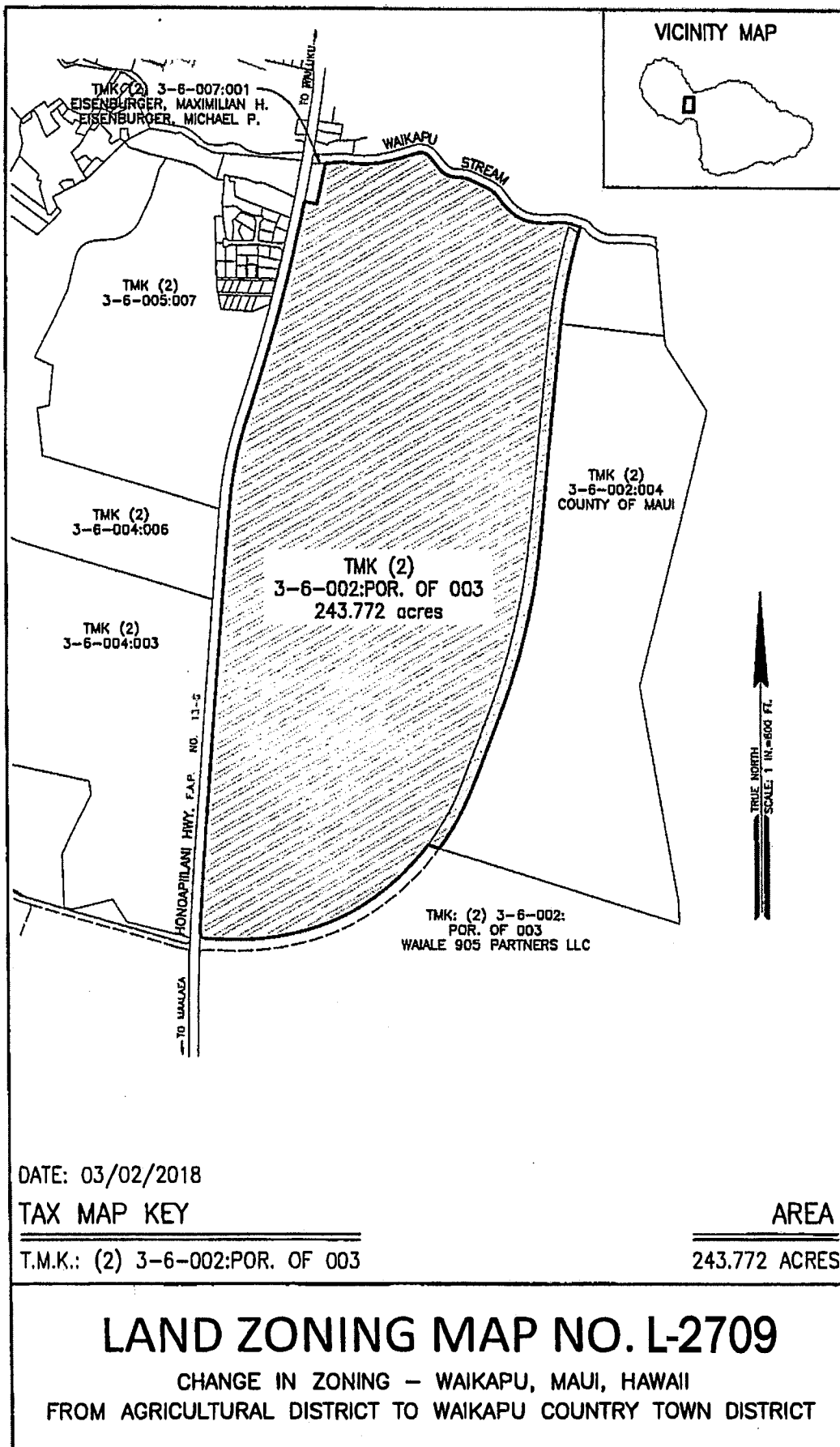
FUKUMOTO ENGINEERING, INC.

A handwritten signature of Michael E. Silva in black ink, written over a horizontal line.

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



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. $5^{\circ} \ 35'$ 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:
 $13^{\circ} \ 16'$ 1,347.68 feet;
30. $20^{\circ} \ 57'$ 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:
 $28^{\circ} \ 37' \ 57''$ 481.26 feet;
32. $126^{\circ} \ 18' \ 54''$ 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:
 $64^{\circ} \ 19' \ 57''$ 1,615.91 feet;
34. $92^{\circ} \ 21'$ 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:
 $92^{\circ} \ 37' \ 04.2''$;
 and the chord azimuth and distance being:
 $137^{\circ} \ 29' \ 02.1''$ 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 of Michael E. Silva in black ink, written over a horizontal line.

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

ALAN M. ARAKAWA
Mayor

MICHELE CHOUTEAU MCLEAN
Director

JOSEPH W. ALUETA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 18, 2018

Mr. Michael Summers
Planning Consultants Hawaii, LLC
2331 West Main Street
Wailuku, Hawaii 96793

Dear Mr. Summers:

SUBJECT: MAUI PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL OF A COMMUNITY PLAN AMENDMENT (CPA), ADDITION OF CHAPTER 19.XX, MAUI COUNTY CODE (MCC), AND CONDITIONAL CHANGE IN ZONING (CIZ) FOR THE WAIKAPU COUNTRY TOWN PROJECT, LOCATED AT 1670 HONOAPIILANI HIGHWAY, WAIKAPU, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-002:003 (POR), (2) 3-6-004:003 (POR), (2) 3-6-004:006, (2) 3-6-005:007, AND (2) 3-6-006:036 (CPA 2018/0004) (CIZ 2018/0004)

At the regular meeting on August 28, 2018, the Maui Planning Commission (Commission) reviewed the above applications, conducted the public hearing, and after due deliberation, recommended the Maui County Council's (Council) approval of the CPA and CIZ with conditions. The applications will be forwarded to the Council for final review and action.

COMMUNITY PLAN AMENDMENT

The CPA will change the Community Plan Designation from "Project District 5" and "Agriculture" on the 495.905 acre project area to a new designation "Waikapu Country Town (WCT)." The new designation is described as follows for inclusion in the Wailuku-Kahului Community Plan:

Waikapu Country Town (WCT)

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multi-family, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a "complete community." Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing approximately 800 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into five (5) additional agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design should provide uninterrupted walking and bicycling trails, preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision.

Planning Guidelines:

Dwelling Unit Count:	1,433 residential units, not including accessory dwellings (Up to eighty (80) of these units can be rural residences. Up to 146 additional accessory dwelling units may be constructed.)
Residential Product Mix	Between 25% to 50% of the residential units shall be multi-family units.
Parks and Open Space	A diversity of park types and open space elements shall be provided in a manner that is consistent with the project's form-based zoning code and design guidelines.

CHANGE IN ZONING

The CIZ will change the subject 495.905-acre property's zoning from "Project District 5" and "Agricultural" to a new designation "Waikapu Country Town (WCT)." This new zoning designation will be codified in the MCC as "Chapter 19.XX Waikapu Country Town" as shown in Exhibit "A" attached to this letter.

The CIZ is subject to the following twenty-four (24) conditions:

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Applicant shall mitigate all Project generated traffic impacts as required by the SDOT-H. Applicant shall enter into an agreement to mitigate the traffic related impacts and the timing to complete traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Applicant shall reduce the number of project intersections with Honoapiilani Highway from three (3) to two (2) – one (1) at the

Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), and one (1) at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Applicant shall be solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.

- c. Applicant shall conduct an analysis of the suitability of a roundabout at the proposed Honoapiilani Highway and Main Street Intersection. The Applicant's analysis with findings shall be transmitted to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal will be pursued by the Applicant.
- d. Applicant shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure the development layout provides pedestrian routes to these pedestrian crossings at these intersections.

Compliance with this condition shall be confirmed by SDOT-H.

- 2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Applicant shall work with SDOT-A to address compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations that may hinder aircraft passage and/or airport operations at the Kahului Airport (OGG).
- 3. Transportation – DPW.
 - a. Applicant shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit to DPW for review and approval prior to the approval of the first subdivision application to the County of Maui for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
 - b. Applicant shall enter into an agreement with the DPW regarding the project's fair share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions may be made. The agreement may also consider

the project's actual traffic generated insomuch as any reductions (or increases) in traffic than originally estimated may reduce (or increase) the pro rata share in the future. Further, the Applicant shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.

Compliance with this condition shall be confirmed by DPW.

4. **Storm Water Management and Drainage.** Applicant shall maintain existing drainage patterns as feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance as reviewed and approved by the DPW shall be such that there will be no increase in runoff from the project site as a result of an increase in impervious surfaces. Compliance with this condition shall be confirmed by the DPW.
5. **Residential Workforce Housing.** Applicant shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market rate dwelling units as required by the MCC and as agreed to by the Department of Housing and Human Concerns.
6. **Wastewater.** Applicant shall participate in the funding and/or construction of adequate private or public wastewater facilities to accommodate the proposed uses for each portion of Waikapu Country Town. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If the Applicant's proposed wastewater facilities are to be located within the State and County agricultural districts, Applicant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If the Applicant desires to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to

serve any use or structure prior to the issuance of the building permit for such use or structure.

7. **Air Quality.** Applicant shall participate in an air quality monitoring program as required by the DOH.
8. **Education Contribution Agreement.** Applicant shall contribute to the development, funding, and/or construction of school facilities in compliance with the *Educational Contribution Agreement for Waikapu Country Town*, undated but executed as of January 31, 2017, entered into by the Applicant and the Department of Education. Applicant 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 run with the land.
9. **Energy Conservation Measures.** Applicant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per the rules of HRS Section 196-6.5. Applicant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. **Water Conservation Measures.** Applicant shall implement water conservation measures and BMPs such as the use of indigenous plants to the extent practicable and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
11. **Water System.** Applicant 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 in accordance with the applicable standards and requirements of the DOH and/or County of Maui, with plans submitted for approval by the appropriate agency. Applicant shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, the Applicant shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use

and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.

12. **Street Lights.** Applicant shall use fully-shielded street lights within the Waikapu Country Town area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion upward into the night sky.
13. **Sirens.** Applicant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Applicant shall comply with the park dedication requirements of the County of Maui. Applicant shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the MCC. Particular attention shall be exercised in developing parks and recreational areas that may be used by all ages and that these recreational areas are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Applicant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Applicant shall submit to the Department an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings or farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources-State Historic Preservation District (DLNR-SHPD) shall be notified and shall make a determination on whether an archaeological inventory survey shall be provided by the Applicant for such area. The Applicant shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD.

17. **Notification of Agricultural Use.** Applicant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of Hawaii Revised Statutes (HRS) Chapter 165, the Hawaii 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 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.
18. **Archaeological/Historic Sites.** Applicant shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of the Applicant's Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by the Applicant; and d) Applicant shall submit a preservation plan to DLNR-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 DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Applicant shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Applicant shall provide verification to the Planning Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. The Applicant shall notify DLNR-SHPD prior to the first ground disturbance activity.
19. **Cultural.** Applicant shall consult with those persons known as Waikapu 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 Project Area. Additionally, Applicant shall grant access easements over the appropriate portions of the Project 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 shall be recorded and run with the land.

20. **Endangered Species.** Applicant shall implement the following procedures to avoid potential impacts to endangered species: a) Applicant shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project 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, b) Applicant shall consult with the United States Fish and 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 Project Area, c) For any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. **Development in Compliance with Maui Island Plan.** Applicant 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, "Waikapu Tropical Plantation Town."
22. **Infrastructure Deadline.** Applicant shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and storm water/drainage and other utility improvements within ten (10) years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. **Compliance with Representations to the Maui County Council.** Applicant shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in reversion of the Project Area to its former zoning and community plan classifications.

Mr. Michael Summers
September 18, 2018
Page 9

24. Annual Reports. Applicant shall provide the Department, without any written prior notice, an annual report on the status of the development of the Project Area and Applicant's progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt by email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 280-1789.

Sincerely,



MICHELE MCLEAN
Planning Director

Attachment – Appendix A

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Project File

MCM:KFW:lk

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:)	DOCKET NO. CPA 2018/0004
	)	DOCKET NO. CIZ 2018/0004
WAIKAPU PROPERTIES, LLC; MTP)	
LAND PARTNERS, LLC; WILLIAM S.)	
FILIOS, Trustee of the William)	
S. Filios Separate Property	)	Waikapu County Town
Trust dated APRIL 3, 2000; and	)	Planning Consultants Hawaii, LLC
WIALE 905 PARTNERS, LLC,	)	(Consultant)
)	
To Obtain a Community Plan Amendment	)	(KFW)
And Change in Zoning for the Waikapu)	
County Town Situated on 495.905 Acres)	
Located at 1670 Honoapiilani Highway,)	
Waikapu, District of Wailuku, Island and)	
County of Maui, State of Hawaii, bearing)	
Tax Map Keys (2) 3-6-002:003 (POR),)	
(2) 3-6-004:003 (POR), (2) 3-6-004:006,)	
(2) 3-6-005:007, and (2) 3-6-006:036)	

MAUI PLANNING DEPARTMENT'S RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
AUGUST 28, 2018

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI 96793

(Community Plan Amendment and Change In Zoning)
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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:)	DOCKET NO. CPA 2018/0004
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WAIKAPU PROPERTIES, LLC; MTP)	
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Trust dated APRIL 3, 2000; and)	Planning Consultants Hawaii, LLC
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County Town Situated on 495.905 Acres)	
Located at 1670 Honoapiilani Highway,)	
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Tax Map Keys (2) 3-6-002:003 (POR),)	
(2) 3-6-004:003 (POR), (2) 3-6-004:006,)	
(2) 3-6-005:007, and (2) 3-6-006:036)	

CONCLUSIONS OF LAW

COMMUNITY PLAN AMENDMENT

The Community Plan Amendment has been reviewed pursuant to Title 2, Administration and Personnel, Chapter 2.80B General Plan and Community Plans; Section 2.80B.110 Non-decennial amendments to community plans proposed by a person, Maui County Code, 1980, as amended. The State of Hawaii Land Use Commission accepted the Final Environmental Impact Statement filed by Waikapu 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, in accordance with Chapter 343, Hawaii Revised Statutes, and required due to the Community Plan Amendment application on February 26, 2018.

CHANGE IN ZONING

Pursuant to Section 19.510.040 and 19.510.050 of the Maui County Code, the proposed request meets the criteria for a Change in Zoning as follows:

1. With the application of recommended conditions of approval, the proposed request meets the intent of the general plan and the objectives and policies of the Wailuku-Kahului Community Plan provided the Community Plan Amendment is approved;

2. With the application of recommended conditions of approval, the proposed request is consistent with the applicable Community Plan land use map of the county, provided the Community Plan Amendment is approved;
3. The proposed request meets the intent and purpose of the zoning districts being requested;
4. The application, if granted, would not, with appropriate mitigation measures, adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements; and
5. The application, if granted, would not, with appropriate mitigation measures, adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

RECOMMENDATION

COMMUNITY PLAN AMENDMENT

The Planning Department recommends approval of the Community Plan Amendment and inclusion of the new designation entitled "Waikapu Country Town (WCT)" consisting of 495.905 acres in the current Wailuku-Kahului Community Plan along with updated exhibits and maps reflecting this new Community Plan designation.

The Community Plan Amendment will change the Community Plan Designation from "Project District 5" and "Agriculture" on the 495.905 acre project area to a new designation "Waikapu Country Town (WCT)". The new designation is described as follows for inclusion in the Wailuku-Kahului Community Plan:

Waikapu Country Town (WCT) 495.905 Acres

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multifamily, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a "complete community". Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing approximately 800 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into five additional agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design should provide uninterrupted walking and bicycling trails,

preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision.

Planning Guidelines:

Dwelling Unit Count:	1,433 residential units, not including accessory dwellings (Up to 80 of these units can be rural residences. Up to 146 additional accessory dwelling units may be constructed.)
Residential Product Mix	Between 25% to 50% of the residential units shall be multi-family units
Parks and Open Space	A diversity of park types and open space elements shall be provided in a manner that is consistent with the project's form-based zoning code and design guidelines

CHANGE IN ZONING

The Planning Department recommends approval of the Change in Zoning and inclusion of the new designation entitled "Waikapu Country Town (WCT)" in the current Maui County Zoning code along with updated exhibits and maps reflecting this new Zoning designation subject to conditions.

The Change in Zoning will change the subject 495.905-acre property's zoning from "Project District 5" and "Agricultural" to a new designation "Waikapu Country Town (WCT)." This new zoning designation will be codified in the Maui County Code as "Chapter 19.XX Waikapu Country Town" as shown in Exhibit "A" attached to this Recommendation.

The Planning Department recommends approval of the Change in Zoning subject to the following conditions:

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Applicant shall mitigate all Project generated traffic impacts as required by the SDOT-H. Applicant shall enter into an agreement to mitigate the traffic related impacts and the timing to complete traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Applicant shall reduce the number of project intersections with Honoapiilani Highway from three to two – one at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), and one at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Applicant shall be solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Applicant shall conduct an analysis of the suitability of a roundabout at the proposed Honoapiilani Highway and Main Street Intersection. The Applicant's analysis with findings shall be transmitted to the SDOT-H; County of Maui, Department of Planning; and the County of Maui, Department of

Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal will be pursued by the Applicant.

- d. Applicant shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure the development layout provides pedestrian routes to these pedestrian crossings at these intersections.

Compliance with this condition shall be confirmed by SDOT-H.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Applicant shall work with SDOT-A to address compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations that may hinder aircraft passage and/or airport operations at the Kahului Airport (OGG).

3. Transportation – DPW.

- a. Applicant shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit to DPW for review and approval prior to the approval of the first subdivision application to the County of Maui for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Applicant shall enter into an agreement with the DPW regarding the project's fair share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions may be made. The agreement may also consider the project's actual traffic generated inasmuch as any reductions (or increases) in traffic than originally estimated may reduce (or increase) the pro rata share in the future. Further, the Applicant shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.

Compliance with this condition shall be confirmed by DPW.

4. Storm Water Management and Drainage. Applicant shall maintain existing drainage patterns as feasible and shall implement Best Management Practices to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health and County of Maui guidelines, ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance as reviewed and approved by the Department of Public Works shall be such that there will be no

increase in runoff from the project site as a result of an increase in impervious surfaces. Compliance with this condition shall be confirmed by the Department of Public Works.

5. Residential Workforce Housing. Applicant shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market rate dwelling units as required by the Maui County Code and as agreed to by the Department of Housing and Human Concerns.
6. Wastewater. Applicant shall participate in the funding and/or construction of adequate private or public wastewater facilities to accommodate the proposed uses for each portion of Waikapu Country Town. The wastewater facilities shall be in accordance with the applicable standards and requirements of the Department of Health and the County of Maui as applicable. If the Applicant's proposed wastewater facilities are to be located within the State and County agricultural districts, Applicant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If the Applicant desires to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. Air Quality. Applicant shall participate in an air quality monitoring program as required by the Department of Health.
8. Education Contribution Agreement. Applicant shall contribute to the development, funding, and/or construction of school facilities in compliance with the *Educational Contribution Agreement for Waikapu Country Town*, undated but executed as of January 31, 2017, entered into by Applicant and the Department of Education. Applicant 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 run with the land.
9. Energy Conservation Measures. Applicant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per the rules of HRS Section 196-6.5. Applicant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project. Verification of compliance with this condition shall be provided to the Planning Department prior to submitting any building permit application.

10. **Water Conservation Measures.** Applicant 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. Verification of compliance with this condition shall be provided to the Planning Department prior to submitting any building permit application.
11. **Water System.** Applicant 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 in accordance with the applicable standards and requirements of the Department of Health and/or County of Maui, with plans submitted for approval by the appropriate agency. Applicant shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Applicant shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Applicant shall use fully-shielded street lights within the Waikapu Country Town area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion upward into the night sky.
13. **Sirens.** Applicant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Applicant shall comply with the park dedication requirements of the County of Maui. Applicant shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, Department of Public Works, and Department of Planning, which shall be in accordance with the Maui County Code. Particular attention shall be exercised in developing parks and recreational areas that may be used by all ages and that these recreational areas are not used primarily as water retention basins
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Applicant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Applicant shall submit to the Planning Department an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings or farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area subject to the conservation easement or

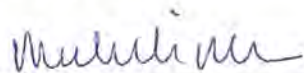
relevant instrument, SHPD shall be notified and shall make a determination on whether an archaeological inventory survey shall be provided by the Applicant for such area. The Applicant shall notify the Planning Department of any proposed development within the conservation easement lands and any determination made by SHPD.

17. Notification of Agricultural Use. Applicant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawaii 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 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.
18. Archaeological/Historic Sites. Applicant shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with SHPD's acceptance of the Applicant's Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a SHPD-approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with SHPD; c) If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by the Applicant; and d) Applicant 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 any ground disturbance in the vicinity of the two sites. Applicant shall comply with all interim and permanent mitigation and preservation measures required by SHPD. Applicant shall provide verification to the Planning Department that SHPD has determined that all required historic preservation measures have been implemented. The Applicant shall notify SHPD prior to the first ground disturbance activity.
19. Cultural. Applicant shall consult with those persons known as Waikapu 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 Project Area. Additionally, Applicant shall grant access easements over the appropriate portions of the Project 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 shall be recorded and run with the land.

20. **Endangered Species.** Applicant shall implement the following procedures to avoid potential impacts to endangered species: a) Applicant shall not clear dense vegetation, including woody plants greater than 15 feet in height, along the periphery of the Project 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, b) Applicant shall consult with the United States Fish and 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 Project Area, c) For any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. **Development in Compliance with Maui Island Plan.** Applicant 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 "Waikapu Tropical Plantation Town."
22. **Infrastructure Deadline.** Applicant shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and storm water/drainage and other utility improvements within ten (10) years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. **Compliance with Representations to the Maui County Council.** Applicant shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in reversion of the Project Area to its former zoning and community plan classifications.
24. **Annual Reports.** Applicant shall provide the Planning Department, without any written prior notice, an annual report on the status of the development of the Project Area and Applicant's progress in complying with the conditions imposed herein. The first annual report shall be submitted within one year of the effective date of the change in zoning ordinance, and subsequent reports shall be submitted annually on or near the same date.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the August 28, 2018, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order and authorize the Planning Director to transmit said Recommendation on the Community Plan Amendment and Change in Zoning to the Maui County Council on behalf of the Maui Planning Commission.

APPROVED:

A handwritten signature in blue ink, appearing to read "Michele McLean", is written over a horizontal line.

MICHELE MCLEAN
Director of Planning

Waikapū Country Town DRAFT Form-Based Zoning Code



Prepared For:

Waikapū Properties LLC
1670 Honoapi'ilani Highway
Waikapū, Maui HI 96793

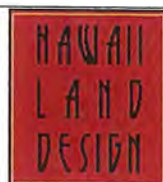
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WAIKAPŪ COUNTRY TOWN
DRAFT FORM-BASED ZONING CODE
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19.96.010 Purpose and Intent

The purpose and intent of this ordinance is to establish zoning that implements the Maui Island Plan's directed growth strategy (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'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

Term	Definition
<i>Complete Community</i>	A community that provides a diversity of housing types to serve a broad 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, but not limited to, 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 Haleakalā from proposed development along Honoapiʻilani 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 larger 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 Courtyard	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 may or may not be located on the lot.
Rural	A rural 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.

Term	Definition
<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>	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. A fast food establishment's design or principal method of operation includes two or more of the following characteristics: <ol style="list-style-type: none"> 1) Food or beverages are served in paper, plastic, or other disposable containers. Eating utensils, if provided, are disposable; 2) The line of food or beverages is limited; and is usually prepared in advance of the customer's order; 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 4) Carry-out sales, including delivery service, constitute over ten percent of the food service business.
<i>Food & 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 & 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, packaging plants, and 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 located along and adjacent to the open air dining facility.
<i>Outside Open-Air Sidewalk 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

Term	Definition
	located along and adjacent to the sidewalk sales.
<i>Radio & 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 that 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 and diesel engines; shoe repair; and watch, clock and jewelry repair; and other similar activities as may be approved.
<i>Telecommunication & 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	24.730
B. Main Street	14.700
C. Commercial / Employment	8.000
D. Residential	228.668
F. Rural	125.807
G. Education	12.000
H. Parks	32.500
I. Open Space	49.500
TOTAL PROJECT ACRES	495.905

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 Honoapiʻilani 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 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 is 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, triplex, fourplex, sixplex, 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 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, natural area, 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 resources, 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, natural area, 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.

Table 2A: Commercial Mixed-Use Table

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Commercial / Retail / Services			
Agricultural Products Processing <u>1/</u>	P	P	P
Animal Boarding Facility ^{1/}	P	P	P
Animal Hospital <u>1/</u>	P	P	P
Automobile Services <u>1/</u>	P		P
Beverage Service Kiosks	P	P	P
Daycare Facility	P	P	P
Eating & Drinking Establishment	P	P	P
Eating Establishment, Fast Food			P
Education, Specialized	P	P	P
Entertainment Establishment	P	P	P
Food & Beverage Retail <u>2/</u> ; <u>3/</u>	P	P	P
Food & Beverage Truck	P	P	P
Food, Beverage & 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

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Personal & 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
Employment			
Food Processing	P	P	P
Light Manufacturing & 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
Residential			
Boarding House <u>1/</u>	P	P	
Live Work / Mixed-Use	P	P	
Dwelling Unit, Duplex	P	P	
Dwelling Unit, Fourplex	P	P	
Dwelling Unit, Multi-Family (includes townhouses)	P	P	
Dwelling Unit, Townhouse	P	P	
Dwelling Unit, Triplex	P	P	
Cultural & Entertainment			
Assembly Area (Church, Community Centers, etc.)	P	P	P
Entertainment	P	P	P
Civic			
Open Space	P	P	P
Park	P	P	P
Civic Space	P	P	P
Public Facilities & Public Quasi-Public			
Fire Station			SU
Library	P	P	P
Police		P	P
Post Office <u>1/</u>	P	P	P
Radio & Television Broadcasting Station		P	P
Recycling Collection Center			P
Redemption Center			P
Telecommunication & Broadcasting Tower or Antenna		P	P
Utility Facilities, Major	SU	SU	SU
Utilities Facilities, Minor	P	P	P
Accessory			
Drainage Facilities	AU	AU	AU
Energy Systems, Small Scale	AU	AU	AU
Home Occupation <u>5/</u>	AU	AU	AU
Structures	AU	AU	AU
Other			

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Other Similar Uses	AR	AR	AR
1/ Shall not be permitted within or adjacent to the Town Center's Village Green 2/ 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. 3/ 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. 4/ 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. 5/ Shall be subject to the limitation of MCC Chapter 19.04.040.			

- B. 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) or a special use (SU). A Special Use shall require the issuance of a Special Use Permit.

Table 2B: Residential Use Table

Land Use Type	Zoning Districts	
	Residential	Rural
Assembly Area <u>6/</u>	P	
Agriculture		P
Animal & Livestock Raising		P
Apartment	P	
Boardinghouse <u>7/</u>	P	P
Civic Space	P	P
Daycare Facility	SU	SU
Cottage House	P	
Dwelling Unit, Duplex	P	
Dwelling Unit, Fourplex	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
Parking, Public	P	
Accessory		
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>8/</u>	AU	AU

Land Use Type	Zoning Districts	
	Residential	Rural
Open Space	AU	AU
Structure	AU	AU
Public Facilities & Public Quasi-Public		
Utility Facilities, Major	SU	SU
Utility Facilities, Minor	P	P
Other		
Other Similar Uses	AR	AR
6/ Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses.		
7/ Shall not have more than five bedrooms and not more than five boarders.		
8/ Shall comply with the provisions of MCC Chapter 19.35. The total number of Ohana Units permitted within the WCT shall not exceed 146.		

- C. 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) or a special use (SU). A Special Use shall require the issuance of a Special Use Permit.

Table 2C: Civic Use Table

Land Use Type	Zoning Districts		
	Education	Parks	Open Space
Civic			
Civic Space	P	P	P
Education, General	P		
Education, Specialized	P		
Park	P	P	
Passive Recreation	P	P	P
Public Facilities & Public Quasi-Public			
Utility Facilities, Major	SU	SU	SU
Utility Facilities, Minor	P	P	P
Accessory			
Drainage Facilities	AU	AU	AU
Structure	AU	AU	AU
Other			
Other Similar Uses	AR	AR	AR

- D. Other similar uses not specifically enumerated in Tables 2A, 2B, or 2C 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 this 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.

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	EDUCATION	PARKS	OPEN SPACE
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 lot sizes and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot type are hereby established in Table 4. Figure 2, A through Figure 2, P¹ are illustrations of the lot type development standards.

¹ Architectural imagery is intended for illustrative purposes only.

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)	
Civic Space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic Building	6,000 / no max	60 / no max	N/A	45	N/A	15	15	10	N/A
Commercial / Retail and Employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Commercial & Residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Light Industrial	6,000 / no max	60	NA	35	N/A	10	6	6	60
Multi-Plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-Family Complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-Family Courtyard Building	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Public Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-Family Cottage Complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-Family Green Court	1,650 / no max	N/A	N/A	30	Alley	5 / 15	5	6	60
Single-Family Large Lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ² or Secondary Street	5 / 20	6	6	40
Single-Family Small Lot	2,800 – 6,499	24 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ³ or Secondary Street	5 / 15	5	0	60
Townhouse Lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

² No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

³ No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

Figure 2, A: Civic Space

Civic Space Lot

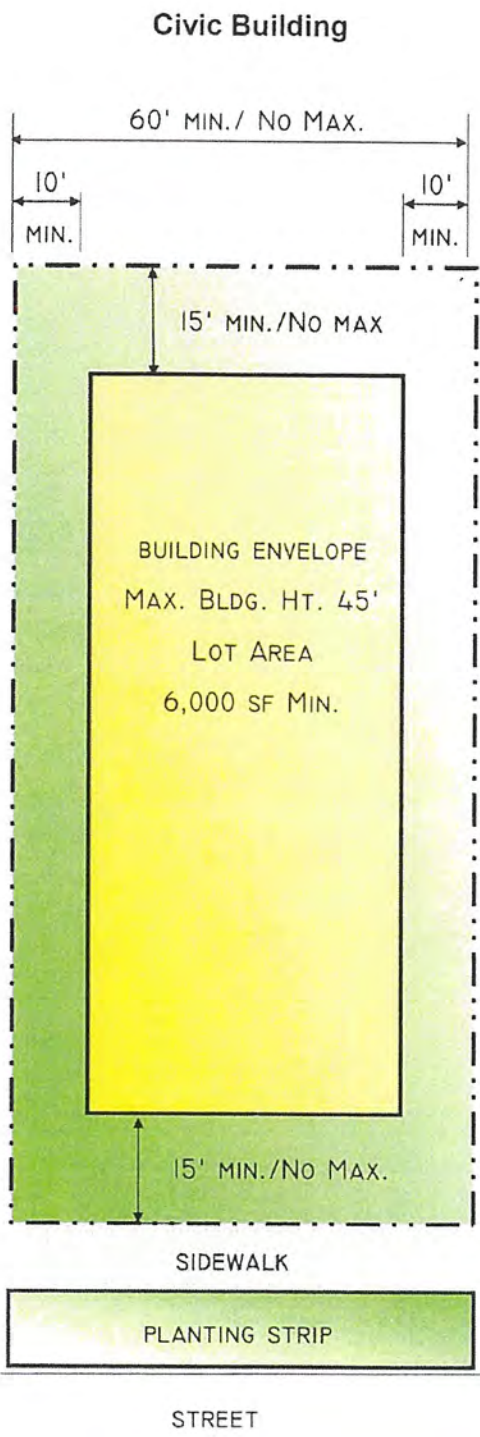
A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, B: Civic Building



Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

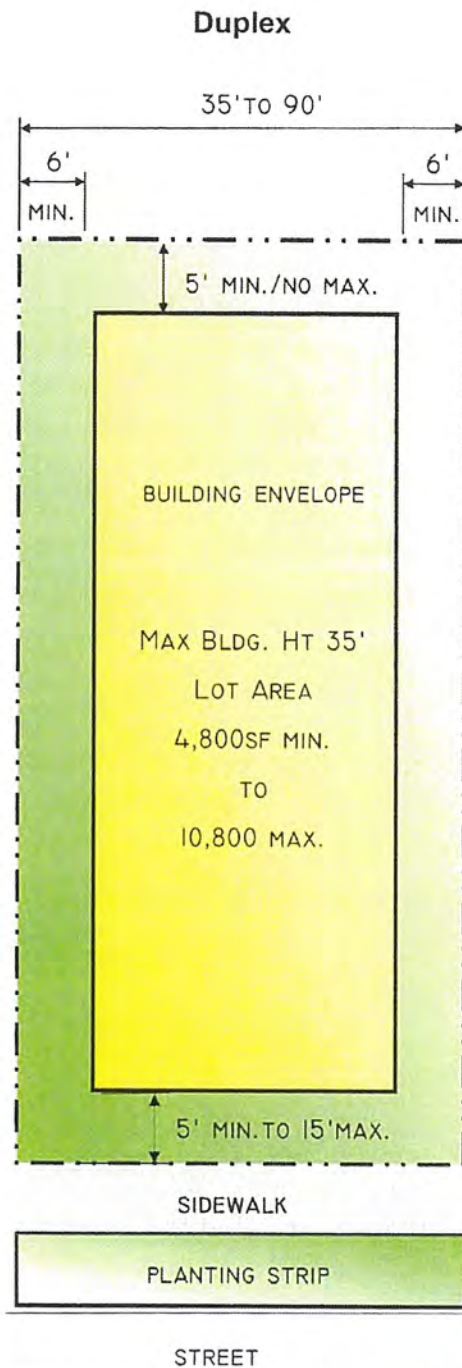


Neighborhood Block & Lot Example



1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Figure 2, D: Duplex

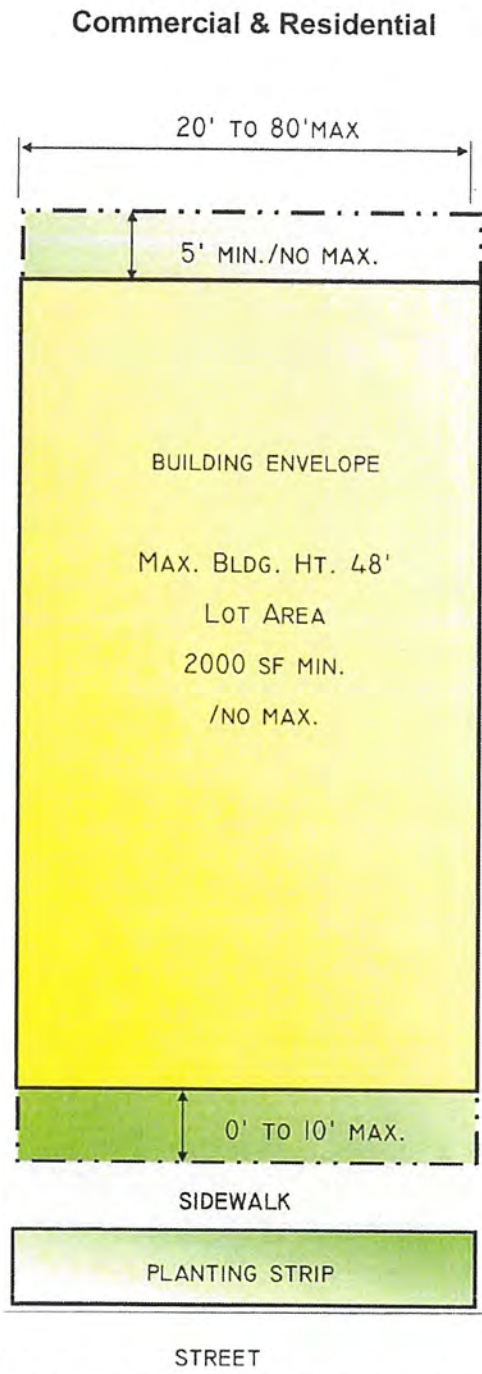


1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, E: Commercial & Residential



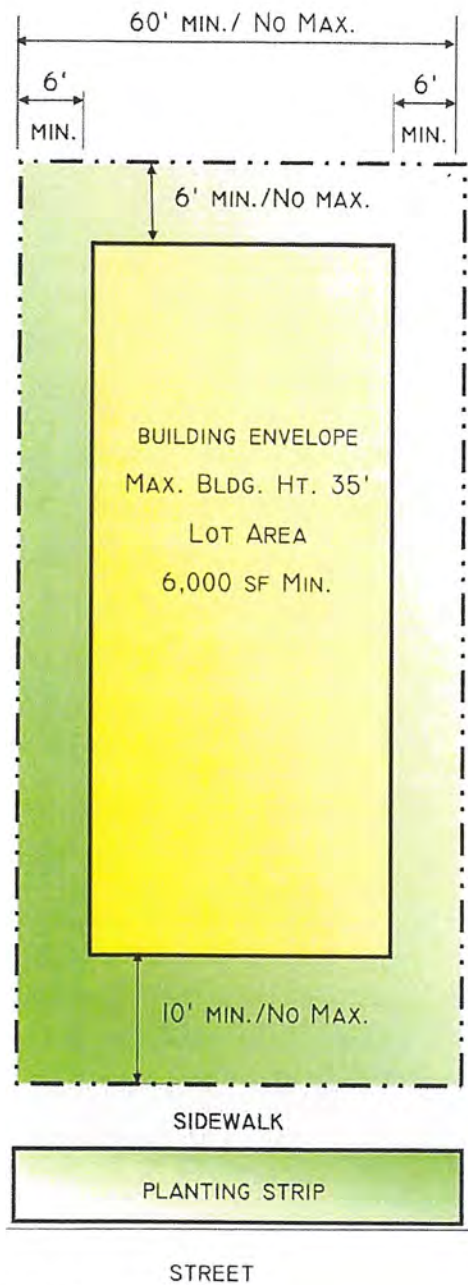
1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example

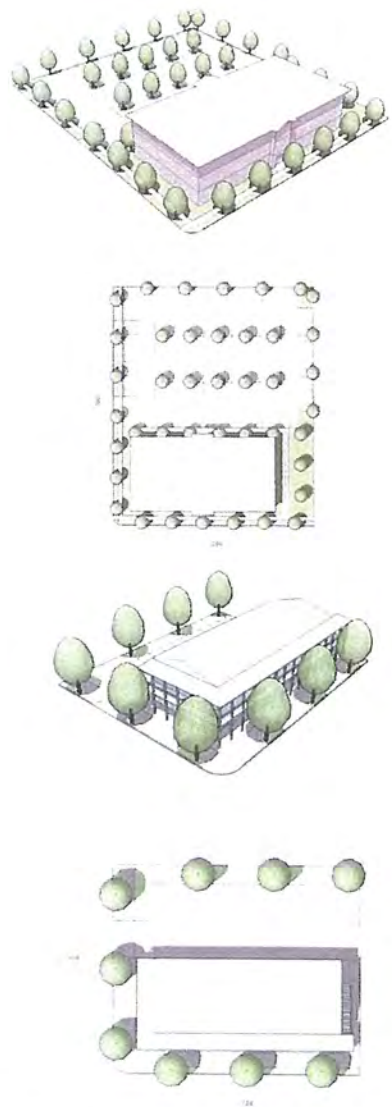


Figure 2, F: Light Industrial

Light Industrial

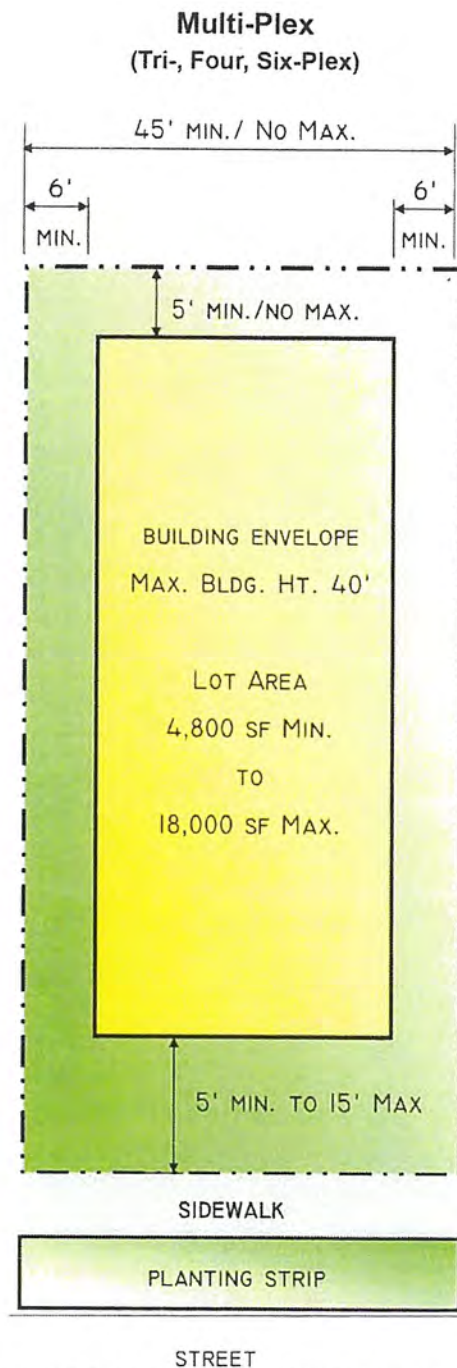


1. Minimum street frontage is 60%



The illustrations above, MCC 19.38, "Maui Research & Technology Park District", are of the technology park's commercial and flex space lots.

Figure 2, G: Multi-Plex

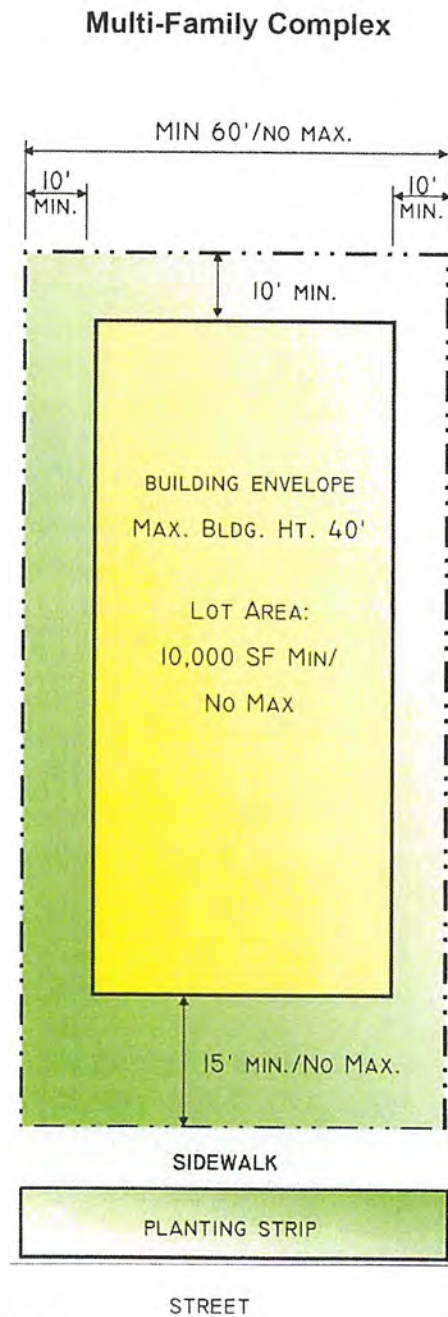


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples



Figure 2 H, b: Multi-Family Complex

Multi-Family Complex



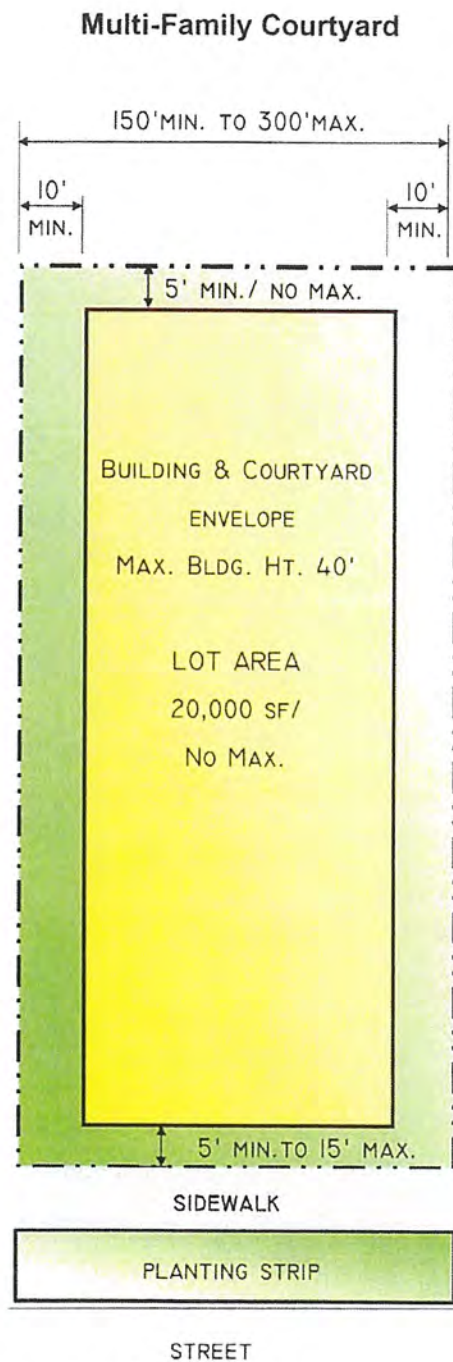
Neighborhood Block & Lot Examples



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, I: Multi-Family Courtyard



1. Parking access is by alley or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

**Neighborhood Block & Lot
Examples**



Figure 2, J: Public Parking

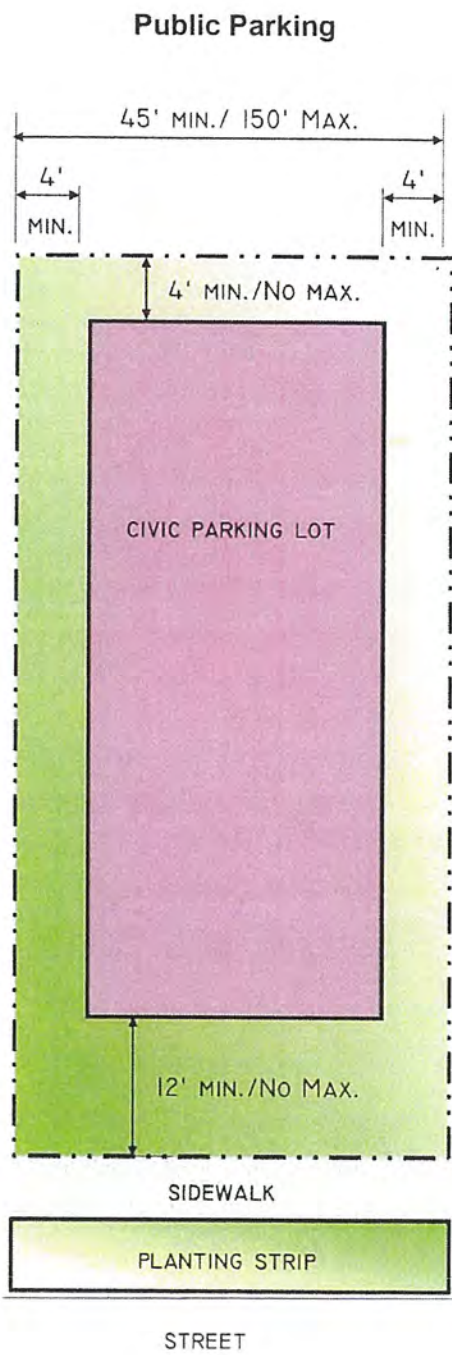
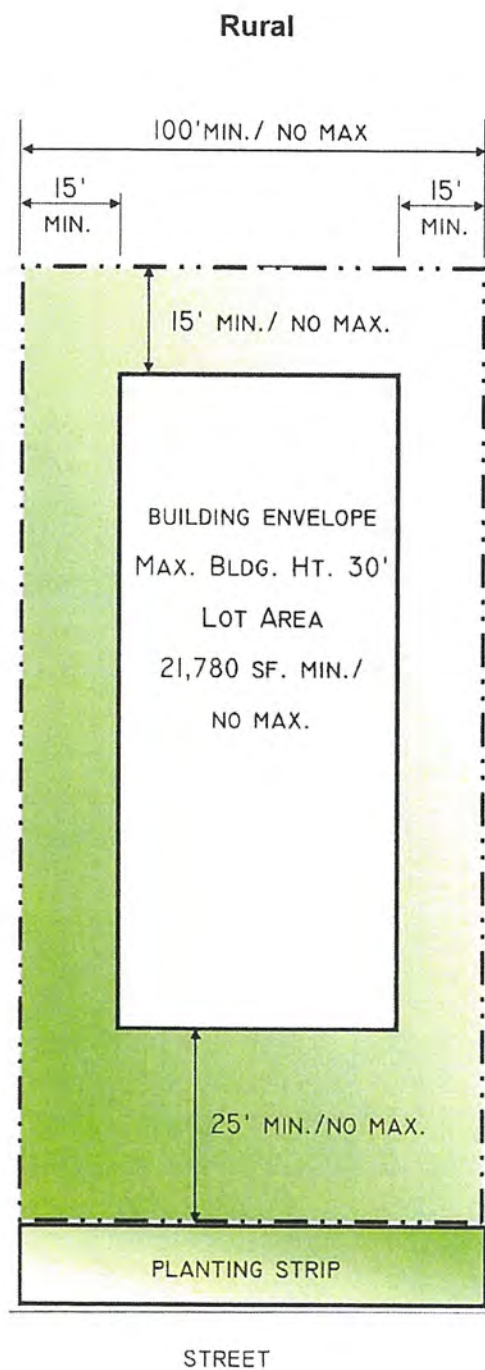


Figure 2, K: Rural



Neighborhood Block & Lot Example

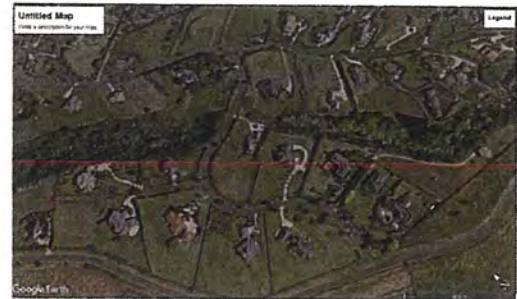
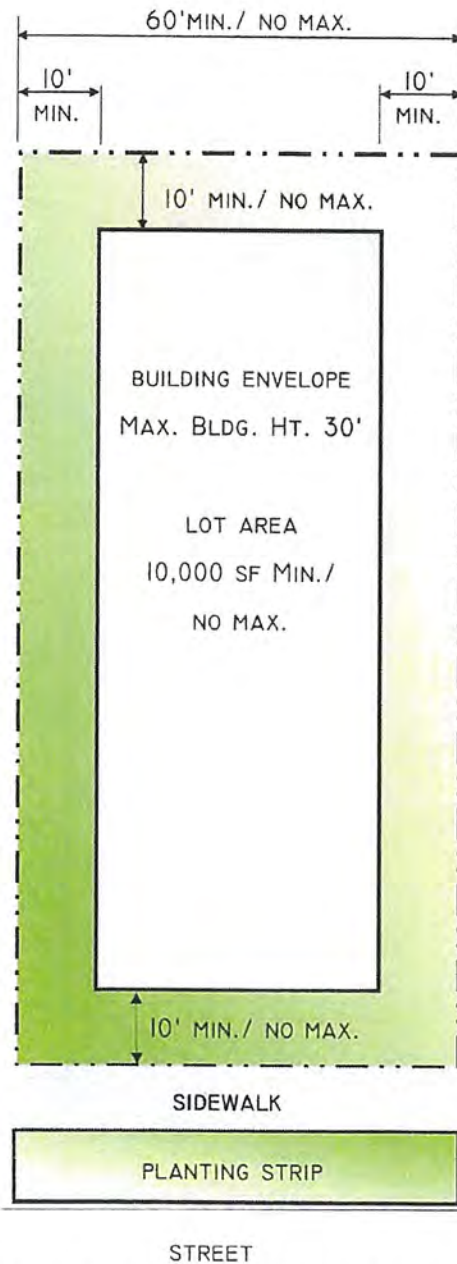


Figure 2, L: Single-Family Cottage Complex

Single-Family Cottage Complex

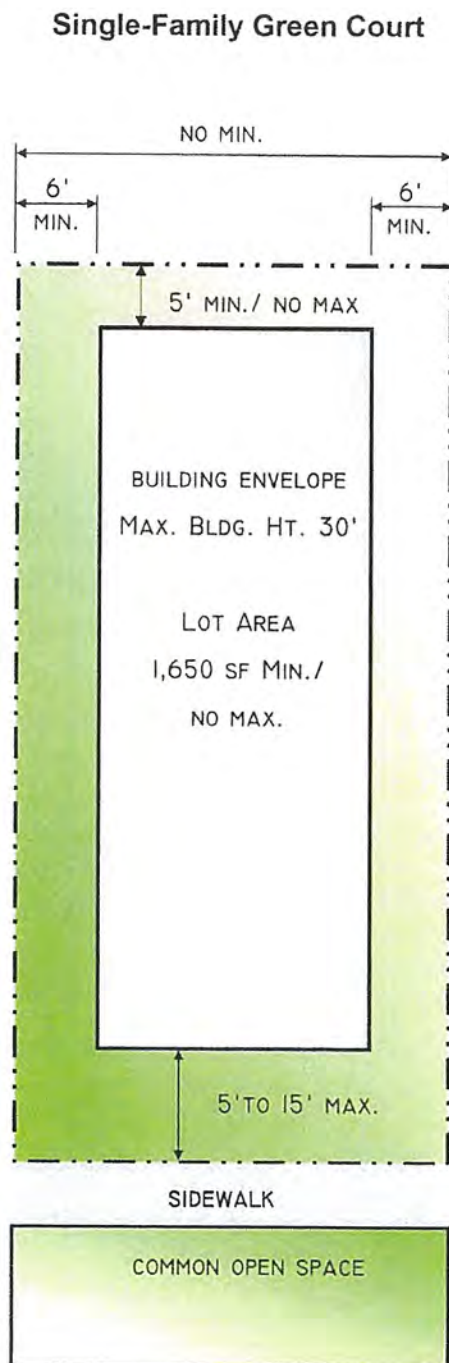


1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court

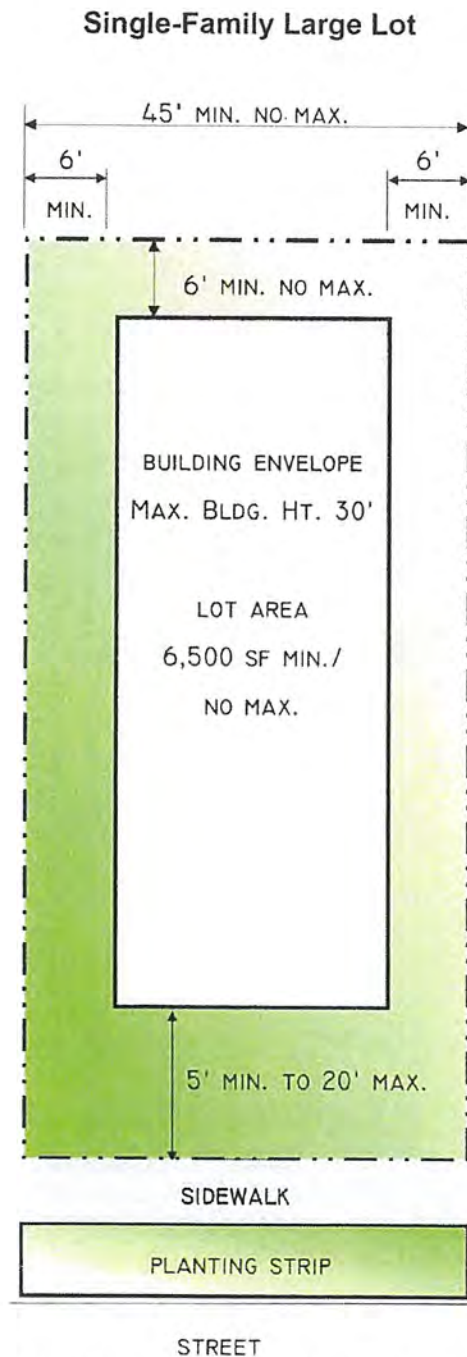


1. Parking access is by alley
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, N: Single-Family Large Lot

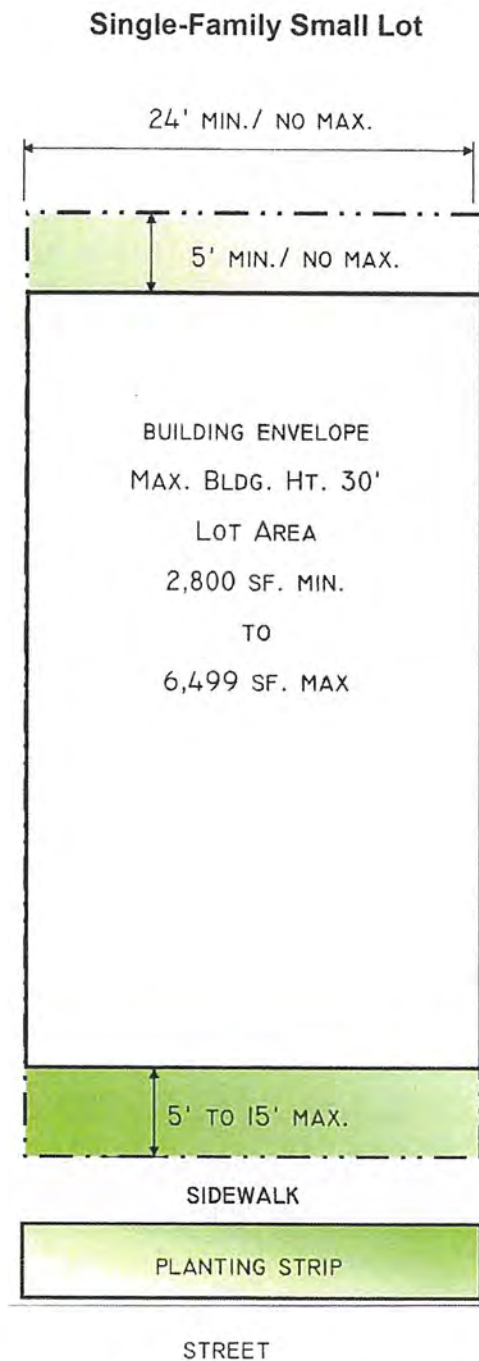


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%
3. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

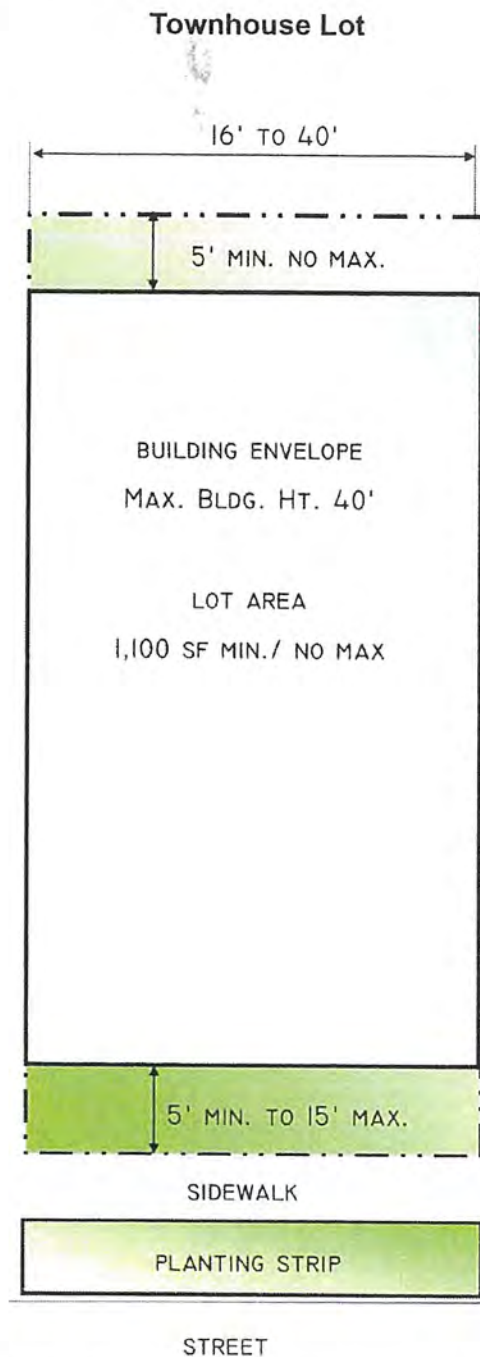


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
3. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



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 permitted non-Ohana dwelling units and shall not be more than 50 percent of the total number of these units.⁴
- E. 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, short-term rental home, 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 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 Waikapu 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;

⁴ No less than 358 multi-family units and no more than 716 multi-family units of the 1,433 non-Ohana units permitted.

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; and
 7. Visual impacts to the West Maui Mountains and Haleakala of development proposed along Honoapiʻilani 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 WCTDRB. The procedures for the establishment, administration and responsibilities of the WCTDRB shall be set forth in the WCT DGs.

Waikapū Country Town Form-Based Zoning Code



Prepared For:

Waikapū Properties LLC
1670 Honoapiʻilani Highway
Waikapū, Maui HI 96793

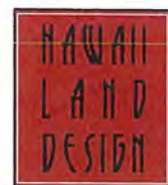
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**WAIKAPŪ COUNTRY TOWN
FORM-BASED ZONING CODE
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19.96.010 Purpose and Intent

The purpose and intent of this ordinance is to establish zoning that implements the Maui Island Plan's directed growth strategy (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'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 and Administrative

Term	Definition
<i>Complete Community</i>	A community that provides a diversity of housing types to serve a broad 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, but not limited to, 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 Haleakalā from proposed development along Honoapiʻilani Highway. Neighborhood 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 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 form-based zoning code to implement the WCT MP. The WCT DGs are approved by the Planning Director.
<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 Neighborhood Plans and development projects for consistency with the WCT DGs, and for making recommendations that 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.
Light Industrial	A lot located and designed for light manufacturing and processing type uses.
Multi-Plex	A lot located and designed to accommodate a detached building that resembles a larger house but which contains from three-to-six dwelling units.
Multi-Family Complex	A lot located and designed to accommodate multiple multi-family

Lot Type	Definition
	buildings arranged in a manner that creates a garden-like setting with common open space elements and buildings significantly setback from the street to create ample space for canopy shade trees and a visually attractive streetscape.
Multi-Family Courtyard	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 may or may not be located on the lot.
Rural	A rural 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 onto a central garden or courtyard that may be partially or wholly open to the street.
Single-Family Large Lot	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 Small Lot	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.
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>Agricultural Tourism</i>	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, farmers markets, etc.
<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.

Term	Definition
<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.
<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>Cultural Tourism</i>	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, the arts, crafts, foods, architecture, language, history, recreation, etc.
<i>Eating Establishment, Fast Food</i>	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. A fast food establishment's design or principal method of operation includes two or more of the following characteristics: <ol style="list-style-type: none"> 1) Food or beverages are served in paper, plastic, or other disposable containers. Eating utensils, if provided, are disposable; 2) The line of food or beverages is limited; and is usually prepared in advance of the customer's order; 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 4) Carry-out sales, including delivery service, constitute over ten percent of the food service business.
<i>Food & 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 & 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, packaging plants, and 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,

Term	Definition
	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 located along and adjacent to the open air dining facility.
<i>Outside Open-Air Sidewalk 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 sidewalk sales.
<i>Radio & 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>Recreational Tourism</i>	Commercial tours and activities that are based around opportunities for outdoor and natural resource based recreation such as hiking, arboretums, botanical gardens, mountain biking, equestrian activities, rodeo, polo, hunting, zip lines, camping, etc.
<i>Repair, Minor</i>	Repair activities which have relatively little impact on surrounding land uses, and that 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 and diesel engines; shoe repair; and watch, clock and jewelry repair; and other similar activities as may be approved.
<i>Telecommunication & 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 Plan

- A. The Controlling Plan establishes eight (8) zoning districts that together establish a mix of land uses that achieve the purpose and intent of the ordinance. Figure 1 is the controlling land use plan.

Figure 1: Controlling Plan



19.96.070 Gross Acreage Allocations

- A. Table 1 identifies the approximate gross acreage allocations to each zoning district.
- B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.
- C. In order to facilitate site planning flexibility, the gross acreage of any zoning district may be further adjusted, exclusive of adjustments made pursuant to §19.96.070 (B), by up to five (5) percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the total project acres.

Table 1: Approximate Gross Acreage Allocations

District	≈Gross Acreage Allocation
A. Town Center	24.80
B. Main Street	14.75
C. Commercial / Employment	9.56
D. Residential	222.60
F. Rural	114.70
G. Education	12.00
H. Parks	32.50
I. Open Space	65.00
TOTAL PROJECT ACRES	≈495.905

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 Honoapiʻilani 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 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 is 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, triplex, fourplex, sixplex, 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 residences that front 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 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, natural area, 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 resources, 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, natural area, 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.

Table 2A: Commercial Mixed-Use Table

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Commercial / Retail / Services			
Agricultural Products Processing <u>1</u> /	P	P	P
Agricultural tourism	P	P	P
Animal Boarding Facility <u>1</u> /	P	P	P
Animal Hospital <u>1</u> /	P	P	P
Automobile Services <u>1</u> /	P	P	P
Beverage Service Kiosks	P	P	P
Cultural tourism	P	P	
Daycare Facility	P	P	P
Eating & Drinking Establishment	P	P	P
Eating Establishment, Fast Food			P
Education, Specialized	P	P	P

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Entertainment Establishment	P	P	P
Food & Beverage Retail <u>2/</u> , <u>3/</u>	P	P	P
Food & Beverage Truck	P	P	P
Food, Beverage & 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 & Business Services	P	P	P
Personal Service Establishment	P	P	P
Recreation, Indoor	P	P	P
Recreational tourism	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
Employment			
Food Processing	P	P	P
Light Manufacturing & 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
Residential			
Boarding House <u>1/</u>	P	P	
Live Work / Mixed-Use	P	P	
Dwelling Unit, Duplex	P	P	
Dwelling Unit, Fourplex	P	P	
Dwelling Unit, Multi-Family (includes townhouses)	P	P	
Dwelling Unit, Townhouse	P	P	
Dwelling Unit, Triplex	P	P	
Cultural & Entertainment			
Assembly Area (Church, Community Centers, etc.)	P	P	P
Entertainment	P	P	P
Civic			
Open Space	P	P	P
Park	P	P	P
Civic Space	P	P	P
Public Facilities & Public Quasi-Public			
Fire Station			SU
Library	P	P	P
Police		P	P

Land Use Type	Zoning Districts		
	Town Center	Main Street	Commercial/ Employment
Post Office <u>1/</u>	P	P	P
Radio & Television Broadcasting Station		P	P
Recycling Collection Center			P
Redemption Center			P
Telecommunication & Broadcasting Tower or Antenna		P	P
Utility Facilities, Major	SU	SU	SU
Utilities Facilities, Minor	P	P	P
Accessory			
Drainage Facilities	AU	AU	AU
Energy Systems, Small Scale	AU	AU	AU
Home Occupation <u>5/</u>	AU	AU	AU
Structures	AU	AU	AU
Other			
Other Similar Uses	AR	AR	AR
1/ Shall not be permitted within or adjacent to the Town Center's Village Green 2/ 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. 3/ 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. 4/ 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. 5/ Shall be subject to the limitation of MCC Chapter 19.04.040.			

- B. Within the *Residential and Rural Districts* the land uses identified in Table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A Special Use shall require the issuance of a Special Use Permit.

Table 2B: Residential Use Table

Land Use Type	Zoning Districts	
	Residential	Rural
Assembly Area <u>6/</u>	P	
Agriculture		P
Animal & Livestock Raising		P
Apartment	P	
Boardinghouse <u>7/</u>	P	P
Civic Space	P	P
Daycare Facility	SU	SU
Cottage House	P	
Dwelling Unit, Duplex	P	
Dwelling Unit, Fourplex	P	
Dwelling Unit, Multi-Family (Includes townhouse)	P	
Dwelling Unit, Single-Family	P	P
Dwelling Unit, Townhouse	P	

Land Use Type	Zoning Districts	
	Residential	Rural
Dwelling Unit, Triplex	P	
Lodging House	P	
Riding Academy		SU
Recreation, Open Land		P
Park	P	P
Parking, Public	P	
Accessory		
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>8/</u>	AU	AU
Open Space	AU	AU
Structure	AU	AU
Public Facilities & Public Quasi-Public		
Utility Facilities, Major	SU	SU
Utility Facilities, Minor	P	P
Other		
Other Similar Uses	AR	AR
<u>6/</u> Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses.		
<u>7/</u> Shall not have more than five bedrooms and not more than five boarders.		
<u>8/</u> Shall comply with the provisions of MCC Chapter 19.35. The total number of Ohana Units permitted within the WCT shall not exceed 146.		

- C. Within the *Education, Parks, and Open Space Districts* the land uses identified in Table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A Special Use shall require the issuance of a Special Use Permit.

Table 2C: Civic Use Table

Land Use Type	Zoning Districts		
	Education	Parks	Open Space
Civic			
Civic Space	P	P	P
Education, General	P		
Education, Specialized	P		
Park	P	P	
Passive Recreation	P	P	P
Public Facilities & Public Quasi-Public			
Utility Facilities, Major	SU	SU	SU
Utility Facilities, Minor	P	P	P
Accessory			
Drainage Facilities	AU	AU	AU
Structure	AU	AU	AU
Other			
Other Similar Uses	AR	AR	AR

- D. Other similar uses not specifically enumerated in Tables 2A, 2B, or 2C 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 this 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.

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.
- B. For land uses permitted through Special and/or Conditional Permit processes, the Director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Permitted Lot Types

	TOWN CENTER	MAIN STREET	COMMERCIAL / EMPLOYMENT	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
Lot Type								
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	•	•		•				

- C. Development standards that regulate lot sizes, and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in Table 4. Figure 2, A through P¹ illustrates 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)	
Civic Space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic Building	6,000 / no max	60 / no max	N/A	45	N/A	15	15	10	N/A
Commercial / Retail and Employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Commercial & Residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light Industrial	6,000 / no max	60	NA	35	N/A	10	6	6	60
Multi-Plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-Family Complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-Family Courtyard Building	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Public Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-Family Cottage Complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-Family Green Court	1,650 / no max	N/A	N/A	30	Alley	5 / 15	5	6	60
Single-Family Large Lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ² or Secondary	5 / 20	6	6	40

¹ Architectural imagery is intended for illustrative purposes only.

² No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

	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)	
Single-Family Small Lot	2,800 – 6,499	24 / no max	N/A	30	Street	5 / 15	5	0	60
					Alley, Side Drive, Front Entry Drive ³ or Secondary Street				
Townhouse Lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

³ No more than 20% of lots fronting upon each side of a block may be accessed by a front entry driveway

Figure 2, A: Civic Space

Civic Space Lot

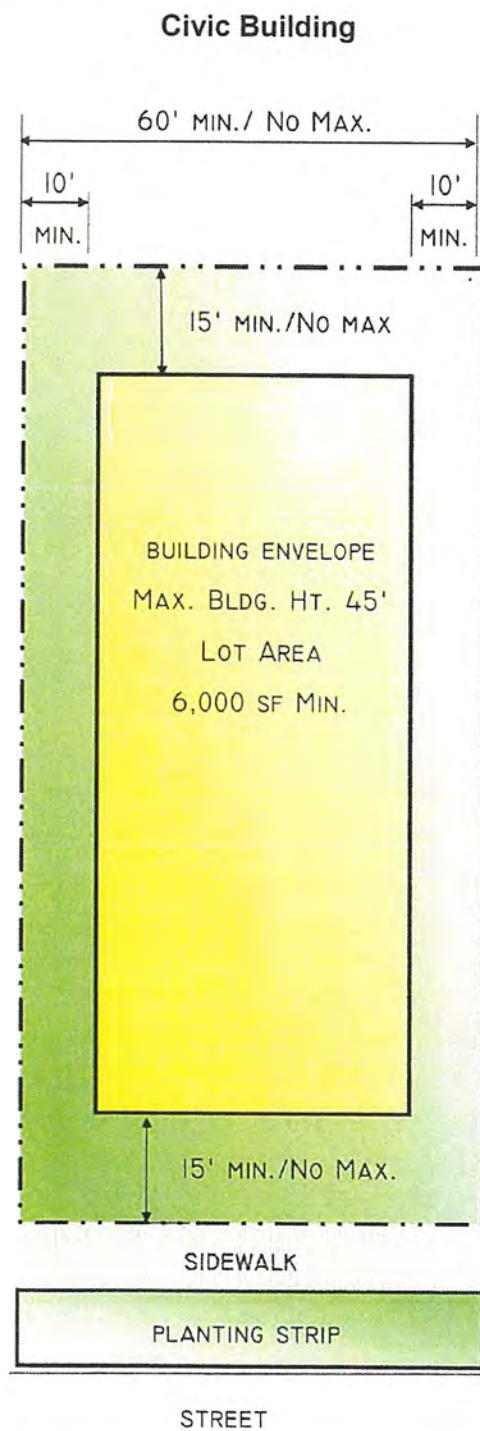
A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, B: Civic Building



Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

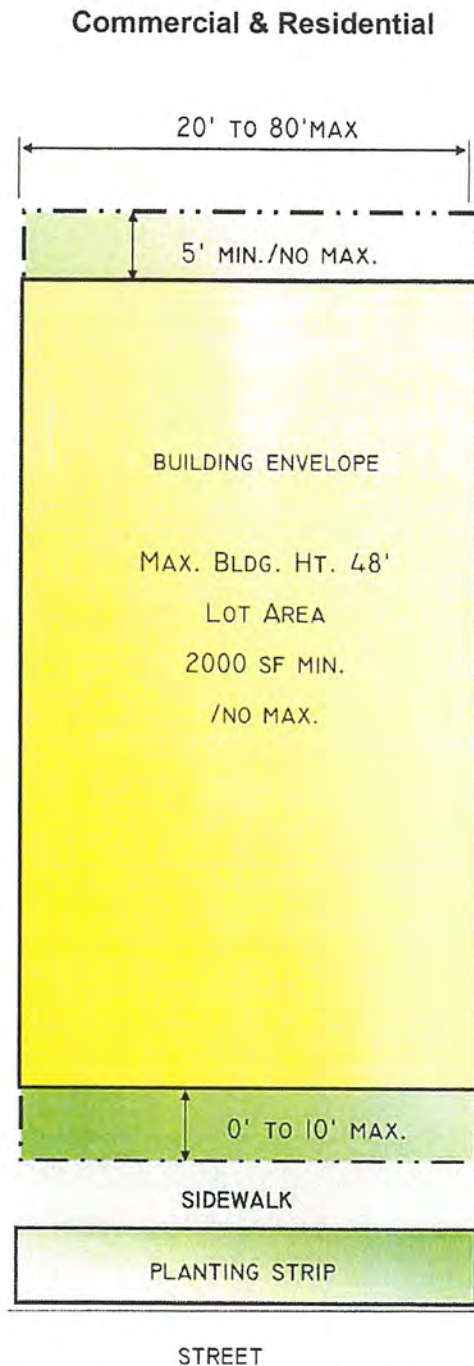


1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, D: Commercial & Residential

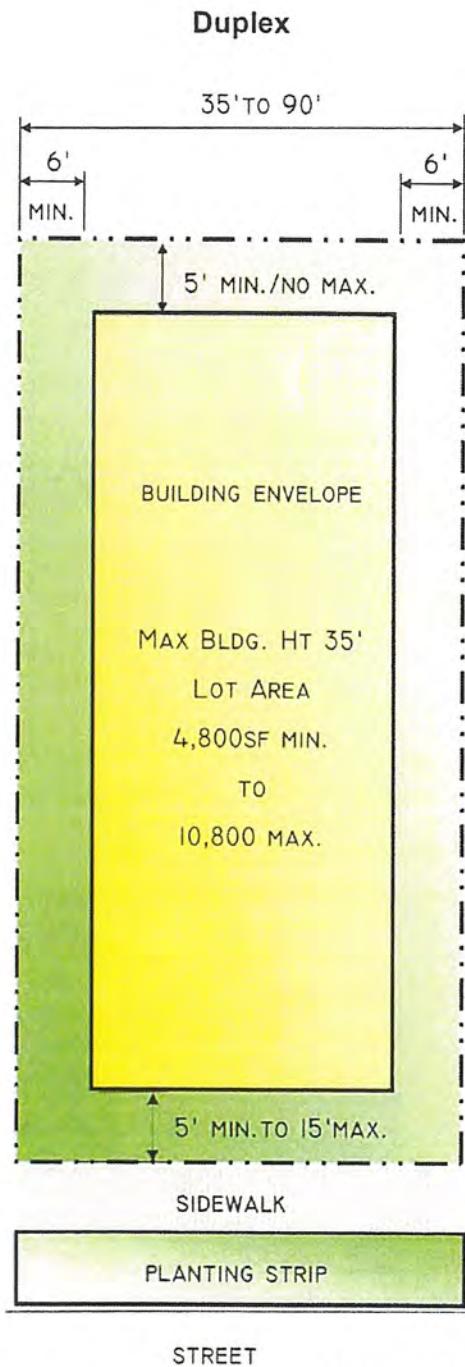


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, E: Duplex



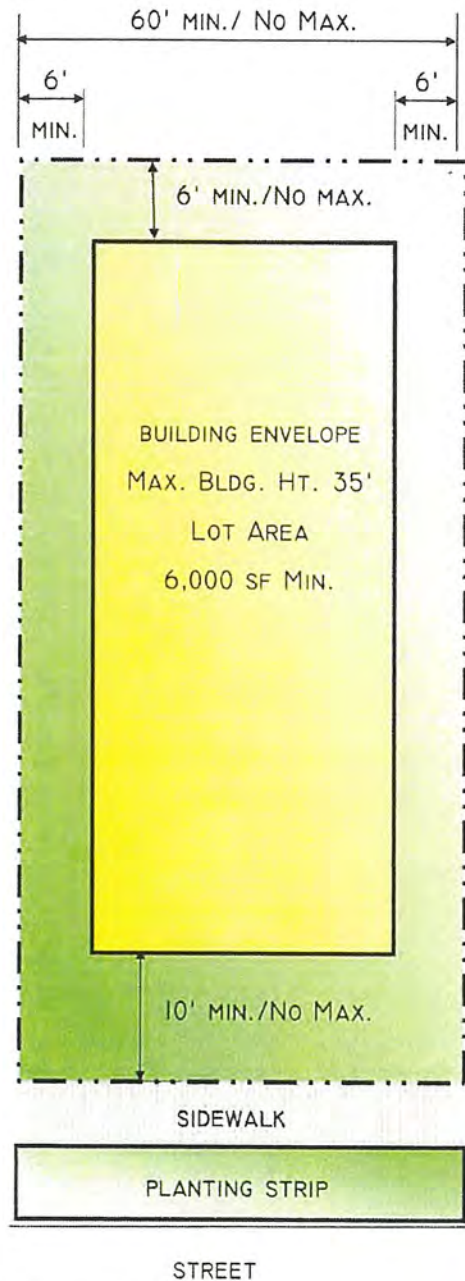
1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example

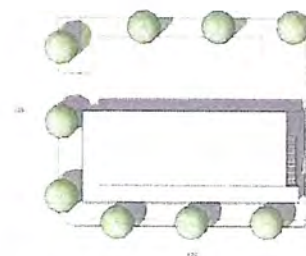
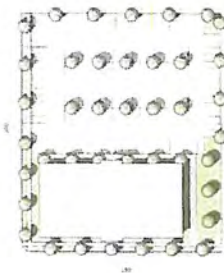
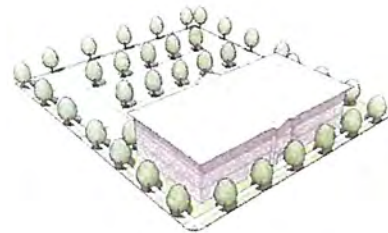


Figure 2, F: Light Industrial

Light Industrial

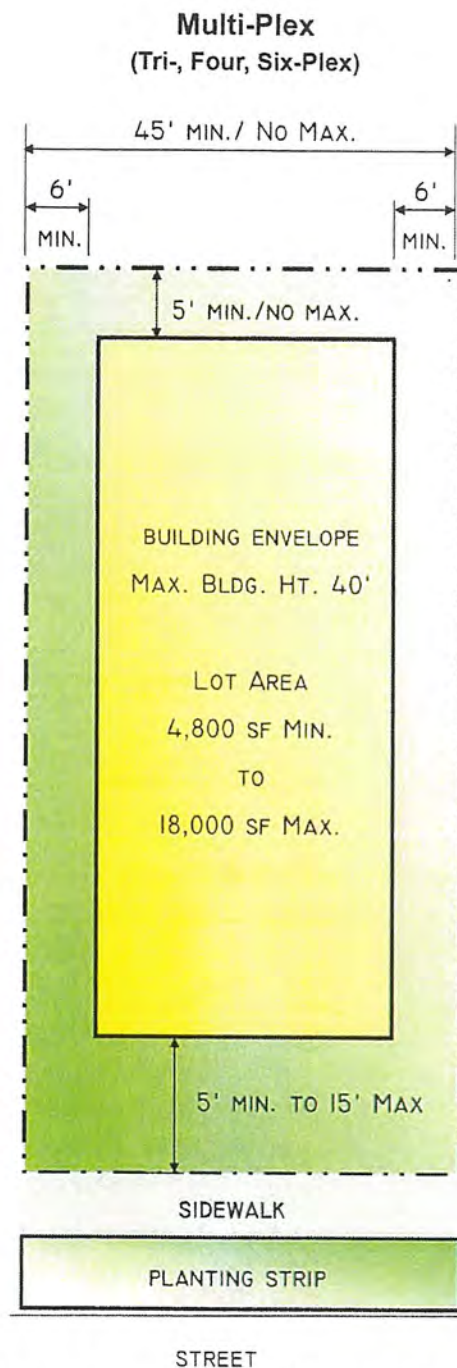


1. Minimum street frontage is 60%



The illustrations above, MCC 19.38, "Maui Research & Technology Park District", are of the technology park's commercial and flex space lots.

Figure 2, G: Multi-Plex

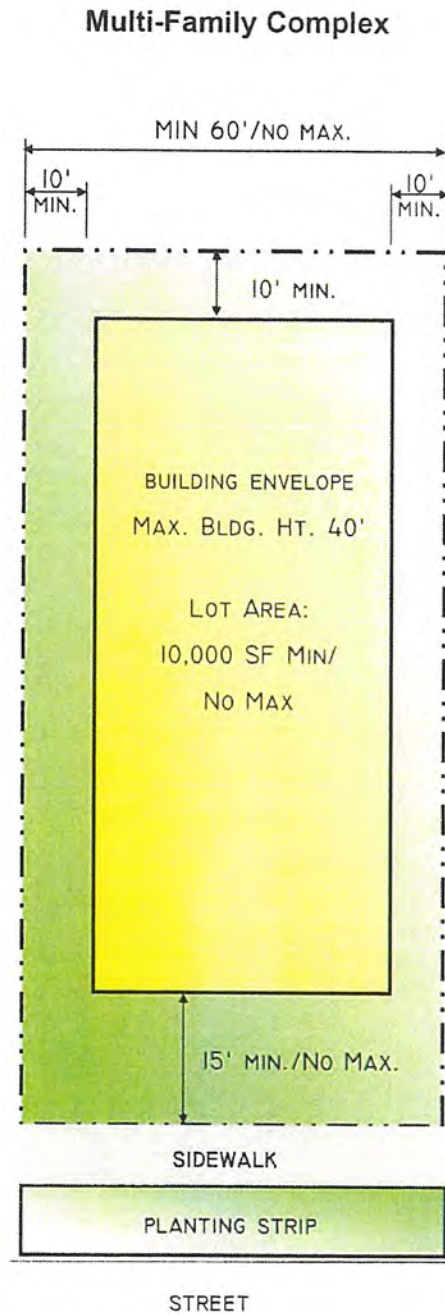


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples



Figure 2 H, b: Multi-Family Complex

Multi-Family Complex

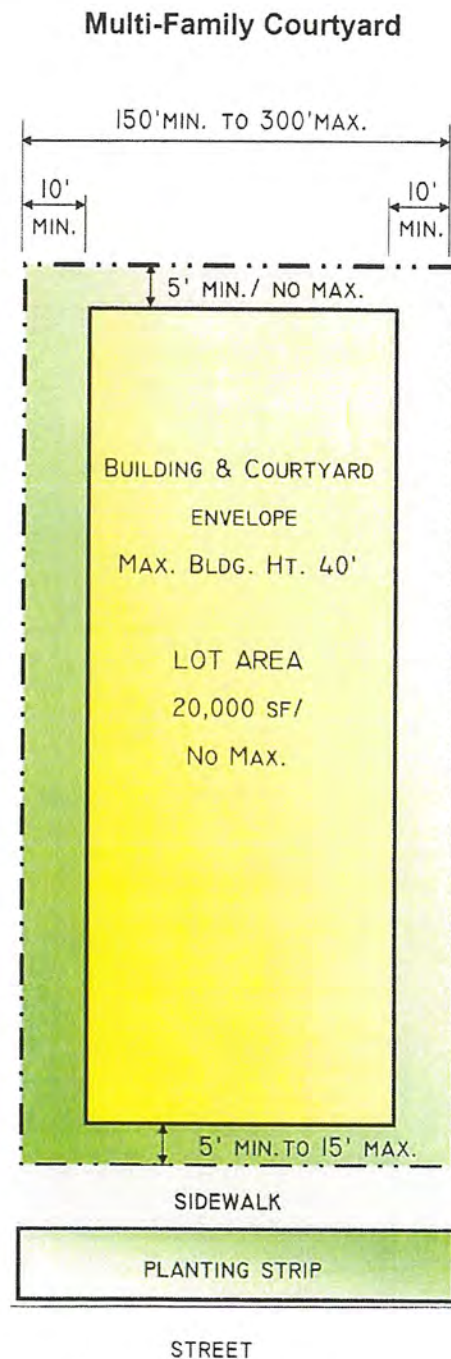


The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior 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.

Neighborhood Block & Lot Examples



Figure 2, I: Multi-Family Courtyard



1. Parking access is by alley or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

Neighborhood Block & Lot Examples



Figure 2, J: Public Parking

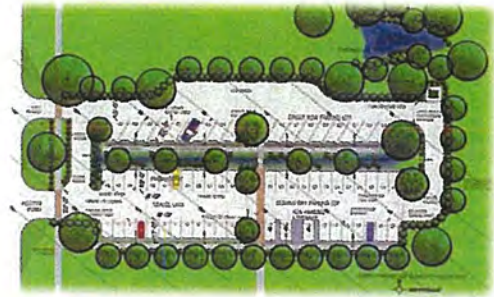
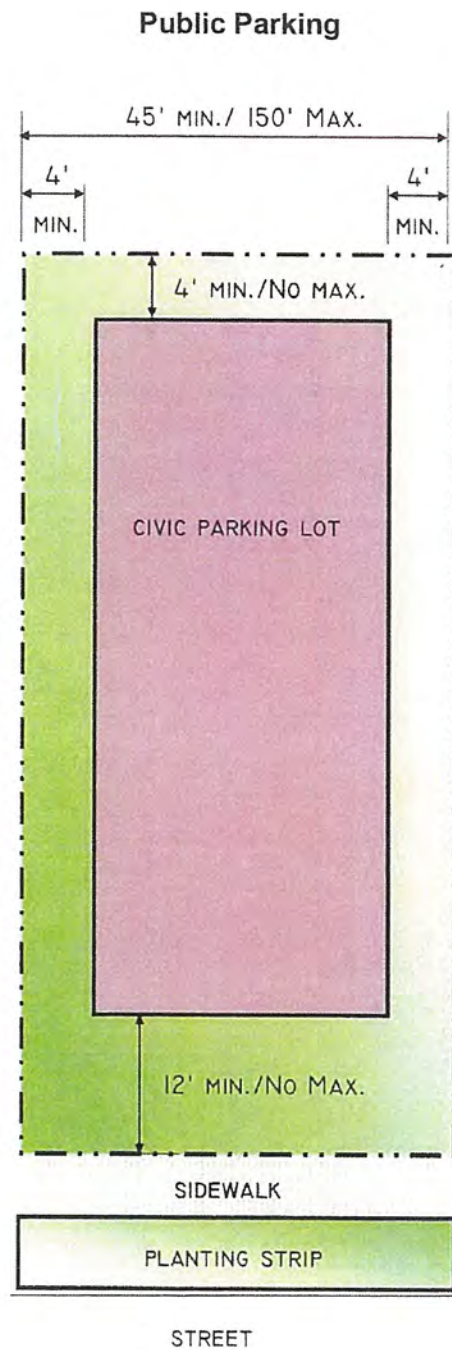
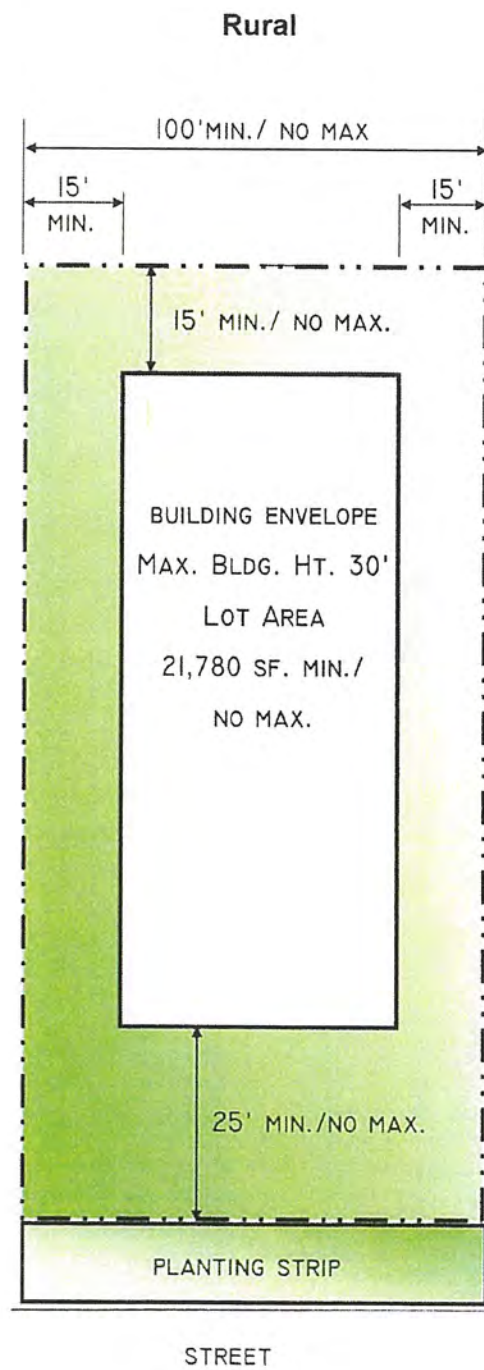


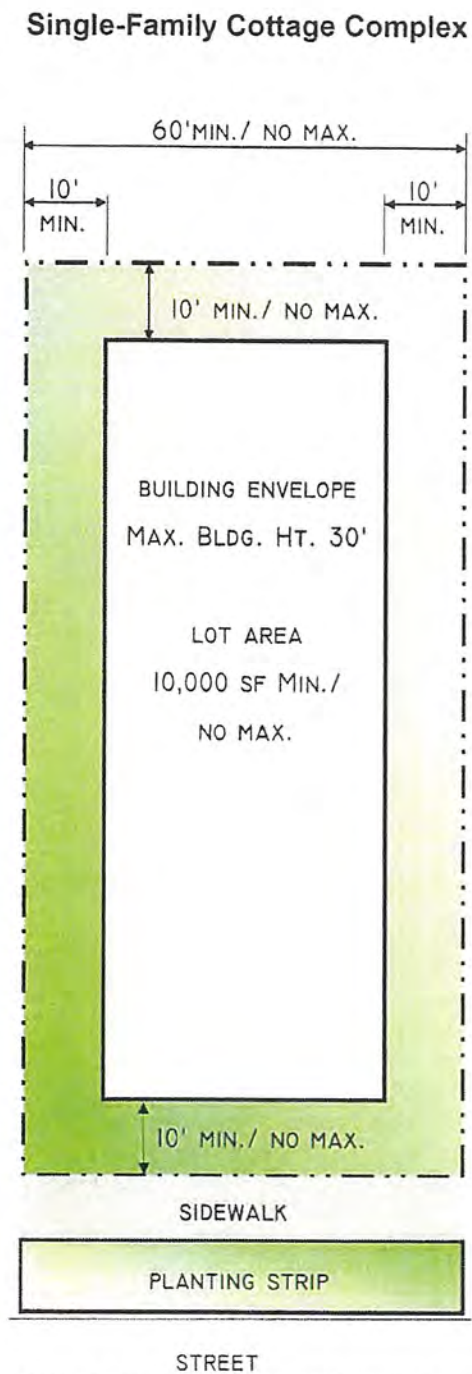
Figure 2, K: Rural



Neighborhood Block & Lot Example



Figure 2, L: Single-Family Cottage Complex

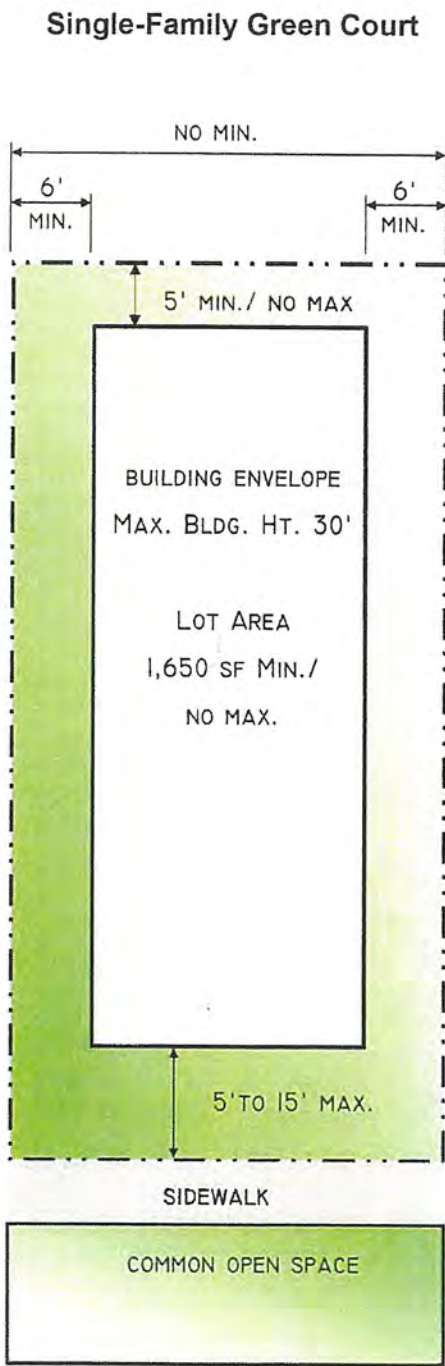


1. *Parking access is by alley, side drive or secondary street*

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court

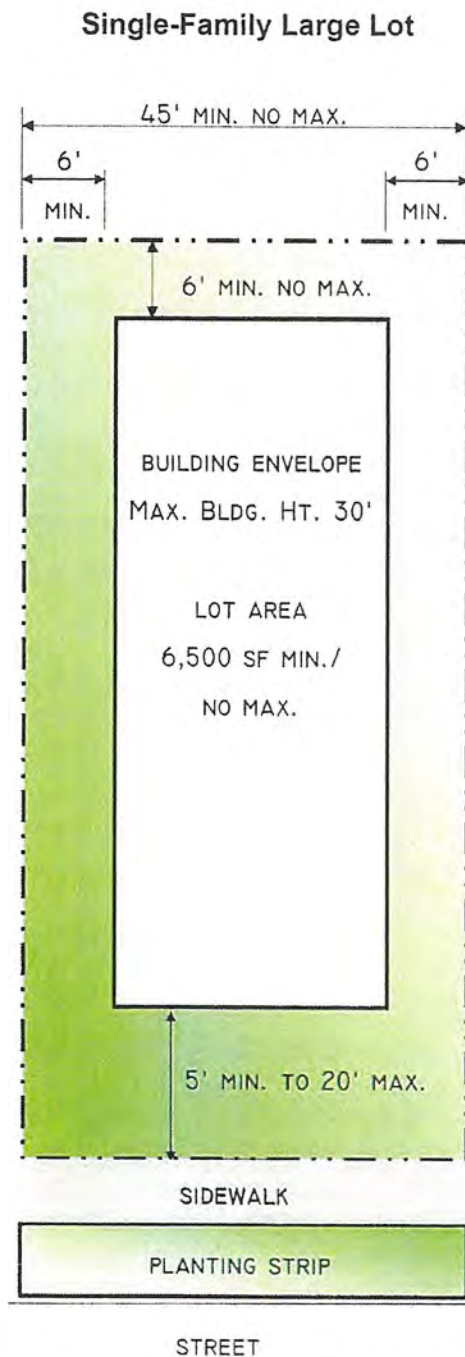


1. Parking access is by alley
2. Minimum street frontage is 60%

**Neighborhood Block & Lot
Example**



Figure 2, N: Single-Family Large Lot

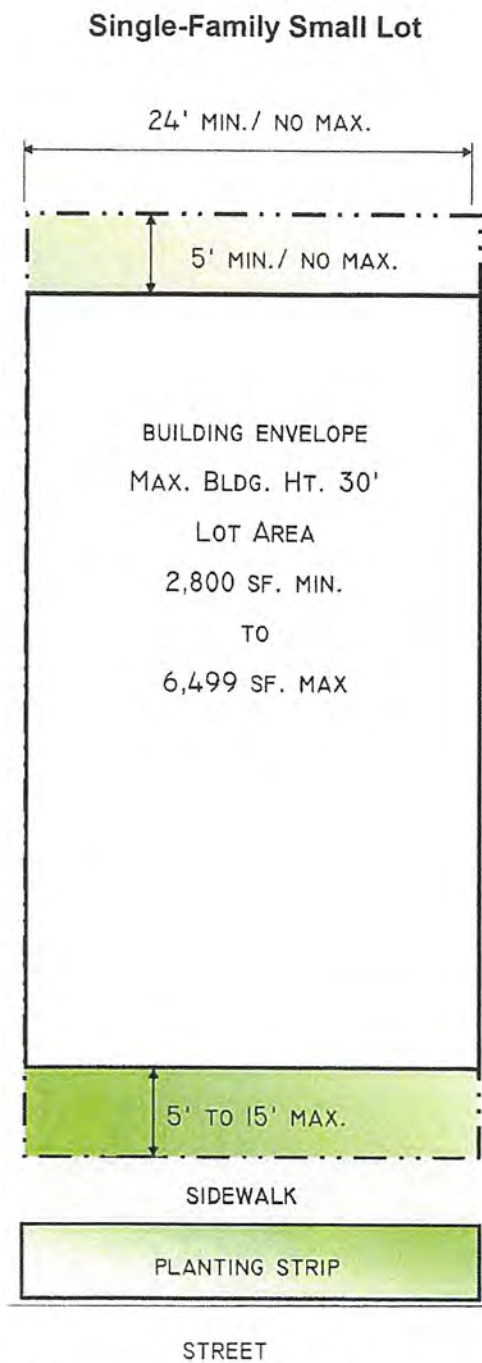


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%
3. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

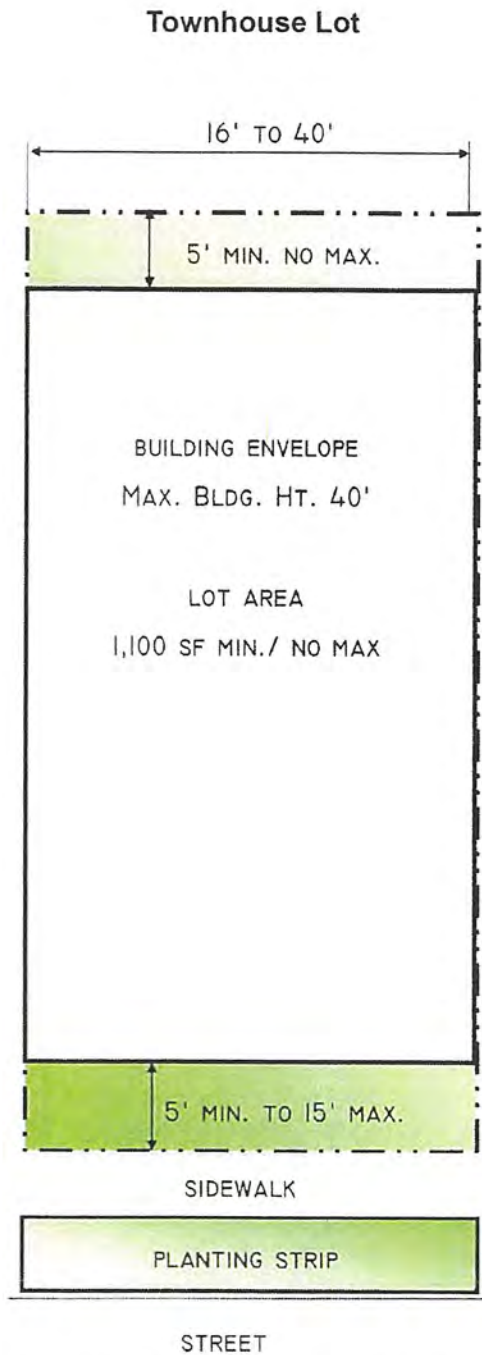


Neighborhood Block & Lot Example



- 1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
- 2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
- 3. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



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 permitted non-Ohana dwelling units and shall not be more than 50 percent of the total number of these units.⁴
- E. 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, short-term rental home, 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 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, pedestrian and bicycling infrastructure, and parking area design parameters. The WCT DGs shall also provide guidelines related to building design, architectural character, landscape planting, and sustainability practices. The WCT DGs may also address signage, and community and civic amenities such as street furniture, signage, and lighting. 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 Waikapu 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:

⁴ No less than 358 multi-family units and no more than 716 multi-family units of the 1,433 non-Ohana units permitted.

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; and
 7. Visual impacts to the West Maui Mountains and Haleakala of development proposed along Honoapiʻilani 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.

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:	)	DOCKET NO. CPA 2018/0004
	)	DOCKET NO. CIZ 2018/0004
WAIKAPU PROPERTIES, LLC; MTP)	
LAND PARTNERS, LLC; WILLIAM S.)	
FILIOS, Trustee of the William)	
S. Filios Separate Property	)	Waikapu County Town
Trust dated APRIL 3, 2000; and	)	Planning Consultants Hawaii, LLC
WAIALE 905 PARTNERS, LLC,	)	(Consultant)
)	
To Obtain a Community Plan Amendment	)	(KFW)
And Change in Zoning for the Waikapu)	
County Town Situated on 495.905 Acres)	
Located at 1670 Honoapiilani Highway,)	
Waikapu, District of Wailuku, Island and)	
County of Maui, State of Hawaii, bearing)	
Tax Map Keys (2) 3-6-002:003 (POR),)	
(2) 3-6-004:003 (POR), (2) 3-6-004:006,)	
<u>(2) 3-6-005:007, and (2) 3-6-006:036</u>)	

MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
AUGUST 28, 2018

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HI 96793

BEFORE THE MAUI PLANNING COMMISSION

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County Town Situated on 495.905 Acres)	
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Waikapu, District of Wailuku, Island and)	
County of Maui, State of Hawaii, bearing)	
Tax Map Keys (2) 3-6-002:003 (POR),)	
(2) 3-6-004:003 (POR), (2) 3-6-004:006,)	
(2) 3-6-005:007, and (2) 3-6-006:036)	

THE PROPOSED ACTION

This matter arises from applications filed on March 9, 2018, at the County of Maui Department of Planning (hereinafter referred to as "Department") for a Community Plan Amendment ("CPA") and a Change in Zoning ("CIZ"). The applications were filed by Planning Consultants Hawaii, LLC by Michael Summers, Consultant, on behalf of Waikapu 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, (hereinafter referred to as the "Applicant" or "Petitioner"), to reclassify approximately 495.905 acres of land to a new community plan category titled "Waikapu Country Town (WCT)" and to a new County of Maui zoning district titled "Waikapu Country Town (WCT)" at Tax Map Keys (2) 3-6-002:003 (POR), (2) 3-6-004:003 (POR), (2) 3-6-004:006, (2) 3-6-005:007, and (2) 3-6-006:036 (hereinafter referred to as "Property"), Waikapu, Maui, Hawaii. This newly defined community plan category and zoning district provide flexibility for a master planned community to be developed over the next 10 years. Waikapu Country Town is envisioned to become a "complete community" that encompasses a diversity of housing types, commercial and employment uses, schools, parks, and open space. Consequently, both the Wailuku-Kahului Community Plan (2002) and the Maui County Zoning Code must be amended to incorporate these new districts. The proposed CIZ with its own Maui County Zoning Code section will provide flexibility in the design of Waikapu Country Town (hereinafter referred to as the "Waikapu Country Town" or "Project" or "WCT") over subsequent years of its build-out.

Please note the Exhibit List at the end of the staff report with titles of the 27 exhibits. Exhibit #1, 2, 3, 4, 20 and 23 are in digital format due to their large size on the accompanying flash drive to be used during review of this Report. Hard copies can be provided upon request. The other exhibits listed on the Exhibit List are attached at the end of this Report along with the Waikapu Town Form-Based Zoning Code.

Descriptions and analysis in this report will reference details and exhibits from the *Consolidated Application for a Community Plan Amendment and Change in Zoning for Waikapu Country Town, March, 2018*, included in digital format as **Exhibit #1**. In addition, this report will frequently reference the *Final Environmental Impact Statement Waikapu Country Town* ("FEIS"), December, 2016, prepared for the Applicant by Planning Consultants Hawaii, LLC, and included in digital format as **Exhibit #2** of this report. This comprehensive document provides a blueprint for the project, details mitigation strategies to be employed during project construction, lists in detail agency comments and Applicant responses, and gives full documentation of studies on traffic, archaeology, drainage, water, wastewater, economic impact, etc.

On January 20, 2017, the State Land Use Commission ("SLUC") mailed its Findings of Fact, Conclusions of Law, and Decision and Order accepting the Petitioner's FEIS to all parties. On February 8, 2017, the acceptance determination of the FEIS was published in *The Environmental Notice* and is shown as **Exhibit #3** in digital format. The legal challenge period passed without objection. Preparation of a FEIS was required due to the application for a Community Plan Amendment with the County of Maui.

The purpose of Waikapu Country Town is to transform the existing and operational Maui Tropical Plantation ("MTP") into a multi-use 495.905 acre master planned residential and mixed-use community, which incorporates agricultural lands of about 1,080.266 acres, for a total land area of 1,576.171 acres. In order to develop the 495.905 acre site under the Urban and Rural State Land Use District classifications, the SLUC, after due deliberation, granted District Boundary Amendment ("DBA") reclassification from the Agricultural District on February 26, 2018. The Findings of Fact, Conclusions of Law, and Decision and Order for State Land Use Commission Case #A15-798 is shown as **Exhibit #4** in digital format and titled "*To Amend the Agricultural Land Use District Boundaries into the Rural Land Use District for certain lands situate at Waikapu, District of Wailuku, Island and County of Maui, State of Hawaii, 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 Waikapu, District of Wailuku, Island and County of Maui, State of Hawaii, 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).*"

DESCRIPTION OF THE PROPERTY

The Property lies within the fertile Central Maui isthmus, between the town of Wailuku to the north and Maalaea to the south. The existing urbanized portion of the Property is located at the MTP, 1670 Honoapiilani Highway, Waikapu, Maui, Hawaii. The boundaries of the proposed development include lands that are east (makai) and west (mauka) of the Honoapiilani Highway, and that extend north and south of the existing MTP. **Exhibit #5** is a regional location map that shows the Project's location in relationship to greater Central Maui. **Exhibit #6** is an aerial location map that shows the project's location and context within the more immediate vicinity of the project area.

The elevation on the mauka development site ranges from approximately 350 feet above mean-sea-level at its southeasterly corner to approximately 710 feet above mean-sea-level at its

northwesterly corner, with a slope averaging approximately 8 percent. The elevation on the makai development site ranges from approximately 256 feet above mean-sea-level at a low point along the southerly border to approximately 408 feet above mean sea level at the northwesterly corner, with a slope averaging approximately 4 percent. The project area has a history of plantation agricultural use and the soils are rated highly by both the Land Study Bureau (LSB) and the Agricultural Lands of Importance to the State of Hawaii (ALISH) agricultural rating systems.

The entire Property, **including the lands that are to remain in agricultural use**, is identified by the following six Tax Map Key Numbers as shown in Table 1:

Table 1: Project Tax Map Key Numbers

<i>Project Tax Map Key Numbers</i>
(2) 3-6-005:007
(2) 3-6-002:003
(2) 3-6-004:003
(2) 3-6-002:001
(2) 3-6-006:036
(2) 3-6-004:006

Exhibit #7 identifies the Tax Map Keys that comprise the Property.

The area of the Property that is proposed for development is bound to the south by agricultural lands that are owned by the Petitioner and that are to continue to be used for diversified agriculture. To the west are the Petitioner's agricultural lands that rise to the base of the West Maui Mountains. These lands are to continue to be used for diversified agriculture and grazing cattle. To the east are agricultural lands that were recently acquired by the County of Maui for a County baseyard and regional park complex. Beyond the County owned property is former agricultural land that A&B Properties proposes to develop. This A&B development, known as Waiale, may include up to 2,550 residential units together with civic and commercial uses. In 2014, A&B Properties obtained a SLUC District Boundary Amendment from Agricultural to Urban. To the north is the Waikapu Stream, which separates the proposed development from Waikapu Town. Waikapu Town is comprised mostly of single-family residences. Many of these residences were constructed from the early 1900s through the 1950s for workers of the Wailuku Sugar Company. The older Waikapu neighborhoods are located along East Waiko and West Waiko Roads and are bound by the Waikapu Cemetery to the east, the Waikapu Stream to the south, and the mauka reaches of West Waiko Road. In recent years development has begun to stretch north, towards Wailuku, both mauka and makai of Honoapiilani Highway.

EXISTING STATE AND COUNTY LAND USE DESIGNATIONS

State Land Use Districts

The Petitioner obtained a DBA through the SLUC on February 26, 2018. The purpose of the DBA was to change the lands proposed for development of the Project from the State Land Use Agricultural District to the Rural District and to the Urban District. The Findings of Fact, Conclusions of Law, and Decision and Order and Certificate of Service are included in this report as previously mentioned in **Exhibit #4** in digital format. Of the 1,576.171 acres under ownership by the Petitioner, approximately 1,080.266 acres will remain within the State Land Use Agricultural District. These lands are located outside of the urban and rural development boundaries as shown on the proposed

Community Plan Amendment and Land Zoning Maps. **Exhibit #8** is an illustrative aerial map that shows the approximate boundaries of the rural and urban development and the agricultural lands. **Exhibit #9** is the District Boundary Amendment Maps that were adopted by the SLUC on February 26, 2018.

Wailuku-Kahului Community Plan Designations

Of the 1,576.171 acres under the Petitioner's ownership, about 1,464.141 acres are designated Agriculture by the Wailuku-Kahului Community Plan and about 112.03 acres are designated Project District 5. Table 2 identifies the current community plan designations for parcels that comprise the proposed urban and rural development and surrounding agricultural lands. **Exhibit #10** is the existing Wailuku-Kahului Community Plan Designations for the Waikapu Country Town project area.

Table 2: Wailuku-Kahului Community Plan Designations

Ownership Group	Parcel(s)	Acres¹	Community Plan
Waikapu Properties LLC	(2) 3-6-004:003	657.195	Agriculture
	(2) 3-6-006:036	0.72	Single-Family
	(2) 3-6-004:006	52.976	Project District
	(2) 3-6-005:007	59.054	Project District
MTP Land Partners LLC and the Filios, William Separate Property Trust			
Waiale 905 Partners LLC	(2) 3-6-002:003	521.40	Agriculture
	(2) 3-6-002:001	284.826	Agriculture
TOTAL		1576.171	

County Zoning Districts

Of the 1,576.171 acres under ownership by the Petitioner, approximately 1,517.171 acres are located within the County's Agricultural District and 59.054 acres are located within the County's Project District PD-WK/5. Of the 59.054 acres within PD-WK/5, about 14 acres are zoned Commercial and about 45.054 acres are zoned Agricultural. Table 3 identifies the current zoning designations for parcels that comprise the project area and surrounding agricultural lands. **Exhibit #11** is the existing zoning designations for the Waikapu Country Town project area.

Table 3: County Zoning Districts

Ownership Group	Parcel(s)	Acres²	County Zoning
Waikapu Properties LLC	(2) 3-6-004:003	657.195	Agricultural
	(2) 3-6-006:036	0.72	Single-Family
	(2) 3-6-004:006	52.976	Agricultural
	(2) 3-6-005:007	59.054	Project District (PD-WK/5)
MTP Land Partners LLC and the Filios, William Separate Property Trust			
Waiale 905 Partners LLC	(2) 3-6-002:003	521.40	Agricultural
	(2) 3-6-002:001	284.826	Agricultural
TOTAL		1576.171	

1 Acreage derived from TMK Maps

2 Acreage derived from TMK Maps

DESCRIPTION OF THE PROJECT

The Waikapu Country Town is located in Central Maui at Waikapu, which is approximately two miles south of Wailuku, Maui, Hawaii (**Exhibit #5** and **Exhibit #6**). The urbanized portion of the property, which is the site of the existing MTP, is about 2,000 feet south of the intersection of Waiko Road and Honoapiilani Highway. The project will be built on each side of Honoapiilani Highway.

The urban and rural development, which will be situated on approximately 496 acres, is intended to be developed as a "complete community". A complete community is a settlement pattern in which jobs, housing, private and public facilities, and services come together to provide the basic needs of a community, reducing the need for long vehicular commutes.

The Petitioner recently concluded redistricting the Property from the State Land Use Agricultural District to the State Land Use Rural and Urban Districts. Approximately 1,080.266 acres will remain within the State Agricultural District. About 800 acres of the lands to remain in agriculture will be permanently protected by the Petitioner through an agricultural or conservation easement to facilitate long-term farming on these lands.

The Property was placed into the Maui Island Plan's (MIPs) Small Town and Rural Growth Boundaries in December 2012. The purpose for placing the Property within the growth boundary was to provide the opportunity for additional housing and services to accommodate Maui's projected population growth through 2030. In accordance with the MIPs Planned Growth Guidelines, the Waikapu Country Town will comprise 1,433 residential units, plus about 146 accessory dwelling units; about 200,000 square feet of neighborhood retail, commercial, and employment uses; a 12-acre elementary school; parks; and open space. **Exhibit #12** is the MIPs description of the Waikapu Country Town's Planned Growth Area.

The Project will be bound to the south by agricultural land that will be preserved in perpetuity through a conservation easement. The utilization of conservation subdivision design ("CSD") practices will preserve additional rural land for farming, open space, and open land recreation uses. Table 4 identifies the Waikapu Country Town's defining characteristics:

Table 4: Waikapu Country Town's Defining Characteristics

<i>Characteristic</i>	<i>Description</i>
Sense of Place	Creation of a village green around the original grounds of the MTP; Creation of a mixed-use main street to service the project's makai neighborhoods.
Residential Uses	1433 single- and multi-family units and up to 146 accessory dwelling units
Commercial & Employment	≈ 200,000 square feet
Schools	≈ 12 acre elementary school
Active and Passive Parks & Open Space	≈ 82 acres
Pedestrian and Bicycle Facilities	Separated pedestrian and bicycle trails and sidewalks throughout the community
Agriculture	≈ 800-acre agricultural preserve protected through a conservation easement; ≈ 277 acres restricted to no more than five lots for the mauka agricultural lands

Waikapu Country Town will be built in two five year phases, both mauka and makai of Honoapiilani Highway. Development west (mauka) of the highway will focus inwards onto a "village center," incorporating some of the existing buildings and grounds of the MTP. The Waikapu Country Town calls for a mixture of affordable and market-priced housing, along with commercial, entertainment, and civic uses within and around the village center. Development east (makai) of the highway will focus onto a pedestrian-oriented "main street," an elementary school, and neighborhood and community parks. The makai development is bound to the east by the planned extension of Waiale Road, which will intersect with Honoapiilani Highway. **Exhibit #13** is an illustrative land use plan for the Waikapu Country Town. **Exhibit #14** is a conceptual master plan for agricultural use of the agricultural lands.

The Waikapu Country Town Master Plan is described in detail in Chapter III, pages III-1 to III-72, of the FEIS (See **Exhibit #2**).

Page 1 of the project's draft form-based zoning code lists the following objectives for the project:

- *Provide for a range of housing options to address projected housing demand;*
- *Develop a "complete community" with a mix of housing, retail, and civic uses to support the community's residents;*
- *Create employment within the project to reduce vehicle commutes; and*
- *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.*

The goal of the Petitioner is to create a walkable, sustainable, and vibrant "new" Waikapu community where people can live, work, and recreate. The Waikapu Country Town design guidelines and zoning code will use the principles of New Urbanism and Smart Growth to bring about this community, which in many ways looks to "old" Wailuku for its inspiration as a close-knit community where neighbors know each other and can enjoy the benefits of a walkable community. For more than ten years, the Petitioner has been actively engaged with the Waikapu community in addressing concerns and hopes of neighbors for this "new" town. Through a long history of community engagement at all levels, the project review during the FEIS and DBA process before the State Land Use Commission was well received with multiple community and island interest groups testifying their support of the project. For a project of this size and scope, community involvement has been exemplary.

PURPOSE OF THE PROJECT

Housing affordability on Maui is a pressing problem, especially for lower and middle income families and young adults. It is generally recommended that no more than 30 percent of monthly income be spent on housing costs. However, in 2011, 60 (sixty) percent of Maui residents exceeded this threshold. According to the *US Census Bureau, 2007-2011 American Community Survey 5-Year Estimates*, 65 percent of renters in Wailuku spend over 30 percent of their income on gross rent and 44 percent spend over 50 percent of their income on gross rent. Spending such a high percentage of a family's income on rent takes away from other needed spending and investments, not only food and transportation, but also saving for a child's education or for

retirement.

While housing affordability is currently a significant concern, demand for housing is projected to increase, placing further pressure on housing prices. According to the MIP, there will be a demand for an additional 29,589 housing units on Maui through 2030. The majority of the future demand for housing will be in Central Maui. According to *the County's Land Use Forecast (November 2006)*, there will be a demand for an additional 16,549 residential units within the Central Maui region by 2030. This demand will have to be met by new housing developments on both entitled and non-entitled lands.

In December 2012, the County of Maui adopted the MIP, which set forth the County's first comprehensive island-wide managed and directed growth strategy to address housing demand through 2030. The MIP identifies several "Planned Growth Areas" where future growth should be directed. The project area was designated one of these Planned Growth Areas. The "Maui Tropical Plantation" Planned Growth Area received an allocation of 1,433 residential units. See **Exhibit #12**. **Exhibit #15** is the MIP's Directed Growth Map C-3, which identifies the Project's Small Town and Rural Growth Boundaries. **Exhibit #16** is the MIP's map of the Planned Growth Areas for Wailuku/Kahului.

It should be expected that as demand outpaces supply at an accelerating rate, housing prices will continue to escalate, which will further exacerbate Maui's affordable housing problems. The proposed project is addressing a critical community need by supplying an additional supply of housing to an underserved market.

Community Plan Amendments Required

A Community Plan Amendment ("CPA") and Change in Zoning ("CIZ") is required for development of the Waikapu Country Town. In reviewing this project, the Department has consistently supported the application through the District Boundary Amendment and Environmental Impact Statement process at the SLUC. The Community Plan categories and County Zoning districts are to be changed to a new district entitled "Waikapu Country Town". This will be similar to the zoning district "Maui Research and Technology Park" created by the County Council when reviewing the mixed-use technology park application in 2014. Many elements of this "Maui Research and Technology Park" district are similar to that of the proposed "Waikapu Country Town" district. The passage of the MIP on December 28, 2012, by the Maui County Council designated the Property to be within a Planned Growth Area, and the Property is within the Maui Island Small Town and Rural Growth Boundaries. The detailed requests for CPA and CIZ are as follows:

Community Plan Amendment (CPA)

The Wailuku-Kahului Community Plan was adopted by the County in 2002. Of the property proposed for urban and rural development, about 380.411 acres is community plan designated Agriculture, about 2.81 acres is designated Single-Family, and 112.684 acres is designated Project District 5.³

In order to implement the MIP's Directed Growth Strategy, which places the Property into the Small Town and Rural Growth Boundaries, the Wailuku-Kahului Community Plan will need to be amended. Community Plan amendments are therefore required for the approximate 495.905 acres

³ 3 Acres are from Community Plan Amendment Maps

that comprise the Property. The new community plan designation, *Waikapu Country Town*, will implement the proposed uses and character of development as described in the MIP's description of the Planned Growth Area and as presented in the WCT Master Plan (See **Exhibits #12, #13, #14, #15 and #16**).

Exhibit #10, "Wailuku-Kahului Community Plan Map", identifies the existing Wailuku-Kahului Community Plan designations. Table No. 5 identifies the parcels and acreages requiring a Community Plan Amendment for all or a portion of the property. **Exhibit #17**, "Community Plan Amendment Maps", identifies the lands subject to a request for Community Plan Amendment from Agriculture, Single-Family, and Project District 5 to a new community plan designation, "Waikapu Country Town".

Table 5: TMK Parcels Requiring a Community Plan Amendment

Ownership	Parcel	TMK Acres	Existing Community Plan Designation	Acres ⁴ Subject to CPA	Proposed Community Plan Designation
Waikapu Properties LLC	(2)3-6-004:003	657.195	Agriculture / Single-Family	138.728	Waikapu Country Town
	(2)3-6-004:006	52.976	Project District 5	53.630	Waikapu Country Town
	(2)3-6-006:036	0.72	Single-Family	0.721	Waikapu Country Town
MTP Land Partners LLC and the Filios, William Separate Property Trust	(2)3-6-005:007	59.054	Project District 5	59.054	Waikapu Country Town
Waiale 905 Partners LLC	(2)3-6-002:003	521.40	Agriculture	243.772	Waikapu Country Town
TOTAL				495.905	

Applicable Community Plan Amendment Regulations

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Section 19.510.010(C), the Planning Director has determined that the application and Department Report meets the requirements of Section 19.510.010(D).

A community plan amendment is reviewed pursuant to Chapter 2.80B, Maui County Code, General Plan and Community Plans; Section 2.80B.110 Non-decennial amendments to community plans proposed by a person. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of Maui County Code.

⁴ Acreage derived from metes and bounds survey prepared by Fukumoto Engineering, Inc.

Change in Zoning (CIZ)

Implementation of the Waikapu Country Town will similarly require a Change in Zoning for all lands proposed for development. **Exhibit #11** is the existing county zoning maps for the subject property. **Exhibit #18** identifies the lands that are subject to the proposed change in zoning request. A form based zoning ordinance is proposed to implement the vision, mix of uses, and character of development as described in the MIP's description of the Planned Growth Area and as the project is described in the FEIS (See **Exhibit #2**). **Exhibit #19** is the Project's draft form-based zoning code which will be codified conditions on how the WCT is to develop. Table No. 6 identifies the parcels subject to a Change in Zoning for all, or a portion of the property. **Exhibit #20** in digital format is a draft of the project's urban design guidelines critical in implementing the WCT plan.

Table 6: TMK Parcels Requiring a Change in Zoning

Ownership	Parcel	TMK Acres	Existing Zoning Designation	Acres ⁵ Subject to CPA	Proposed Zoning Designation
Waikapu Properties LLC	(2) 3-6-004:003	657.195	Agricultural	138.728	Waikapu Country Town
	(2) 3-6-004:006	52.976	Agricultural	53.630	Waikapu Country Town
	(2) 3-6-006:036	0.72	Agricultural	0.721	Waikapu Country Town
MTP Land Partners LLC and the Filios, William Separate Property Trust	(2) 3-6-005:007	59.054	Project District PD- WK/5	59.054	Waikapu Country Town
Waiale 905 Partners LLC	(2) 3-6-002:003	521.40	Agricultural	243.772	Waikapu Country Town
TOTAL				495.905	

Applicable Change in Zoning Regulations

The Planning Director has determined that the application and Department Report meets the requirements of subsection 19.510.010(D), Maui County Code.

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change in Zoning, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
2. The proposed request is consistent with the applicable community plan land use map of the

⁵ Acreage derived from metes and bounds survey conducted by Fukumoto Engineering, Inc.

county;

3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

Pursuant to subsection 19.510.050, Maui County Code, Conditional Zoning, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and
2. That the need for public services created by the proposed use shall be fulfilled.

HISTORICAL AND EXISTING LAND USE

The Property has been used for agriculture, from the pre-contact Hawaiian period through the rise and fall of the sugar industry and now to a diversified agricultural production model. Of the approximate 496 acres proposed for urban and rural development, only a 14 acre portion the MTP site, TMK (2) 3-6-005:007, has been used for commercial purposes since the 1980s.

Table 7 summarizes the historical land uses and more significant recent events associated with the Property.

Table 7: Historical Land Use of the Property

<i>Date</i>	<i>Land Use</i>
Pre-contact through mid-1800s	A thriving traditional native Hawaiian agricultural community with expansive irrigation and agricultural systems in place.
1820s through early 1860s	Introduction of the production of small quantities of sugarcane, cattle ranching, and coffee with farming of traditional Hawaiian crops.
Early 1860s through 1880	Rapid expansion of sugarcane farming and the displacement of water, lands and labor away from the farming of traditional Hawaiian crops to sugarcane.

1880s through 1950s	Continued rapid expansion, peak, and decline of the farming of sugarcane under various ownership entities. Development and transport of surface and artesian water resources to service sugarcane production. In migration of foreign labor and support facilities to service sugar plantation workers.
1955	Waikapu stable area subdivided for house lots.
1982	The Maui Planning Commission grants a Special Permit to establish the MTP on 8.92 acres.
1984	Wailuku Sugar Company dissolves and becomes Wailuku Agribusiness Company (subsidiary of C. Brewer) and starts planting pineapple and macadamia trees.
1984 through 1986	MTP Plantation Market and restaurant constructed.
1988	Wailuku Agribusiness Company harvests its last sugar cane.
1992	The Maui County Council grants a Community Plan Amendment and Change in Zoning to establish Wailuku-Kahului Project District 5, "Maui Tropical Plantation" on 59.054 acres. The action zoned 14 acres for the MTPs commercial uses and the remaining acres for agricultural uses.
1990 through 2016	HC&S assumes the growing of sugarcane over much of the Property.
1997	Pineapple growing ceases on the mauka lands.
2005	Waikapu Country Town's agricultural lands are purchased by the Petitioner and various ownership entities.
2006	MTP lands are purchased by the Petitioner and other ownership entities.
2005 to Present	Diversified agricultural operations are established on agricultural lands. HC&S discontinues sugarcane production on makai lands. Diversified agriculture is expanded to makai lands.

Today, approximately 1,561.451 acres are used for diversified agriculture, ranching, as well as for the agricultural activities of the MTP. Table 8 identifies the lands currently being used for agricultural purposes, which include the following TMK's:

Table 8: Approximate Acreage of WCT Lands in Agricultural Use

TMK Number	Acres
(2) 3-6-005:007 (Portion)	45.054
(2) 3-6-004:003	657.195
(2) 3-6-004:006	52.976
(2) 3-6-006:036	0.721
(2) 3-6-002:003	521.40
(2) 3-6-002:001	284.826
TOTAL	1,561.451

The commercial component of the MTP, located on an approximate 14 acre portion of TMK (2) 3-6-005:007, continues to be a visitor destination that is based on a tropical agricultural theme. The facility integrates ongoing agricultural activities with daily tours, restaurants, gift shops, farm stands, and adventure tours. Surrounding the MTP are the diversified farming operations of Kumu Farms, Hoaloe Farms, Hawaiian Taro, Makani Olu Ranch, Beef and Bloom, and Pacific Biodiesel's planting of sunflowers to produce bio-fuel.

A detailed photographic inventory of the site is presented in Chapter II.C of the FEIS, Figure No. 8, A-N, on pages II-5 to II-19 of the FEIS (See **Exhibit #2**).

NOTIFICATION TIMELINE FOR THE COMMUNITY PLAN AMENDMENT AND CHANGE OF ZONING FOR THE PUBLIC HEARING

- On March 9, 2018, the Applicant submitted to the Department applications for the CPA and CIZ.
- On July 11, 2018, at least 45 days prior to the hearing, the Department mailed a notice to the Applicant and appropriate State and County agencies notifying them of the completeness of the applications and date of the scheduled public hearing before the Commission.
- On July 27, 2018, the Applicant mailed a letter of notification and location map to all owners within 500 feet of the subject property describing the applications and notifying them of the scheduled public hearing date, time, and place by either certified or registered mail receipt.
- On July 27, 2018, a "Notice of Hearing" on the applications was published in the Maui News by the Department.
- On July 26, 2018, August 2, 2018, and August 9, 2018, the Applicant published a "Notice of Hearing" and location map in the Maui News for three consecutive weeks prior to the date of the public hearing for the applications.

NEED FOR THE PROPOSED USE

According to the MIP (December 2012), there will be a demand for an additional 29,589 housing units on Maui through 2030 as previously noted. The majority of the future demand for housing will be in Central Maui. According to *the County's Land Use Forecast (November 2006)*, there will be a demand for an additional 16,549 residential units within the Central Maui region by 2030.

In December 2012, the County of Maui adopted the MIP, which set forth the County's first comprehensive island-wide managed and directed growth strategy to address housing demand through 2030. The MIP identifies several "Planned Growth Areas" where future growth will be directed. The subject property is one of these Planned Growth Areas, and it received an allocation of approximately 1,433 residential units to help accommodate some of the regional growth (See **Exhibits #12, #15 and #16**). The Waikapu Country Town is addressing a critical community need by delivering an additional supply of housing.

According to the Hallstrom | CRBE study prepared and incorporated into the FEIS to analyze market demand for the project, it was estimated that demand for new residential units in the Wailuku-Kahului study area will be from 9,647 to 16,814 units over the next 21 years (through 2035); including allowances for non-resident purchasers and vacancies, with a mid-point demand of 13,230 units. The number of existing unsold and planned resident housing units within the regional "Directed Growth Boundary", excluding the proposed Waikapu Country Town product, totals some 7,296 units. This indicates there will be a shortfall in the sector of from 2,351 to 9,518 new residential units; with a mid-point under-supply of 5,935 units. Thus, the study concludes that sufficient unmet demand should exist to readily absorb the 1,433 units of subject inventory during the projection period.

Moreover, the Hallstrom | CRBE study estimates that the 1,433 proposed residential units of the project will require about 10 years to be fully absorbed following anticipated commencement of sales, at an average rate approaching 150 units annually. It is estimated the demand for neighborhood commercial space by Waikapu Country Town residents and day workers at build-out will be some 85,100 square feet, with patronage by guests in the community, other Waikapu households, and passers-by contributing an additional 34,000 square feet of demand on a stabilized basis. The study notes that the remaining 50,500 square feet (of the total 169,600 square feet of proposed new space) will be modestly absorbed over-time with specialized/niche businesses, many with cross-over appeal to residents and visitors, and keeping with the small town context. It is estimated that it will require about 12 years for the project's commercial space to be fully absorbed (See Appendix A Market Study, Economic Impact Analysis and Public Fiscal Assessment in **Exhibit #2**).

AGENCY & COMMUNITY OUTREACH

The Petitioner's *Consolidated Application for a Community Plan Amendment and Change in Zoning for Waikapu Country Town*, March, 2018, (**Exhibit #1**) documents the Petitioner's agency and community outreach activities since February 2009 on pages 36 through 38 of the application. Table 9 documents neighborhood and agency pre-consultation activities through the SLUC district boundary amendment process.

Table 9: Neighborhood and Agency Pre-consultation Activities

Date	Organization / Group	Purpose
9 Feb 2009	General Plan Advisory Committee (GPAC)	Present the preliminary master plan report and conceptual development plan to the GPAC for inclusion into the MIPs Directed Growth Plan.
26 Mar 2009	Waikapu Community Leaders	Present the preliminary master plan report and conceptual development plan to the group for comment and further discussion.
21 Jul 2009	Maui Planning Commission	Present the preliminary master plan report and conceptual development plan to the Commission for consideration of its inclusion into the MIPs Urban and Rural Growth Boundaries.
14 Sep 2009	Waikapu Community	Present the preliminary master plan report and conceptual development plan to the community for discussion and comment.

Date	Organization / Group	Purpose
		The meeting was attended by 158 persons. A community survey was administered at the conclusion of the presentation / discussion. (<u>See:</u> Appendix P of Exhibit #2 , "September 14, 2009, Community Survey Results").
14 Mar 2011	Waikapu Community Association	Present the Master Plan to the Waikapu Community Association for discussion and comment.
1 Mar 2012	Maui County Council	Present the preliminary master plan report and conceptual development plan to the Committee for inclusion into the MIP's Urban and Rural Growth Boundaries.
25 Mar 2012	Maui County Council	Present the preliminary master plan report and conceptual development plan to the committee for inclusion into the MIPs Urban and Rural Growth Boundaries.
Aug 2013	Waikapu Community Association: "Waikapu Country Town Review Committee"	Working with the Waikapu Community Association, a committee of WCA members was established to provide community input into the project.
Feb 2014	Waikapu Project Review Committee	Present the revisions to the Master Plan, discuss the project schedule, and address questions and concerns.
April 2015 through January 2017	Environmental Impact Statement Preparation Notice; Draft and Final Environmental Impact Statement	The EISPN, DEIS and FEIS were transmitted to all applicable State, County, and Federal agencies; community organizations; and concerned individuals for comment. The EISPN, DEIS and FEIS were also transmitted to State libraries, media organizations, County Council members and State legislators as required. The EISPN, DEIS and FEIS was published in The OEQC Bulletin. The FEIS was presented to the State Land Use Commission and accepted by the State Land Use Commission on January 18, 2017. (<u>See:</u> Appendix S, of Exhibit #2 , "DEIS Agency and Community Comment and Response Letters").
May 2016	Maui Planning Commission	Pre-consultation presentation of the DEIS to the Maui Planning Commission for comment on May 24, 2016.
April 2015 through February 2018	State Land Use Commission District Boundary Amendment	Through the DBA process, the project was reviewed by State, County, and Federal agencies. The project was presented to the State Land Use Commission on December 6 and 7, 2017, for the evidentiary hearing. The Commission granted

Date	Organization / Group	Purpose
	(DBA)	approval of the reclassification on February 26, 2018. (See: Exhibit #4 in digital format).
5 Jun 2018	Urban Design Review Board (UDRB)	<p>On June 5, 2018, the Petitioner presented the Draft Form-Based Zoning Code and Draft Design Guidelines to the UDRB for comment. The UDRB provided a comment related to a provision in the draft code that would allow for more than 1,433 units if the additional units, in accordance with the MIP, were County affordable housing and/or Ohana dwelling units. In response, the Applicant has removed the subject provision from the code.</p> <p>The UDRB also provided comments related to the following: ensuring architectural design flexibility, assessing the pros and cons of constructing a pedestrian underpass or overpass over the Honoapiilani Highway, and including "visitability guidelines" into the project architecture to encourage aging in place. The Petitioner's response is included as Exhibit #25.</p>

CONSISTENCY WITH STATE AND COUNTY PLANS

1. Hawaii State Plan. The Petitioner obtained a DBA through the State Land Use Commission on February 26, 2018. The purpose of the DBA was to change the lands proposed for development from the State Land Use Agricultural District to the Rural District and the Urban District. The Findings of Fact, Conclusions of Law, and Decision and Order and Certificate of Service are incorporated into this report as **Exhibit #4** in digital format. The SLUC stated the following in the Conclusions of Law:

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, which the reclassification of the Petition Area, consisting of about 145.286 acres of land situated at Waikapu, Maui, Hawaii, 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 Waikapu, Maui, Hawaii, 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 Hawaii Revised Statutes.

The Planning Department concurred with the SLUC that the State Land Use reclassification was consistent with the policies and criteria established pursuant to sections 205-16, 205-17, and 205a-2, HRS. This included determining that the request conformed to the policies and criteria in the Hawaii State Plan, and adopted functional plans; urban district standards; impact on areas of state concern; and conformance with the County of Maui's General Plan.

The FEIS provides specific detailed analysis of this project's conformance with State land use and environmental goals, objectives, policies, criteria, and standard. See **Exhibit #2**, pages VII-1 to VII-117 of the FEIS.

2. **Maui County General Plan.** The General Plan of the County of Maui refers to a hierarchy of planning documents that together set forth future growth and policy direction in the County. The General Plan is comprised of the following documents: 1) County-wide Policy Plan; 2) Maui Island Plan; and 3) nine community plans.

The County-wide Policy Plan was adopted in March 2010 and is a broad policy document that identifies a vision for the future of Maui County. It establishes a set of guiding principles and provides comprehensive goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The County-wide Policy Plan provides the policy framework for the development of the Maui Island Plan and nine Community Plans.

The MIP functions as a regional plan and addresses the policies and issues that are not confined to just one community plan area, including regional systems such as transportation, utilities, and growth management for the Island of Maui. Together, the Island and Community Plans develop strategies with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development. The MIP was adopted on December 28, 2012.

The Waikapu Country Town, and the associated request for land use entitlements, should be consistent with the goals, policies, and actions found in the General Plan.

County-wide Policy Plan

The County-wide Policy Plan establishes a list of county-wide goals, objectives, policies, and implementing actions related to the following core themes:

- Protect the Natural Environment
- Preserve Local Cultures and Traditions
- Improve Education
- Strengthen Social and Healthcare Services
- Expand Housing Opportunities for Residents
- Strengthen the Local Economy
- Improve Parks and Public Facilities
- Diversify Transportation Options
- Improve Physical Infrastructure
- Promote Sustainable Land Use and Growth Management
- Strive for Good Governance

The FEIS provides a detailed analysis of the project's consistency with the County-wide Policy Plan (See **Exhibit #2**, pages VII-117 to VII-166 of the FEIS). The Planning Department has determined that the project supports the goals, objectives, policies, and implementing actions of the County-wide Policy Plan.

Maui Island Plan

The MIP serves as the regional plan for the Island of Maui. The plan is comprised of the following ten elements: 1) Population; 2) Heritage Resources; 3) Natural Hazards; 4) Economic Development; 5) Housing; 6) Infrastructure and Public Facilities; 7) Land Use; 8) Directed Growth Plan; 9) Monitoring and Evaluation; and 10) Implementation. Each element contains goals, objectives, policies, and implementing actions. The Directed Growth Plan identifies the location of future development through 2030. The Directed Growth Plan is intended to guide the location and general character of future urban development, and will direct future zoning changes and guide the development of the County's short-term and long-term capital improvement plan budgets.

The MIP placed the subject property within a "Small Town Boundary" and described the project's "Planned Growth Area" as follows:

Waikapu Tropical Plantation Town

The Waikapu 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 Honoapiilani Highway. Providing the urban character of a traditional small town, this area will have a mix of single-family and multi-family rural residences, park land, open space, commercial uses, and an elementary or intermediate school developed in coordination with the Waiale project. The area is located south of Waikapu along Honoapiilani Highway, and it will incorporate the integrated agricultural and commercial uses of the existing tropical plantation complex. This area is proximate to the Waiale 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 Honoapiilani 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 Waikapu Stream and mauka of the subdivision.

Planned Growth Area Rationale

Keeping the Waikapu 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, Puunani and Waiale. The Waikapu 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

Background Information:			
Project Name:	Tropical Plantation Town	Directed Growth Map #:	C3
Type of Growth:	Small Town/Rural Expansion	Gross Site Acreage:	Small Town - 360 Acres Rural - 142 Acres
Planning Guidelines			
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. ⁶	Residential Product Mix:	Balance of SF and MF units The rural residential units are on the mauka side of the project. Small Town – 360 Acres Rural – 142 Acres
Net Residential Density:	9 – 12 du/acre	Parks and Open Space ⁷ :	≥ 30%
		Commercial:	Convenience Shopping

The Planning Department had determined that the Waikapu Country Town, as presented in the FEIS (See **Exhibit #2**, pages III-1 to III-72 of the FEIS) and in the Petitioner's Consolidated Application for a Community Plan Amendment and Change in Zoning for Waikapu Country Town (See **Exhibit #1**, pages 26 to 27 of the Petitioner's application) is in conformance with the MIPs Directed Growth Strategy, and more specifically, with the MIPs Planned Growth Area Description for the project.

The FEIS provides a detailed analysis of the project's consistency with the MIP (See **Exhibit #2**, pages VII-166 to VII-286 of the FEIS). The Planning Department has concluded that the project supports the goals, objectives, policies, and implementing actions of the Maui Island Plan.

⁶ 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.

⁷ 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.

Wailuku-Kahului Community Plan

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a Community Plan, which sets forth desired land use patterns together with goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters.

The Waikapu Country Town is located within the Wailuku-Kahului Community Plan region. The majority of the project area is designated Agriculture in the Community Plan, with a portion designated Wailuku-Kahului Project District 5 (Maui Tropical Plantation), and Single-Family (See **Exhibit #10**).

The Wailuku-Kahului Community Plan establishes goals, objectives, policies, and implementing actions in the following areas:

- Economic Activity
- Environment
- Cultural Resources
- Indigenous Architecture
- Housing
- Social Infrastructure
 - Recreation
 - Social Services / Health
 - Public Safety
 - Government
 - Land Use
- Infrastructure
 - Water & Utilities
 - Liquid and Solid Waste
 - Drainage
 - Energy
 - Transportation
- Urban Design
- Planning Strategies
 - Land Use
 - Cultural Resources
 - Urban Design
 - Environmental
 - Project Districts

Pages VII-286 to VII-342 of the FEIS (**Exhibit #2**) describes the project's consistency with the Wailuku-Kahului Community Plan's goals, objectives, and policies. A Community Plan Amendment has been filed with the County of Maui to bring the entire 495.905 acre development area into a new "Waikapu Country Town" community plan designation. The new community plan designation will have to be incorporated into the existing Wailuku-Kahului Community Plan. **Exhibit #10** is the existing Wailuku-Kahului Community Plan map, **Exhibit #17** is the proposed community plan amendment maps, and **Exhibit #21** is a draft description of the new "Waikapu Country Town" designation.

Together with this new Community Plan designation will be a comprehensive form-based zoning code, which along with design guidelines, will implement the project. **Exhibit #19** is the Waikapu Country Town's draft Form-Based Zoning Code. **Exhibit #20** in digital format is the Project's Draft Design Guidelines.

The Planning Department finds that the Waikapu Country Town project, as described in the FEIS and with the identified mitigation measures to address the project's development impacts as documented in the FEIS (See **Exhibit #2**), supports the goals, objectives, policies, and implementing actions of the Wailuku-Kahului Community Plan.

3. County of Maui Zoning. Implementation of the Waikapu Country Town will require a Change in Zoning for all lands proposed for development (See **Exhibit #18**). A form based zoning ordinance is proposed to implement the vision, mix of uses, and character of development as described in the MIP's description of the Planned Growth Area, and as the project is presented in Chapter III of the FEIS. See **Exhibits #19 and #20**, which are the project's Form-Based Zoning Code and WCT's Design Guidelines respectively.

The FEIS provides a detailed description of the project's consistency with the Change in Zoning criteria established in Maui County Code, Section 19.510.040 (See **Exhibit #2**, pages VII-343 through VII-347 of the FEIS).

The following is the Department of Planning's assessment of the consistency of the subject request for Change in Zoning with Maui County Code, Section 19.510.040:

1. *The proposed request meets the intent of the General Plan and the objectives and policies of the community plan of the County.*

Analysis. The Waikapu Country Town meets the intent of the General Plan, which comprises the goals, objectives, and policies of the County-wide Policy Plan, Maui Island Plan and Wailuku-Kahului Community Plan. The project site is located entirely within the MIP's Small Town Growth Boundary and the project will be developed in substantial accordance with the MIP's Planned Growth Area planning guidelines.

2. *The proposed request is consistent with the applicable community plan land use map of the County.*

Analysis. Community Plan Amendments are required for the approximate 496 acres of land that are proposed for development. The new "Waikapu Country Town" designation will reflect the character and uses described in the MIP's description of the Planned Growth Area. The new community plan designation will serve to implement MIP's vision for the project and the goals, objectives, and policies of the MIP and the Wailuku-Kahului Community Plan. The "Waikapu Country Town" designation will also provide the policy direction for the project's form-based zoning code.

3. *The proposed request meets the intent and purpose of the district being requested.*

Analysis. Concurrently with the filing of the Community Plan Amendment, a new form based zoning ordinance will be filed to allow for development of the project site, in accordance with the project description contained in the FEIS, the MIP's Planned

Growth Area description for the project, and the Wailuku-Kahului Community Plan's goals, objectives, and policies.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.*

Analysis. As discussed in Sections V.C Public Services and V.D Infrastructure of the FEIS (See **Exhibit #2**), the development of the Waikapu Country Town will not, with recommended mitigation, adversely affect public or private schools, parks, playgrounds, or infrastructure such as drainage or transportation systems. Mitigation measures such as on-site schools and parks and the payment of applicable impact fees will help to off-set the increase in demand for these facilities created by the project. The development will include walking and biking pathways, and on- and off-site roadway improvements to increase mobility. Other infrastructure improvements include a drainage system that will contain on-site any increase in run-off created by the project.

5. *The application, if granted would not adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area.*

Analysis. As discussed in Section V.A.4-5 and Section V.B.3-4 of the FEIS (See **Exhibit #2**), with the implementation of the described mitigation measures the Waikapu Country Town will not adversely impact historic, archaeological, or cultural resources. It is anticipated that the project will contribute to Maui's economy by creating short-term construction related employment and longer-term operation phase employment. The Waikapu Country Town is expected to indirectly support Maui's existing economic base activities by providing much needed Central area housing to serve the island's workforce. The Waikapu Country Town will provide housing along with supporting commercial, employment, and institutional uses that will allow for the growth and diversification of Maui's economic base industries, while also advocating for sustainability - including the island's agricultural industry.

As discussed in Section V.B.3-4 (Economy) of the FEIS (See **Exhibit #2**), the Waikapu Country Town will bring in \$644.1 million of new capital investment into the Maui economy. The construction of the WCT components will directly create an estimated 2,476 "worker-years" of employment (the equivalent of 52 work weeks at 40 hours per week) in the trades and associated businesses during build-out, averaging about 165 Full Time Equivalent (FTE) positions per year for the 15 years of building. Most of these positions will not be new jobs for new businesses, but work flowing to existing contractors and suppliers.

The 169,000 square feet of new commercial operation will generate some 4,251 FTE "worker-years" during the 2016-2030 projection period, providing stabilized employment for 531 permanent positions. These jobs will be new positions in the Maui economy. This total does not include the employment, wages, or business activity contributions of the existing 29,250 square feet of commercial space in the MTP which will be retained.

The project will require an estimated 66 worker years of maintenance and common area element employment on a continual basis, and will generate some 1,789 "worker-years" of off-site employment from 2016-2030 and a stabilized demand for 149 FTE positions. In aggregate, during the development of the WCT, 8,946 "worker-years" of employment will be created during construction and operations, on-site/direct and off-site/indirect, with stabilized employment after completion of 746 jobs. During the 15 years projection period, WCT will have a base economic impact on Maui of some \$817.1 million in new monies with a stabilized annual benefit of \$32.1 million thereafter.

Regarding historical and archaeological resources, an Archeological Inventory Survey (AIS) was conducted on the property. During the investigation, no evidence of traditional Hawaiian activities, with the possible exception of Site 7882 (remnant retaining wall or terrace) was recorded. These negative results are primarily due to the compounded disturbances from sugarcane cultivation, historic habitation and modern land use. Archaeological monitoring is recommended for those areas that contain former LCA's and Grants. Prior to the commencement of construction, an Archaeological Monitoring Plan (AMP) detailing the localities to undergo monitoring procedures will be prepared and submitted to SHPD for review and approval. The project is not expected to have an adverse impact upon archaeological or historical resources.

The WCT intends to create a sense of place within the community that reflects the cultural values, traditions, and history of Hawaii, and more specifically Waikapu. In writing the FEIS, a Cultural Impact Assessment (CIA) was prepared to thoroughly document any potential impacts that the project could have upon traditional and customary rights. The CIA recommends that the Petitioner work with the Waikapu community to ensure that the Waikapu stream is not impacted by the Development, that traditional access rights are maintained into the Waikapu Valley, and that existing kuleana land owner rights are protected. The Petitioner is committed to protecting the Waikapu Stream by establishing a wide riparian buffer and greenway along the stream where development will not be permitted. The Waikapu Country Town will also have negligible impact upon existing stream flows and no requests for additional stream water will be made for the development. As noted in the FEIS, the Waikapu Country Town will be served by new wells that will be managed in strict compliance with County and State requirements.

Moreover, the Waikapu Country Town is not located within the State's Special Management Area, and no listed or endangered species of flora and fauna were identified on the property that will constrain development of the Property. During build-out and during the operation phase, BMPs will be implemented to mitigate non-point source pollution to Maui's coastal resources as well as to mitigate fugitive dust impacts.

6. *If the Change in Zoning application involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil Conservation Service.*

Analysis. This application does not involve the establishment of an agricultural district. The 1,077 acres that comprise the agricultural component of the Waikapu Country Town are already in the County's Agricultural District.

AGRICULTURE

The State Department of Agriculture (DOA) reviewed the Petitioner's DBA petition to the LUC and the FEIS. In its response letter to the DEIS dated March 30, 2016 (See **Exhibit #2**, Appendix S of the FEIS), the DOA did not express concerns or opposition to the proposed use of the subject State Agricultural Lands. The State LUC reviewed the DBA Petition and granted the reclassification through its Findings of Fact, Conclusions of Law, and Decision and Order dated February 26, 2018 (See **Exhibit #4**). The Property is now within the State Land Use Urban and Rural districts.

The Property is also located within the MIP's Small Town Growth Boundary. The MIP serves as Maui's directed growth strategy, identifying suitable land areas to be developed through 2030 to accommodate demand for future housing and services.

In the Change in Zoning application's assessment of the project's impact upon agricultural resources, the Petitioner acknowledges that the project will result in the urbanization of approximately 481 acres of prime agricultural land. However, it is also documented that the subject use represents a small percentage of agricultural lands statewide and on Maui. For instance, the Application notes that the development area represents just 0.58 percent of LSB A, B, and C lands on Maui. Moreover, the Application documents that there has been approximately 97,483 acres of land in Maui County that has been released from plantation agriculture since 1987. According to the Petitioner, the Property represents just 0.49 percent of these lands. The loss of the subject agricultural lands to urbanization, the impacts of which were weighed by the County of Maui during the County's demarcation of growth boundaries in the MIP, represents a balanced approach to land management in consideration of the island's need for additional housing.

As described in the Petitioner's Application and in the FEIS, the project's agricultural component includes nearly 1,080 acres of land that will remain in agricultural use. Of these lands, approximately 800 acres will be protected in perpetuity for agricultural use with no residential structures to be permitted. The subdivision of the remaining 280 acres will be limited to no more than five additional agricultural lots. The Planning Department strongly supports the project's agricultural preserve because it creates an opportunity for long-term and affordable leasing opportunities for Maui's farmers, which is essential for creating a thriving local agricultural industry and a more diversified and sustainable economy. It is this balance between agricultural land preservation and the need for housing located adjacent to infrastructure and jobs that makes WCT a sound project that has received support from many various interest groups.

ARCHAEOLOGICAL, HISTORIC, AND CULTURAL RESOURCES

The FEIS includes the following specialized studies to document archaeological, historic, and cultural resources within the project area, and to identify potential project impacts and mitigation measures (See **Exhibit #2**, Appendices E (Archaeological Inventory Survey, F (Cultural Impact Assessment), and F.A (Ka Paakai Cultural Assessment) of the FEIS):

- Archaeological Inventory Survey ("AIS") prepared by Archaeological Services Hawaii, LLC (Revised September 2017);
- Cultural Impact Assessment ("CIA") prepared by Hokuao Pellegrino contracted by Hana Pono, LLC;
- Ka Paakai Cultural Analysis (December 2016) prepared by Hokuao Pellegrino; and
- History of Waikapu prepared by Jill Engledow.

During the AIS investigation, no evidence of traditional Hawaiian activities, with the possible exception of Site 7882 (remnant retaining wall or terrace) was recorded. These negative results are primarily due to the compounded disturbances from sugarcane cultivation, historic habitation, and modern land use; and possibly the inherent bias of random sampling during the inventory survey testing. Based on the proposed development plan, Site 7884 Features 2-3 (historic trash scatter and refuse pit); a section of Site 5197 (Waihee Ditch) and possibly Site 7883 (WWII bunker) may be adversely affected during the development activities. The AIS notes that these historic properties have been properly recorded and may be removed and or altered during construction. Archaeological monitoring is recommended for those areas that contain former LCA's and Grants. Prior to the commencement of construction, an Archaeological Monitoring Plan ("AMP") detailing the localities to undergo monitoring procedures will be prepared and submitted to SHPD for review and approval. The project is not expected to have an adverse impact upon archaeological or historical resources with implementation of the proposed mitigation measures.

On September 22, 2017, the SHPD accepted the AIS (See **Exhibit #22**).

The CIA describes existing Native Hawaiian cultural activities, practices, and resources that occur on the property, potential impacts from the project, and mitigation, if necessary, to address these impacts (See **Exhibit #2**, Appendix F). The cultural practices and beliefs that are documented in the CIA include Hawaiian subsistence, and residential agriculture on kuleana lands. These lands use the Waikapu Stream, which is a valuable cultural resource. Intricate irrigation systems built prior to western contact continue to be maintained and used. There are also on-going projects in the mauka portion of the Petitioner's land that are being used for cultural site and native habitat restoration, while providing a traditional access point into the Waikapu Valley for gathering of laau lapaau (medicinal plants) and native seed gathering.

There are two kuleana lots privately owned by the Mahi family (LCAw: 2499, R.P. 4070 AP 1 & 2 to Ehunui and Grant 1153 to Ehunui) that are situated within TMK: (2) 3-6-004:003 on lands that the Petitioner proposes to keep in agricultural use. These properties are located within the project's agricultural lands. The Mahi family would like to preserve the subject properties. The CIA also notes that there is a community desire to protect and restore the Waikapu Stream. There is an established 100-foot riparian buffer along the stream as it traverses mauka to makai along the northern edge of the project boundary. The project proposes agricultural, park, and open space land uses along the entire stream corridor abutting the project. The closest abutting urban land use is located approximately 100 feet away from the stream.

Kuleana farmers have expressed concerns about sedimentation entering Waikapu Stream during high rainfall events and from maintenance and management needs related to the plantation irrigation infrastructure, some of which traverses through the agricultural lands. The Petitioner is committed to working with neighboring kuleana farmers to help resolve these issues. Concern has also been raised about the potential degradation of native plant species and habitats within the Waikapu Ahupuaa from the potential increase in access to the watershed from future residents of the project. The Petitioner is committed to working with concerned residents to develop proper access management programs to protect the Ahupuaa for future generations. Ground water will be withdrawn from the Waikapu aquifer within the strict guidelines established by the Commission on Water Resources Management ("CWRM"), which should address concerns expressed that ground water withdrawals might impact the health of the aquifer and reduce stream flows.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** – The Preliminary Engineering Report prepared for the FEIS describes existing sources of water and infrastructure improvements that service the property (See **Exhibit #2**, Appendix H of the FEIS, which is the “Preliminary Engineering and Drainage Report”). Water and fire protection for the project will be provided from a private onsite water system. Six (6) wells have been drilled on the site. One of these wells is a monitoring well. Water quality testing has been conducted on three of these wells and the testing concluded that these wells are capable of producing potable water of excellent quality. Pump test results demonstrated that the three wells can produce sufficient water to service the project’s potable water demand (See **Exhibit #2**, Appendix I, “Water Resources Associates Results of 10-Day Pumping Tests for Wells 1, 2, and 3”, of the FEIS).

All of the project’s wells are located within the Waikapu Aquifer. A dual water system is proposed to service the development. The non-potable water will provide irrigation to the parks, open space, and commercial and residential landscape planting of individual lots. It is estimated that the dual system will reduce potable water demand by at least 33 percent. The projected non-potable water demand for the project’s agricultural lands, as well as irrigation of parks and open space, is estimated to be 3,420,000 gallons per day (gpd). Sources for the non-potable water are proposed to include surface water from the Iao Stream via the Iao-Waikapu Ditch and Waikapu Stream via the South Waikapu Ditch and Waihee Ditch, agricultural well water, and reclaimed water from the project’s wastewater reclamation facility (“WWRF”).

Based on the water usage, the projected average daily potable water demand for the project is 655,508 gallons per day (“gpd”). The maximum daily potable water demand for the entire project, not including irrigation of urban open space and agricultural lands, is 1.5 times the average daily water demand. Thus, the maximum daily water demand is estimated to be 968,363 gallons per day (“gpd”), whereas the Waikapu Aquifer has a sustainable yield of 3 million gpd. Pump test results indicate that the Petitioner’s Well Numbers 1 and 2 can pump 2.4 million gpd. Further testing is required to determine sustainable pumping for Well No. 3. Before drawing ground water from the aquifer, a permit will be required from the CWRM which has regulatory jurisdiction over the aquifer. The CWRM will ensure that the use of the aquifer will not exceed its sustainable yield.

Water conservation measures, such as low-flow toilets and shower heads will be used throughout, and efficient water conserving irrigation practices will also be adopted. Also and importantly, the Applicant will implement wellhead protection BMPs, pursuant to the Department of Water Supply’s comment letter dated June 20, 2016, (See **Exhibit #2**, Appendix S, “DEIS Agency and Community Comment and Response Letters”) in order to prevent pollutants from impacting the quality of the ground water aquifer.

The Applicant intends to establish a private water company to manage, operate, and maintain its water and wastewater systems. The private water company will be responsible for WCT’s on-site non-potable and agricultural irrigation water sources,

A detailed description of the project’s water sources and proposed distribution system and projected demand for potable and non-potable sources is documented in **Exhibit #2**, Chapter V of the FEIS, pages V-105 to V-114, and Appendix I of the FEIS. **Exhibit #2**, Appendix S of the FEIS, “DEIS Agency and Community Comment and Response Letters”,

includes comment and response letters between the State Department of Land and Natural Resources, CWRM; the County of Maui Department of Water Supply; and other applicable State and County agencies and the Petitioner related to the project's potential impact upon water resources.

2. **Wastewater** – The Preliminary Engineering Report prepared for the FEIS assesses current wastewater system capacity and existing infrastructure to support the project (See **Exhibit #2**, Appendix H of the FEIS, "Preliminary Engineering and Drainage Report").

In addition to the Preliminary Engineering Report, two wastewater reports were prepared for the planning and development of a private wastewater reclamation facility. Enviniti LLC conducted an analysis of a conventional wastewater reclamation facility. The Enviniti study identified regulatory and design requirements for the planning, design, construction, operation, and maintenance of such a facility. The Enviniti study also documented the project's projected wastewater generation and provided order of magnitude cost estimates for the facility (See **Exhibit #2**, Appendix J, "Enviniti Prepared Preliminary Wastewater Report," of the FEIS). Mana Water LLC, in association with Kennedy/Jenks Consultants, prepared a wastewater report for a facility based on Organica's Food Chain Reactor ("FCR") treatment technology. In a plant using FCR technology, as water flows from one reactor to the other it passes through different ecologies. These ecologies are comprised of plants and other natural microorganisms that break down the wastewater components using the nutrients as food. According to the Mana Water and Kennedy/Jenks study, the sub-ecosystems utilized in an FCR system provide for enhanced removal efficiency while using less energy and producing less sludge than a conventional wastewater treatment plant. The Mana Water and Kennedy/Jenks report provides the following analysis:

- Projected wastewater flow from the project;
- Estimated volume of recycled water generated by the facility at build-out;
- Estimated order of magnitude construction and operating costs for the facility;
- Facility operating revenues versus facility costs;
- Advantages of FCR facilities over more conventional treatment facilities;
- Conceptual site plan; and
- Conceptual architectural renderings. (See **Exhibit #2**, Appendix K of the FEIS, "Mana Water Prepared Water Reclamation and Reuse Report for Waikapu Country Town" which is the Mana Water LLC and Kennedy/Jenks study).

The Petitioner's FEIS includes an analysis of wastewater treatment alternatives to determine the preferred method of treating the project's wastewater (See **Exhibit #2**, Chapter VIII of the FEIS). Based upon the analysis, it was determined that the project's preferred method of wastewater treatment is to construct a private wastewater reclamation facility within the project's agricultural lands. The preferred wastewater treatment technology is Organica's FCR system. The project's wastewater treatment plan is described in detail in Section III.B.8 of the FEIS, included as **Exhibit #2**.

The project will produce an increase in demand for wastewater treatment. Based on the "Preliminary Wastewater Report", prepared by Enviniti LLC, dated March 2013 (See **Exhibit #2**, Appendix J of the FEIS), the average wastewater flow estimate for the project is 698,000 gpd and the design maximum flow estimate is 2,449,819 gpd. According to the County Department of Environmental Management ("DEM") Wastewater Reclamation Division, as of July 31, 2014, the Kahului Wastewater Reclamation Facility (KWWRF) has a capacity of

7.9 million gallons per day (mgd). The average flow into the KWWRF is 4.7 mgd and the allocated capacity is 6.33 mgd. The remaining wastewater capacity at the KWWRF is approximately 1.57 mgd.

During pre-consultation for the DEIS, the DEM had noted that in order for the existing collection system to accept flows from the project, transmission improvements would be required along Lower Main Street, Waiko Road, and the Wailuku Pump Station. However, the DEM in an October 13, 2016 letter in response to the DEIS informed the Petitioner that the project would not be allowed to connect to the existing County wastewater collection system and treatment system (See **Exhibit #2**, Appendix S of the FEIS, "DEIS Agency and Community Comment and Response Letters").

After analyzing various alternatives for treating the project's wastewater, the Petitioner has determined that the preferred alternative is to construct a standalone private wastewater treatment facility. The facility will be designed using the most sustainable technologies available based upon Organica's FCR configuration, which consists of biological treatment in successive reactor zones using fixed biomass on a combination of natural plant roots and Organica's engineered biofiber media, along with a limited amount of suspended biomass. This system will serve the dual purpose of reclaiming the project's wastewater so that at full buildout the facility will be able to provide approximately 650,000 gpd of recycled water that can be used for irrigation of the project's agricultural lands and urban open spaces.

A detailed description of the project's wastewater impacts and proposed improvements are documented in Chapter III, pages III-55 to III-63, and Chapter V, Pages V-114 to V-120, and Appendices H, J and K of the FEIS included as **Exhibit #2**. Appendix S, "DEIS Agency and Community Comment and Response Letters" in **Exhibit #2**, include comment and response letters between the DEM and other applicable State and County agencies and the Applicant related to the Project's wastewater generation, treatment and disposal. It is noted that the construction of the proposed private wastewater treatment plant will require review and subsequent approval of a State Special Permit by the Maui Planning Commission.

3. **Drainage** – A Preliminary Drainage Report was prepared by Otomo Engineering and was incorporated into the FEIS. The report analyzes current conditions, including drainage patterns, existing improvements, and runoff totals (See **Exhibit #2**, Appendix H of the FEIS, "Preliminary Engineering and Drainage Report").

The Waikapu Country Town will produce an increase in impervious surfaces and will therefore be required to capture and treat the increase in runoff from the project. It is estimated that the project will be required to mitigate an increase in runoff of 516 cubic feet per second (cfs), and provide a minimum storage volume of 1,528,233 cubic feet. With the drainage improvements, there will be no increase in runoff from the project site. The design of the stormwater system will include water quality treatment to reduce the discharge of pollutants to the maximum extent practicable. Some examples of stormwater best management practices (BMPs) are grass swales, open space, parks, and stormwater detention. With stormwater detention the stored runoff will infiltrate into the underlying soils and recharge groundwater. Temporary erosion control measures will be incorporated during the construction period to minimize dust and soil erosion. Additional controls will be implemented to protect the Waikapu Stream. A series of existing diversion berms will continue in place. Temporary BMPs include the construction of diversion berms and swales, dust fences, silt fences, stabilized construction entrances, truck wash down areas, inlet

protection, temporary grassing of graded areas, and slope protection. A detailed description of the Project's drainage impacts and proposed improvements are documented in **Exhibit #2**, Chapter V of the FEIS, pages V-97 to V-105, and Appendix H of the FEIS. **Exhibit #2**, Appendix S, "DEIS Comment and Response Letters", includes comment and response letters between the County of Maui's Department of Public Works and other applicable State and County agencies and the Petitioner related to the project's drainage impacts and mitigation measures.

4. **Roadways and Transportation** – A Final Traffic Impact Analysis Report ("TIAR") was prepared by Fehr & Peers in December 2016 for the TIAR in order to document the impact of the project and propose mitigation measures (See **Exhibit #2**, Appendix L of the FEIS, "Traffic Impact Analysis Report").

The TIAR analyzed the typical weekday AM and PM traffic conditions under existing conditions and potential project-related traffic impacts at partial buildout in 2022 and at full buildout in 2026. The analysis evaluated the operations at eight existing and six future intersections (a total of 14 study intersections) in the vicinity of the proposed project. See **Exhibit #26**, Traffic Study Area and Analyzed Intersections for a location map of the following analyzed intersections:

1. Honoapiilani Highway (Highway 30)/Kuikahi Drive
2. Waiale Road/Kuikahi Drive
3. S. Kamehameha Avenue/Maui Lani Parkway
4. Kuihelani Highway (Highway 380)/Maui Lani Parkway
5. Honoapiilani Highway (Highway 30)/Waiko Road
6. Waiale Road/Waiko Road
7. S. Kamehameha Avenue/Waiko Road **
8. Kuihelani Highway (Highway 380)/Waiko Road
9. Honoapiilani Highway (Highway 80)/Main Street **
10. Waiale Road/Main Street **
11. Honoapiilani Highway (Highway 30)/East-West Residential Street **
(The Planning Department recommends that this intersection be eliminated)
12. North-South Residential Street/Waiale Road **
13. Honoapiilani Highway (Highway 30)/Waiale Road **
14. Honoapiilani Highway (Highway 30)/Kuihelani Highway (Highway 30)

** Future Intersection

It found that substantial traffic growth from other planned and approved projects is expected to occur in the coming years, and that this cumulative growth will result in undesirable operating conditions at six of the fourteen study intersections. The project will increase traffic within the immediate area as project residents, customers, and employees commute to and from the project site. The project will contribute to cumulative impacts (LOS E or F conditions) during one or both peak hours at six of the fourteen intersections. The project will also have project-specific impacts at two of these intersections where the addition of project-generated traffic would cause the overall intersection operations to degrade below LOS D in the peak hours. In response, mitigation was identified for each of the six intersections operating an undesirable LOS. With the proposed mitigation, each of the six intersections will operate at an overall LOS of D or better.

In response to the DEIS, the Department of Public Works ("DPW") informed the Petitioner by letter dated May 23, 2016, (See **Exhibit #2**, Appendix S of the FEIS, "DEIS Agency and Community Comment and Response Letters") that the timing of the Waiale Bypass is uncertain and that the Petitioner should assume that the roadway may not be constructed. In response, the Petitioner contracted with Fehr & Peers to conduct an analysis of the project's traffic impacts at full buildout in 2026 without the Waiale Bypass Road. Fehr & Peers completed the analysis in October 2016 (See **Exhibit #2**, Appendix M of the FEIS, "Fehr & Peers Prepared No Waiale Bypass Memorandum".) While three more study intersections would be significantly impacted under this scenario than in the "With Bypass" scenario analyzed in the December 2016 TIAR, an expanded program of roadway improvements was identified which, if fully implemented, would achieve the County's standard of LOS D or better.

Condition No. 8.a of the SLUC's Decision and Order DBA A15-798 stipulates that the Petitioner must conduct a supplemental analysis to evaluate the buildout of the project in 2022 without the Waiale Bypass. Fehr & Peers completed this analysis in June 2018, thus fulfilling this requirement. While three more study intersections would be significantly impacted under this scenario than in the "With Bypass" scenario analyzed in the TIAR as part of the DEIS, the desired intersection level of service standard (LOS D) can be achieved at all analyzed locations with an expanded program of roadway improvements. Under either scenario, the project would contribute its fair share as mitigation.

The following summarizes the findings of these studies:

- ***Project with Waiale Bypass in 2022 and 2026.*** The Waiale Bypass is a planned, but not yet constructed, regional roadway that intersects with Waiko Road to the north and the Honoapiilani Highway to the south. The bypass has been planned for over two decades, and is supported by the 1997 Maui Long-Range Transportation Plan, the Wailuku-Kahului Community Plan (2002), the Statewide Transportation Improvement Program, and it is identified as a future improvement in the County's FY 2019 Six Year Capital Improvement Program (CIP). The Six Year CIP has substantial funding allocated in future years for construction of the Bypass. In 2014 the County completed the Final Environmental Assessment for the Bypass.

The TIAR addressed the impacts of the project in 2022 and in 2026 with the Waiale Bypass in place. Following development of both the first phase (2022) and second phase (2026) of the project, the TIAR determined that six (6) of the fourteen (14) intersections studied (Intersection 1-4 and 7-8) would operate at LOS (E) or (F) in either the AM and/or PM peak hour. All but one of these six intersections (Intersection 8) are projected to operate at undesirable levels without the addition of project traffic. Eight (8) of the study intersections (Intersections 5-6 and 9-14) are projected to operate at a desirable LOS with buildout of the project and will not require mitigation strategies.

Mitigation strategies were developed to identify recommended improvements at the intersections with projected overall intersection levels of service, LOS (E) or LOS (F) in the years 2022 and 2026. Each of the identified project-related and cumulative impacts would be fully mitigated (achieving LOS D or better for intersection operations) with recommended improvements as described in Chapter 5 and Appendix F of the TIAR to which the project would contribute its fair share as

mitigation. Table 10 identifies the recommended traffic mitigation to produce an overall desirable level-of-service at intersections in 2026 with the project.

Table 10: Summary of Recommended Roadway Improvements in 2026 with the Waiale Bypass and the Project

**Mitigation Recommended with Waiale Bypass in 2026:
2026 with project, with the Waiale Bypass, with mitigation**

Intersection No.	Summary Description
1. Honoapiilani Hwy. & Kuikahi Drive	<p>Intersection 1 will require mitigation with or without the bypass. With the proposed mitigation, the intersection will operate at an overall desirable level-of-service.</p> <p>Mitigation in 2026 with the Bypass:</p> <ul style="list-style-type: none"> • Widen the westbound approach from a shared through/left turn lane and right-turn lane to a left-turn lane, a through lane, and a right-turn lane • Widen the southbound approach from a left-turn lane, a through lane, and a right-turn lane to two left-turn lanes, a through lane, and a right-turn lane • Widen east leg to provide a second departure lane • Convert northbound and southbound left-turn phasing to protected left turns
2. Waiale Rd. & Kuikahi Drive	<p>Intersection 2 will require mitigation with or without the bypass. With the proposed mitigation, the intersection will operate at an overall desirable level-of-service.</p> <p>Mitigation in 2026 with Bypass:</p> <ul style="list-style-type: none"> • Pre-project widen the eastbound and westbound approaches to provide a left-turn lane, two through lanes, and a right-turn lane. • Widen the eastbound and westbound departures to provide a second receiving lane. • Widen the northbound approach to provide a left-turn lane, a through lane, and a right-turn lane.
3. S. Kamehameha Ave. & Maui Lani Parkway	<p>Intersection 3 will require mitigation with or without the bypass. With the proposed mitigation options, the overall intersection will operate at an overall desirable level-of-service. <i>(It is noted that an updated traffic study with the bypass would assume this intersection is a single-lane roundabout.)</i></p> <p>Mitigation in 2026 with Bypass:</p> <ul style="list-style-type: none"> • Pre-project install a traffic control signal with permitted phasing at all approaches. <p>For LOS D or better operations:</p> <ul style="list-style-type: none"> • Provide a left-turn lane and a shared through/right-turn lane for the eastbound approach • Provide a left-turn lane, a through lane, and a right-turn lane for the westbound approach

**Mitigation Recommended with Waiale Bypass in 2026:
2026 with project, with the Waiale Bypass, with mitigation**

	Provide a left-turn lane, a through lane, and a right-turn lane for the southbound approach
4. Kuihelani Hwy. & Maui Lani Parkway	<p>Intersection 4 will require mitigation with or without the bypass. With the proposed mitigation, the overall intersection will operate at an overall desirable level-of-service.</p> <p>Mitigation in 2026 with Bypass:</p> <ul style="list-style-type: none"> • Widen the eastbound approach to provide a left-turn lane, a shared through/left-turn lane, and a right-turn lane. • Modify the eastbound and westbound left-turn phasing to split phasing.
5. Honoapiilani Hwy. & Waiko Rd.	Intersection 5 does not require mitigation in 2026 with the Waiale Bypass.
6. Waiale Rd. & Waiko Rd.	<p>Intersection 6 does not require mitigation in 2026 with the Waiale Bypass.</p> <p><i>Note that it was assumed that a traffic signal would be in place in the cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.</i></p>
7. Kamehameha Ave. & Waiko Rd.	<p>Intersection 7 will require mitigation with or without the Waiale Bypass. With the proposed mitigation, the overall intersection will operate at an overall desirable level-of-service.</p> <p>Mitigation in 2026 with Bypass:</p> <ul style="list-style-type: none"> • Install a traffic signal with permitted phasing at all approaches
8. Kuihelani Hwy. & Waiko Rd.	<p>Intersection 8 will require mitigation with or without the Waiale Bypass in 2026.</p> <p>The proposed mitigation produces a desirable overall level of service.</p> <p>Mitigation in 2026 with Bypass:</p> <ul style="list-style-type: none"> • Widen and restripe the eastbound approach to provide a left-turn lane and a right-turn lane.
13. Honoapiilani Hwy. & Waiale Rd.	<p>Intersection 13 does not require mitigation with the Waiale Bypass in place.</p> <p><i>Note that consistent with the 2014 Environmental Assessment for the Waiale Bypass, it was assumed that a traffic signal would be in place in the cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.</i></p>

- ***Project without the Waiale Bypass in 2022 and in 2026.*** Three more study intersections would be significantly impacted under this scenario than in the "With Bypass" scenario analyzed in the TIAR as part of the Draft EIS. The desired

intersection level of service standard (LOS D) can be achieved at all analyzed locations with an expanded program of roadway improvements to which the project would contribute its fair share as mitigation.

Table 11 identifies the recommended traffic mitigation to produce an overall desirable level-of-service at intersections in 2026 without the Waiale Bypass and with the project. This is a worst-case scenario, as it assumes that the planned Waiale Bypass is not constructed by 2026.

Table 11: Summary of Recommended Roadway Improvements in 2026 without the Waiale Bypass and with the Project

**Worst-Case Condition:
2026 with project, without the Waiale Bypass, with mitigation**

Intersection No.	Summary Description
1. Honoapiʻilani Hwy. & Kuikahi Drive	<p>Intersection 1 will require mitigation with or without the bypass. With the proposed mitigation, the intersection will operate at an overall desirable level-of-service. Mitigation without the Waiale Bypass will require the acquisition of additional right-of-way on Honoapiʻilani Highway and Kuikahi Drive.</p> <p>Mitigation in 2026 without Bypass:</p> <ul style="list-style-type: none"> • Widen the northbound approach from a left-turn lane, a through lane, and a right-turn to a left-turn lane, a through lane, and two right-turn lanes • Widen the southbound approach from a left-turn lane, a through lane, and a right-turn lane to two left-turn lanes, a through lane, and a right-turn lane • Widen the westbound approach from a left-turn lane, a through lane, and a right-turn lane to two left-turn lanes, a through lane, and two right-turn lanes • Widen the east and south legs of the intersection to provide a second departure lane • Modify signal to include protected phasing on all approaches and right-turn overlap phasing on the westbound and northbound approaches.
2. Waiale Rd. & Kuikahi Drive	<p>Intersection 2 will require mitigation with or without the bypass. With the proposed mitigation, the intersection will operate at an overall desirable level-of-service.</p> <p>Mitigation in 2026 without Bypass:</p> <ul style="list-style-type: none"> • Widen the eastbound and westbound approaches to provide a left-turn lane, two through lanes, and a right-turn lane. • Widen the eastbound and westbound departures to provide a second receiving lane.
3. S. Kamehameha Ave. & Maui Lani Parkway	<p>Intersection 3 will require mitigation with or without the bypass. With the proposed mitigation options, the overall intersection will operate at an overall desirable level-of-service. It should be noted that the updated 2026 No Project Condition now assumes that the intersection would be</p>

**Worst-Case Condition:
2026 with project, without the Waiale Bypass, with mitigation**

configured as a single-lane roundabout.

Mitigation in 2026 without Bypass:

- Pre-project install a traffic control signal with permitted phasing at all approaches.
- For LOS D or better operations at an overall intersection level:
- Provide a left-turn lane and a shared through/right-turn lane for the eastbound and northbound approaches
- Provide a left-turn lane, a through lane, and a right-turn lane for the westbound and southbound approaches.

4. Kuihelani Hwy. & Maui Lani Parkway

Intersection 4 will require mitigation with or without the bypass. With the proposed mitigation, the overall intersection will operate at an overall desirable level-of-service.

Mitigation in 2026 without Bypass:

- Widen the eastbound approach to provide a left-turn lane, a shared through/left-turn lane, and a right-turn lane.
- Modify the eastbound and westbound left-turn phasing to split phasing.

5. Honoapiilani Hwy. & Waiko Rd.

Intersection 5 does not require mitigation with the Waiale Bypass. Without the Waiale Bypass and with Phase I and/or Phase II of the project mitigation is required. With the proposed mitigation, the intersection will operate at an overall desirable level of service. Note that additional right-of-way may be needed on both Honoapiilani Drive and Waiko Road to fully implement this improvement.

Mitigation in 2026 without Bypass:

- Widen the northbound approach from a left-turn lane and a shared through/right-turn lane to provide a left-turn lane, a through lane, and a shared through/right-turn lane
- Widen the eastbound and westbound approaches to provide a left-turn lane and a shared through/right-turn lane.
- Widen the northbound departure of the for a minimum of approximately 250 feet to provide a second receiving lane, which would transition back into the existing single northbound lane

6. Waiale Rd. & Waiko Rd.

Intersection 6 does not require mitigation with the Waiale Bypass. Without the Waiale Bypass and with Phase I and/or Phase II of the project, mitigation is required. With the proposed mitigation, the intersection will operate at an overall desirable level of service.

Mitigation in 2026 without Bypass:

- Install a traffic signal

Note that consistent with the 2014 Environmental Assessment for the

**Worst-Case Condition:
2026 with project, without the Waiale Bypass, with mitigation**

**7. Kamehameha Ave. &
Waiko Rd.**

Waiale Bypass, it was assumed that a traffic signal would be in place in the cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.

Intersection 7 will require mitigation with or without the bypass. With the proposed mitigation, the overall intersection will operate at an overall desirable level-of-service.

Mitigation in 2026 without Bypass:

- Install a traffic signal with permitted phasing at all approaches

**8. Kuihelani Hwy. & Waiko
Rd.**

Intersection 8 does not require mitigation with the Waiale Bypass and Phase I of the development. With the Waiale Bypass and Phase II of the development mitigation is required. The proposed mitigation produces a desirable overall level of service with or without the Waiale Bypass and the project.

Mitigation in 2026 without Bypass:

- Widen and restripe the eastbound approach to provide a left-turn lane and a right-turn lane.

**13. Honoapiilani Hwy. &
Waiale Rd.**

Intersection 13 does not require mitigation with the Waiale Bypass in place. Without the Waiale Bypass and with phases I and II of the development mitigation is required. With the proposed mitigation, the intersection will operate at an overall desirable level-of-service.

Mitigation in 2026 without Bypass:

- Install a traffic signal

Note that consistent with the 2014 Environmental Assessment for the Waiale Bypass, it was assumed that the traffic signal would be in place in the cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.

The Petitioner proposes a mitigation planning program for its fair share requirements to mitigate project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner, the State and the County will develop agreements in order to address the project's traffic impacts and determine fair share contributions.

Additionally, the Applicant should provide the cost for the improvements and necessary lands for the Right-of-Way for the Honoapiilani Highway Study Intersection Numbers 9 and 13. These intersections are direct access points to Waikapu Country Town and enumerated as follows: #9 Honoapiilani Highway (Highway 80)/Main Street and #13 Honoapiilani Highway (Highway 30)/Waiale Road. Through on-going consultation with the State Department of Transportation and the County of Maui Department of Public Works, the

Petitioner will remove Intersection 11, shown in the TIAR and FEIS, in order to mitigate delays along the Honoapiilani Highway.

Furthermore, the Applicant will work with the State and County to develop a timeline for the construction of the Waiale Bypass. Moreover, the Applicant will conduct a cost share analysis to determine the Applicant's fair-share contribution towards the future construction of the Waiale Bypass.

During the construction phase, the Petitioner will implement a traffic control plan to mitigate impacts to operating conditions along Honoapiilani Highway from construction vehicles ingressing and egressing from the project site.

A detailed description of the project's traffic impacts and proposed mitigation measures are documented in **Exhibit #2**, Chapter V of the FEIS, pages V-75 to V-96, Appendix L of the FEIS, and Appendix M of the FEIS. **Exhibit #2**, Appendix S, "DEIS Agency and Community Comment and Response Letters", includes comment and response letters between the Applicant and the State Department of Transportation and the County of Maui, Department of Public Works. Additional comments have been received from the State Department of Transportation in a letter shown in **Exhibit #27**. The Applicant's response to this letter is shown in **Exhibit #27 A** along with an additional traffic review requested by the SLUC.

5. **Electrical, Telephone and Cable** – There are existing power, telephone, and cable television transmission facilities along Honoapiilani Highway. If approved by MECO, it is anticipated that the power poles will be relocated underground fronting the project site along Honoapiilani Highway. Within the Waikapu Country Town, utility poles will be placed underground within the road right-of-way. According to the FEIS, it is expected that the project will create a total demand of about 10 megawatts of electricity. According to the FEIS, the Applicant intends to promote the use of renewable energy. The FEIS states that the installation of photovoltaic systems will be encouraged on residential and commercial buildings. The FEIS notes that if 40 percent of residential and commercial buildings install photovoltaic systems (generating approximately 11.9 GWh per year), demand for carbon-based fuels could be reduced by roughly 50 percent. Moreover, the FEIS notes that the Applicant desires to install a limited number of solar farms in appropriate locations within the agricultural lands. The FEIS notes that if two solar farms of approximately five acres (0.75 MW each) each are developed, the electricity generated would be about 2.6 GWh per year, which could service approximately 236 residential units. Thus, it is noted that the project could potentially generate about 70 percent of its energy consumption through renewables. However, the FEIS notes that the installation of such systems will depend upon the technical and financial viability of such systems at the time the project is being constructed.

The Department of Planning strongly advocates for energy conservation and encourages the development of renewable energy systems to offset the project's energy demand. Development of renewable energy systems, such as solar, within the State Land Use Agricultural District will be subject to the provisions of HRS, Chapter 205, which places limits upon the breadth and location of such facilities.

6. **Parks** - In order to comply with the County's park land dedication requirement of 500 square feet of land per residential unit, the project would be required to dedicate approximately 16.5 acres of land for park use. The FEIS identifies 32.5 acres of sub-regional park land to service the project. This land will comprise a variety of park types within the project,

including mini-parks, neighborhood parks, and a community park. The park plan included in the FEIS shows that the project's parks are strategically located to provide easy pedestrian and bicycle access from the project's parks and its single- and multi-family residential neighborhoods and the elementary school. The project also provides approximately 50-acres of greenways and open-space, which will include pedestrian and bicycle paths and will create additional opportunities for passive recreation. Moreover, within the abutting 1,077-acres of agricultural lands owned by the Petitioner, opportunities for various forms of open-land recreation such as horseback riding, mountain biking, trail running, hiking, and community gardening may also be provided. The FEIS describes the project's plan for parks and open space on pages III-35 to III-38 in **Exhibit #2**.

7. **Schools** - Maui schools are organized into complexes and complex-areas. A complex consists of a high school and all of the intermediate/middle, and elementary schools that flow into it. Groups of two to four complexes form a "complex area" that is under the supervision of a complex area superintendent.

The Waikapu Country Town is located within the State Department of Education's Baldwin-Kekaulike-Maui Complex-Area.

The projected increase in Wailuku-Kahului's population will produce a demand for additional educational facilities. Pursuant to Act 245, the State Department of Education adopted impact fees to develop funding for educational facilities required to support new residential development. The Board of Education has designated Central Maui as one of four School Impact Districts. Based upon the DOE's standards, the project will increase the student population as shown in Table 12.

Table 12: WCT Projected Student Generation

WCT Projected Student Generation					
Type of School	Generation Rate Per Unit		WCT Residential Units		Student Generation
	S.F.	M.F.	S.F.	M.F.	
Elementary	0.23	0.13	241.5	49.79	291
Middle	0.11	0.04	115.5	15.32	131
High	0.15	0.05	157.5	19.15	177

The project will comply with State DOE impact fee requirements, which will mitigate the project's impacts upon State educational facilities. The Petitioner has finalized an Educational Contribution Agreement ("ECA") with the DOE that confirms the applicable construction cost and land dedication impact fees required of the project. The project will contribute 12 acres for the development of an elementary school. The school site is conveniently located next to the project's community park and residential housing. The project will also pay to the DOE approximately \$2,600,000 in impact fees for construction costs. The State Department of Education's Facilities Planning Branch is managing and coordinating the education facilities needs of the region, including the facilities that will be required of the project and the neighboring Waiale development proposed by A&B Properties.

8. **Solid Waste** - The County's Integrated Solid Waste Management Plan ("ISWMP") (February 2009) projects that the planned capacity of the Central Maui Landfill is sufficient to accommodate solid waste demand through 2026.

The projected increase in Wailuku-Kahului's population will produce a demand for solid waste disposal. Waste generated by site preparation will primarily consist of vegetation, rocks and debris from clearing, grubbing, and grading. Very little demolition material is expected, as the site is essentially vacant. During the construction phase, construction activities will require the disposal of the existing on-site waste, as well as cleared vegetation, and construction-related solid waste. Using a 2003 publication by the Environmental Protection Agency ("EPA") entitled *"Estimating 2003 Building-Related Construction and Demolition Materials Amounts"*, factors of 4.39 pounds per square feet of construction for residential and 4.34 pounds per square feet of construction for commercial buildings were used to determine potential construction waste generated by the project. Using these factors, it is estimated that during the construction phase (2017-2026) residential construction waste might total approximately 8.7 million pounds or 4,350 tons of waste. The commercial component would generate approximately 736,000 pounds or 368 tons of waste through 2026.

A solid waste management plan will be coordinated with the DEM's Solid Waste Division for the disposal of onsite and construction-related waste material. The Petitioner will work with the contractor to minimize the amount of solid waste generated during the construction of the project. Using the ISWMP's residential generation rate of 2.3 tons per household per year and the commercial generation rate of 1.58 tons per employee per year, total solid waste generated during the operation phase of the project at stabilization in 2026 is 4,051 tons per year. Using a diversion rate of 31 percent to recycling, total waste from the project site is estimated to be approximately 2,795 tons per year.

The Petitioner will support the County's recycling, reuse and composting activities. In addition, the Petitioner will explore the opportunity for establishing a community composting facility where the recycled by product could be made available to the project's farmers. The ISWMP provides strategies for diverting solid waste from landfills to reduce landfill dependency, save landfill capacity and improve operational efficiency. The project will implement these strategies by providing options for recycling, such as collection systems and bin space, within the project, and promoting sound recycling strategies among residents and businesses. See **Exhibit #2**, Appendix S, "DEIS Comment and Response Letters", which includes comment and response letters between the County's Department of Environmental Management and the Applicant related to the project's impact to solid waste facilities.

9. **Public Services - Medical Facilities** – Maui Memorial Medical Center, located in Wailuku approximately four miles from the project, is the island's only acute care hospital. It is an approximate 251-bed hospital that is part of the Hawaii Health System Corporation, which is supported by the State. The Maui Memorial Medical Center provides 24-hour emergency services. It also provides intensive care, oncology, maternity, and other specialized units. Various private medical offices and facilities are located throughout Wailuku-Kahului. These facilities provide non-emergency medical care. Kaiser Permanente has clinics in Wailuku and in Maui Lani and Maui Medical Group has offices in Wailuku.

The projected project population is expected to be about 4,085 persons, which represents from 19.32 percent to 10.35 percent of the projected population growth through 2035. The projected increase in Wailuku-Kahului's population will produce a demand for additional medical facilities. An estimate of the increase in demand for hospital facilities can be calculated based on the existing level-of-service. For acute and critical care, 0.0809 beds

are needed to maintain the current level-of-service for every 100 persons on Maui Island. Based on this standard, the project would generate a demand for about of 3.30 beds.

To maintain current levels of ambulatory service, 0.0045 ambulances would be needed per 100 persons. Therefore, about .184 additional ambulances, with staffing, would be required to service the project population.

10. **Police and Fire Protection Services** - The Waikapu area falls within the MPD's District I. This police district is served by the Wailuku (Central) Station, which houses the MPD headquarters for the entire County. The Central Station is located approximately four road miles from the project site.

The de facto population of the County of Maui as of July 2012 was 201,870. Therefore, the level-of-service for police department personnel in 2012 was one police department personnel per 390 persons.

The resident population of Wailuku-Kahului as of mid-year 2015 was 57,616. According to County and State Forecasts, the 2035 resident population of Wailuku-Kahului may range from 78,764 to 97,080 persons. This is an increase in population of 21,148 to 39,464, which is an increase of 36.7% to 68.5%. The projected resident population of the Project is 3,921 persons, which represents from 18.51 percent to 9.93 percent of the projected resident population growth through 2035. Using a standard of one police department personnel per 390 persons, the project population would generate a need for about 10.47 personnel and accessory facilities. Regarding fire protection services, the Fire Department will provide detailed comments on fire apparatus and water supply during the subdivision and building permit processes for the project. As noted in the Fiscal Impact Assessment prepared for the project (**Exhibit #2**, Appendix A, "Market Study, Economic Impact Analysis and Public Fiscal Assessment" of the FEIS), after new per capita costs for services are considered the County will earn a net "profit" of \$4.2 million annually after stabilization. A portion of these revenues should be allocated to help address the increase in demand for police protection services generated by the project.

SOCIO-ECONOMIC IMPACTS

1. **Economic and Fiscal Impacts** – A market study and economic and fiscal impact assessment ("FIA") was conducted by the Hallstrom Appraisal Group | CBRE, Inc. and is included as **Exhibit #2**, Appendix A of the FEIS.

According to the market study, the project is expected to indirectly support Maui's existing economic base activities by providing housing to serve the island's workforce. The project is intended to provide housing along with supporting commercial, employment, and institutional uses that will allow for Maui's economic base industries to grow, diversify, and become more sustainable, including the island's agricultural industry.

The project will create direct, indirect, and induced short- and long-term positive economic impacts. During the construction phase, the project's components will directly create an estimated 2,476 "worker-years" of employment (the equivalent of 52 work weeks at 40 hours per week) in the trades and associated businesses during build-out, averaging about 165 "worker years" annually, with an estimated \$201 million in wages (averaging about \$13.4 million per year). Moreover, the on-going operations and maintenance of the business

commercial, and residential components will directly provide an estimated 4,251 "worker-years" and \$151.6 million in total wages over the 13-year period from opening of the first businesses until full absorption and stabilization are achieved (2018 to 2030). The operating businesses and maintenance of the housing units will support a projected 531 "full-time equivalent" positions following stabilization (many of which are anticipated to be held by Waikapu Country Town residents) with annual wages of \$2.2 million. Associated secondary/off-site employment during the overall development and absorption time-frame will total 1,789 worker-years with wages of \$91.3 million. After "stabilization" the community will contribute to the support of some 149 secondary/off-site positions with \$7.6 million in yearly wages off-site.

According to the Fiscal Impact Assessment prepared for the FEIS, after new per capita costs for services are considered the County will earn a net "profit" of \$42.2 million during build-out and \$4.2 million annually after stabilization. The State of Hawaii will receive gross excise and income taxes, secondary revenues, and impact fees of \$95.4 million during the 2016-2030 period, and \$4.4 million per year thereafter. The State of Hawaii will also receive a 12-acre elementary school site. Overall, after new per capita governmental costs are deducted, the State will generate net benefits of \$82.6 million during build-out and \$2.9 million annually on a stabilized basis.

2. **Housing.** According to the MIP (December 2012), there will be a demand for an additional 29,589 housing units on Maui through 2030. The project will produce 1,433 residential dwelling units, plus the potential for up to 146 Ohana units. This is consistent with the MIP's unit allocation to the subject Planned Growth Area. The project will offer a mix of single and multi-family housing types to address the diverse housing needs of Maui residents. Due to the Project's Central Maui location and the expected lot and unit size configurations, the Petitioner expects that the majority of the project's market priced housing will be sold at prices considered affordable to Maui County residents earning between 100 and 140 percent of the County's median income as determined by the United States Department of Housing and Urban Development ("HUD"). The project will also include workforce housing units pursuant to Chapter 2.96, MCC, Residential Workforce Housing Policy. These homes will be subject to price controls and resale restrictions to ensure that affordable homes remain available for full-time Maui residents. Housing types within the project may include multi-family condominiums, small cottage homes on small lots with common open spaces, traditional single-family lots within a variety of home and lot size configurations, rental apartments, townhomes, and larger estate rural lots. The goal of the project is to serve the demands of all Maui residents.

ENVIRONMENTAL IMPACTS

1. **Air quality** - An Air Quality Study was conducted by B.D. Neal & Associates and incorporated into the FEIS. The purpose of the study was to examine the potential short- and long-term air quality impacts that could occur as a result of the construction and operation phases of the development and to identify mitigation measures to reduce any potential air quality impacts where possible and appropriate (See **Exhibit #2**, Appendix C, "Air Quality Study", of the FEIS).

Except for periodic impacts from volcanic emissions (vog) and possibly occasional localized impacts from traffic congestion and local agricultural sources, the present air quality of the project area is believed to be relatively good. There is very little air quality monitoring data

from the Department of Health for the project area, but the limited data that are available suggest that concentrations are generally within state and national air quality standards. During this study's air quality modeling, it was determined that present one-hour and eight-hour worst-case carbon monoxide concentrations are well within both the state and the national ambient air quality standards.

There may be some short- and/or long-term impacts on air quality that may occur either directly or indirectly as a consequence of project construction and use. Short-term impacts from fugitive dust could occur during the project construction phases. To a lesser extent, exhaust emissions from stationary and mobile construction equipment, from the minor disruption of traffic, and from workers' vehicles may also affect air quality during the period of construction.

State air pollution control regulations require that there be no visible fugitive dust emissions at the property line. Therefore, an effective dust control plan must be implemented to ensure compliance with state regulations. Fugitive dust emissions can be controlled to a large extent by the following types of BMPs:

- Watering of active work areas;
- Using wind screens;
- Keeping adjacent paved roads clean; and
- Covering of open-bodied trucks.

Other dust control measures to consider include:

- Limiting the area that is disturbed at any given time;
- Mulching or chemically stabilizing inactive areas that have been worked; and
- Paving and landscaping of project areas early in the construction schedule;
- Planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular routes, and locating potential dust-generating equipment in areas of least impact; and
- Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities.

Exhaust emissions can be mitigated by moving construction equipment and workers to and from the project site during off-peak traffic hours.

To assess the potential long-term impact of emissions from project-related motor vehicle traffic operating on roadways in the project area after construction is completed, a computerized air quality modeling study was undertaken. The air quality modeling study estimated current worst-case concentrations of carbon monoxide at intersections in the project vicinity and predicted future levels both with and without the proposed project. During worst-case conditions, model results indicated that present one-hour and eight-hour worst-case carbon monoxide concentrations are well within both the state and the national ambient air quality standards.

In the year 2026 without the project, worst-case carbon monoxide concentrations were predicted to decrease (improve) despite an increase in traffic, and concentrations would remain well within standards. This is because emissions from the increase in traffic will be more than offset by the retirement of older, more-polluting vehicles over time. With the project in the year 2026 and with proposed roadway improvements, estimated worst-case

carbon monoxide concentrations indicated only minimal or no impact compared to the without project case. Concentrations would remain well within standards. Due to the negligible impact the project is expected to have, implementing mitigation measures for long-term traffic-related air quality impacts is unnecessary and unwarranted.

Regarding the project's waste water reclamation facility, the primary issue is the potential for off-site odor nuisance, typically from hydrogen sulfide ("H₂S") emissions. The Hawaii Department of Health has established a standard for H₂S of 0.025 ppm for a one-hour average. While this standard may provide protection from detrimental health effects of H₂S, it does not guard against odor nuisance. The odor threshold for sensitive individuals is generally taken to be about 0.005 ppm. The Petitioner's wastewater reclamation facility designer, Mana Water, has committed to limiting the concentration of H₂S at the facility boundary to 0.005 ppm. This, and the significant agricultural buffer around the facility, should effectively preclude the occurrence of offsite odor nuisance from the facility.

2. **Noise** – A Noise Assessment Report was prepared by D.L. Adams & Associates for the FEIS to describe the existing and future traffic noise levels in the environs of the project site. Recommendations for minimizing noise impacts are also provided (See **Exhibit #2**, Appendix D, "Noise Assessment Report" of the FEIS).

The various construction phases of the project will generate significant amounts of noise. Depending on when construction occurs, the project may impact existing adjacent properties, such as the homes and businesses adjacent to Honoapiilani Highway and Waiko Road. Similarly, residences from the initial phases may be impacted by construction noise from subsequent phases due to their proximity to the construction site. In cases where construction noise is expected to exceed the State Department of Health ("DOH") "maximum permissible" property line noise levels, a permit must be obtained to allow the operation of construction equipment.

Expected mechanical equipment may include air handling equipment, condensing units, refrigeration units, etc. Noise from this mechanical equipment at the commercial, mixed-use, and school sites could significantly impact the proposed adjacent noise sensitive residential areas. The DOH Community Noise Rule stipulates maximum permissible noise limits at the property line for mechanical equipment. The noise limits are 60 decibels ("dBA") during the day and 50 dBA during the night for business and commercial areas. Mitigation of mechanical noise to meet the DOH noise rules should be incorporated into the project design.

The build out of residential units may also incorporate stationary exterior mechanical equipment. For single family homes, noise limits are 55 dBA during the day and 45 dBA during the night. For multi-family homes, noise limits are 60 dBA during the day and 50 dBA during the night. As with the commercial build out, the design and selection of exterior mechanical equipment for the residential units must comply with the DOH property line noise limits.

Future year traffic projections show that the Federal Highway Administration ("FHWA") maximum noise limit of 67 dBA will be satisfied for homes that are located more than 60 feet from the edge-of-pavement of Honoapiilani Highway. The projected traffic volumes and speed limits on the future roadways that provide access to the WCT are not significant enough to generate noise levels greater than 60 dB at the adjacent residential property lines.

This is true for the main access roads off of Honoapiilani Highway as well as the future Waiale Road extension.

The results from the long-term noise measurements conducted at the WCT site indicate that the existing day-night level is less than 60 dBA for areas located beyond 65 feet from the edge-of-pavement along Honoapiilani Highway. Therefore, the noise levels for a majority of the project site are within the HUD site acceptability standards, which state a design goal of less than or equal to 65 dBA for day-night exterior noise level.

Residences within the project development that are located along Honoapiilani Highway and the major perimeter roadways will be exposed to elevated traffic noise. HUD site acceptability standards must be satisfied by providing minimum setback distances or other traffic noise mitigation measures in order to reduce the noise impact to these homes. Vehicular traffic noise from Honoapiilani Highway may impact the proposed development unless noise mitigation is considered. Table 13 identifies the minimum setback distances to satisfy the HUD Site Accessibility Standards.

Table 13: Minimum Setback Distances to Satisfy HUD Site Acceptability Standards

Minimum Setback Distances to Satisfy HUD Site Accessibility Standards	
Roadway	Setback
Honoapiilani Highway	65 feet
Future Waiale Road Extension	None Required
Future Main Street	None Required
Future Collector and Minor Streets	None Required

Noise impacts from the Wastewater Reclamation Facility

Based on data collected of similar facility and operations, the wastewater treatment facility is not expected to produce high noise levels at or beyond property lines adjacent to it. It is anticipated that noise level at the proposed WWRF site would be compliant with the DOH noise regulations for all operating hours and classifications. The exact noise level generated by the facility will be a function of the specific design, equipment selection, and operations. If noise from the proposed facility is significantly higher than the data collected at a similar facility, it may require additional acoustical mitigation based on the specifics of the actual equipment and design.

3. **Scenic and visual resources** – The project will change the character of the existing open space, Haleakala, and West Maui Mountain views along the frontage of the highway where the urban and rural development is being proposed. The frontage that will be impacted stretches approximately 4,700 linear feet just south of Waikapu in the direction of Maalaea, from the northern boundary of the MTP. The views from this area, where not impacted by existing vegetation within the right-of-way, are of agricultural lands and the West Maui mountains in the background looking in a mauka direction. Looking in a makai direction, where existing vegetation does not obstruct the views, Haleakala is prominent and views of the Pacific Ocean can also be seen where the existing vegetation does not obstruct these views (See **Exhibit #2**, Section V.A.6 and Figure 40, A-E of the FEIS).

While the existing character of the open space, Haleakala and West Maui Mountain views will be impacted by the project, setbacks of at least 60-feet, and in some areas up to 100-

feet or more, will be used along each side of the Honoapiilani Highway to separate the development from the public right-of-way. In order to mitigate the obstruction of views from the highway to the West Maui Mountains, buildings will be setback at least 75-feet from the highway and building heights will be limited to a maximum of 30-feet along the highway frontage. Buildings will also be separated, placed and oriented in a manner that will establish view corridors from the highway to the West Maui mountains. Building setbacks and placement will help to mitigate the project's overall impact upon the existing views of Haleakala and the West Maui mountains.

While the development will produce an impact upon the character of views fronting the urban and rural lands, it is important to note that the Applicant is also proposing to create a permanent 800-acre agricultural preserve that will exist on both the mauka and makai sides of Honoapiilani Highway. The preserves frontage is approximately 7,550 linear feet along the highway from the southern boundary of the project towards Maalaea. The approximate 800-acres of agricultural land will create a permanent open space buffer, and permanent separation between Waikapu Town and Maalaea. Along this section of the highway, largely unobstructed views of Haleakala, the West Maui mountains, and partial views of the Pacific Ocean will exist in perpetuity.

4. **Flora and Fauna** – Botanical and Faunal Surveys were conducted by Robert W. Hobdy, Environmental Consultant, in February 2013 for the area proposed for development and incorporated into the FEIS (See **Exhibit #2**, Appendix B of the FEIS, "Botanical and Faunal Surveys".) The study determined that there is little of botanical concern on the property and that the project is not expected to have a significant negative impact on botanical resources. No recommendations with regard to plants were deemed necessary. The study also found that all mammals recorded were common non-native species of no particular concern. However, the study did find two mature Blackburn's sphinx moth eggs on the leaves of one of two Tree Tobacco plants found on the property. The Blackburn's sphinx moth is an endangered species and is of special concern. In response to the findings, the U.S. Fish and Wildlife Service was consulted and appropriate mitigation measures, as described in **Exhibit #2**, Section IV.A.4, pages IV-16 to IV-18 of the FEIS, will be taken to mitigate impacts to the Blackburn's sphinx moth. Implementation of these measures will not constrain development of the site. **Exhibit #2**, Appendix S, "DEIS Agency and Community Comment and Response Letters", includes comment and response letters between the U.S. Fish & Wildlife Service and the Applicant related to the Project's potential impacts upon flora and fauna resources.
5. **Sustainability.** Act 181, Session Laws of Hawaii, 2011, established priority guidelines for sustainability in the Hawaii State Plan. Furthermore, the State of Hawaii's Clean Energy Initiative has adopted a goal of using efficient and renewable energy resources to meet 70% of Hawaii's energy demand by 2030, with 30% from efficiency measures and 40% from locally-generated renewable sources.

The Petitioner's Sustainability Plan applies sustainable elements in the project design, including: compact designed road networks with separated bicycle and pedestrian paths; use of recycled water from the project's WWRF; planned renewable energy use; energy efficient design and energy conserving fixtures; provision of a diverse and balanced mix of residential, commercial, and employment uses; creation of a safe and friendly pedestrian environment; installation of a dual water system; and installation of water conserving fixtures and irrigation systems. See **Exhibit #23** for the Project's Sustainability Plan.

COMPLIANCE WITH STATE URBAN AND RURAL DISTRICT STANDARDS

The Planning Department in its response to the Applicant's Petition to the LUC for a District Boundary stated that the reclassification to the State Land Use Urban District and State Rural District was consistent with the standards for determining Urban District boundaries as set forth in the LUC's Rules. The Planning Department also stated that the reclassification would also conform to the Maui Island Plan, which was adopted by the Maui County Council by Ordinance No. 4004, effective as of December 28, 2012. The Planning Department supported the Applicant's Petition for a District Boundary Amendment to provide their requested Urban and Rural District designations. **Exhibit #24** is the Department of Planning's August 2, 2017, Position Statement in response to the Petitioner's request for a SLUC District Boundary Amendment.

TESTIMONY

Testimony received during the lengthy review process is noted in **Exhibit #2**, FEIS, Appendix Q, "EISPN Agency Comment and Response Letters," and Appendix S, "DEIS Agency and Community Comment and Response Letters" with comments from applicable governmental agencies, community associations, and private individuals. During the LUC hearings, testimony was overwhelmingly favorable toward the project and its well-conceived master plan, creation of an agricultural preserve, facilitation of agricultural development on the project's agricultural lands, protection of cultural resources, and the creation of a multi-modal and pedestrian oriented community. Additionally testimony received during the Urban Design Review Board meeting was favorable and the Applicant has taken comments made by the UDRB into consideration as shown in **Exhibit #25** and incorporated comments into the Community Plan Text for Waikapu Country Town.

ALTERNATIVES

Community Plan Amendment

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Recommendation of Approval to the County Council. The Commission is not the final approving authority on Community Plan Amendments and, therefore, can only make a recommendation to the County Council to approve or deny the Community Plan Amendment. The County Council is the authority to act on Community Plan Amendments.
3. Recommendation of Denial to the County Council. The Commission is not the final approving authority on Community Plan Amendments and, therefore, can only make a recommendation to the County Council to approve or deny the Community Plan Amendment. The County Council is the authority to act on Community Plan Amendments.

Change in Zoning

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Recommendation of Approval to the County Council. The Commission is not the final

approving authority on Changes in Zoning and, therefore, can only make a recommendation to the County Council to approve or deny the Change in Zoning. The County Council is the authority to act on Changes in Zoning.

3. Recommendation of Denial to the County Council. The Commission is not the final approving authority on Changes in Zoning and, therefore, can only make a recommendation to the County Council to approve or deny the Change in Zoning. The County Council is the authority to act on Changes in Zoning.

APPROVED

A handwritten signature in dark ink, appearing to read "Michele McLean", is written over a horizontal line.

MICHELE MCLEAN
Director of Planning

EXHIBIT LIST FOR STAFF REPORT ON WAIKAPU COUNTRY TOWN COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING

Exhibit #1.	<i>Consolidated Application for a Community Plan Amendment and Change in Zoning for Waikapu Country Town, March, 2018 (DIGITAL)</i>
Exhibit #2.	<i>Final Environmental Impact Statement Waikapu Country Town ("FEIS"), December, 2016 (DIGITAL)</i>
Exhibit #3.	SLUC's Acceptance Determination of the FEIS published in The Environmental Notice (DIGITAL)
Exhibit #4.	Land Use Commission Decision and Order A15-798 (DIGITAL)
Exhibit #5	Regional Location Map
Exhibit #6	Aerial Location Map
Exhibit #7	Tax Map Key
Exhibit #8	Project Area Illustration
Exhibit #9	District Boundary Amendment Maps
Exhibit #10	Existing Wailuku-Kahului Community Plan Designations
Exhibit #11	Existing Zoning Map
Exhibit #12	MIP Planned Growth Area Description
Exhibit #13	Illustrative Land Use Plan
Exhibit #14	Conceptual Agricultural Master Plan
Exhibit #15	MIP Directed Growth Map C-3
Exhibit #16	MIP Planned Growth Areas for Wailuku/Kahului
Exhibit #17	Community Plan Amendment Maps
Exhibit #18	Change in Zoning Maps
Exhibit #19	Draft Waikapu Country Town Form-Based Zoning Code
Exhibit #20	Draft Waikapu Country Town Design Guidelines (DIGITAL)
Exhibit #21	Draft Description of the "Waikapu Country Town" Community Plan Designation
Exhibit #22	SHPD Acceptance Letter of the Archaeological Inventory Survey
Exhibit #23	Waikapu Country Town Sustainability Plan (DIGITAL)
Exhibit #24	County of Maui, Department of Planning, Position Statement
Exhibit #25	Urban Design Review Board Letter dated June 26, 2018 and response dated July 31, 2018
Exhibit #26	Traffic Study Area and Analyzed Intersections
Exhibit #27	Supplemental Letter from the State Department of Transportation
Exhibit #27A	Applicant Response to SDOT Supplemental Letter

Exhibits #1, 2, 3, 4, 20, and 23 are in digital format on flash drive.



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 WAIKAPŪ 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, 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, 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.

February 26, 2017 by

Executive Officer



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

In the Matter of the Petition of:)

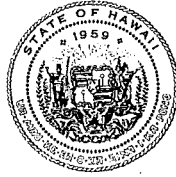
WAIKAPŪ PROPERTIES, LLC; MTP LAND)
PARTNERS, LLC; WILLIAM S. FILIOS,)
Trustee of the William S. Filios Separate Property)
Trust dated APRIL 3, 2000; and WAI'ALE 905)
PARTNERS, LLC,)

DOCKET NO. A15-798

To Amend the Agricultural Land Use District)
Boundaries into the Rural Land Use District for)
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Wailuku, Island and County of Maui, State of)
Hawai'i, consisting of 92.394 acres and 57.454)
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(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

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)
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certain lands situate at Waikapū, District of)
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(por) and to Amend the Agricultural Land Use)
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District for certain lands situate at Waikapū,)
District of Wailuku, Island and County of Maui,)
State of Hawaii, 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



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:	)	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 Wallette 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 place 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 Kauihou 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 Honoapiʻilani 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, Honoapiʻilani 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. Hobdy, 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 Hōkūao 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.

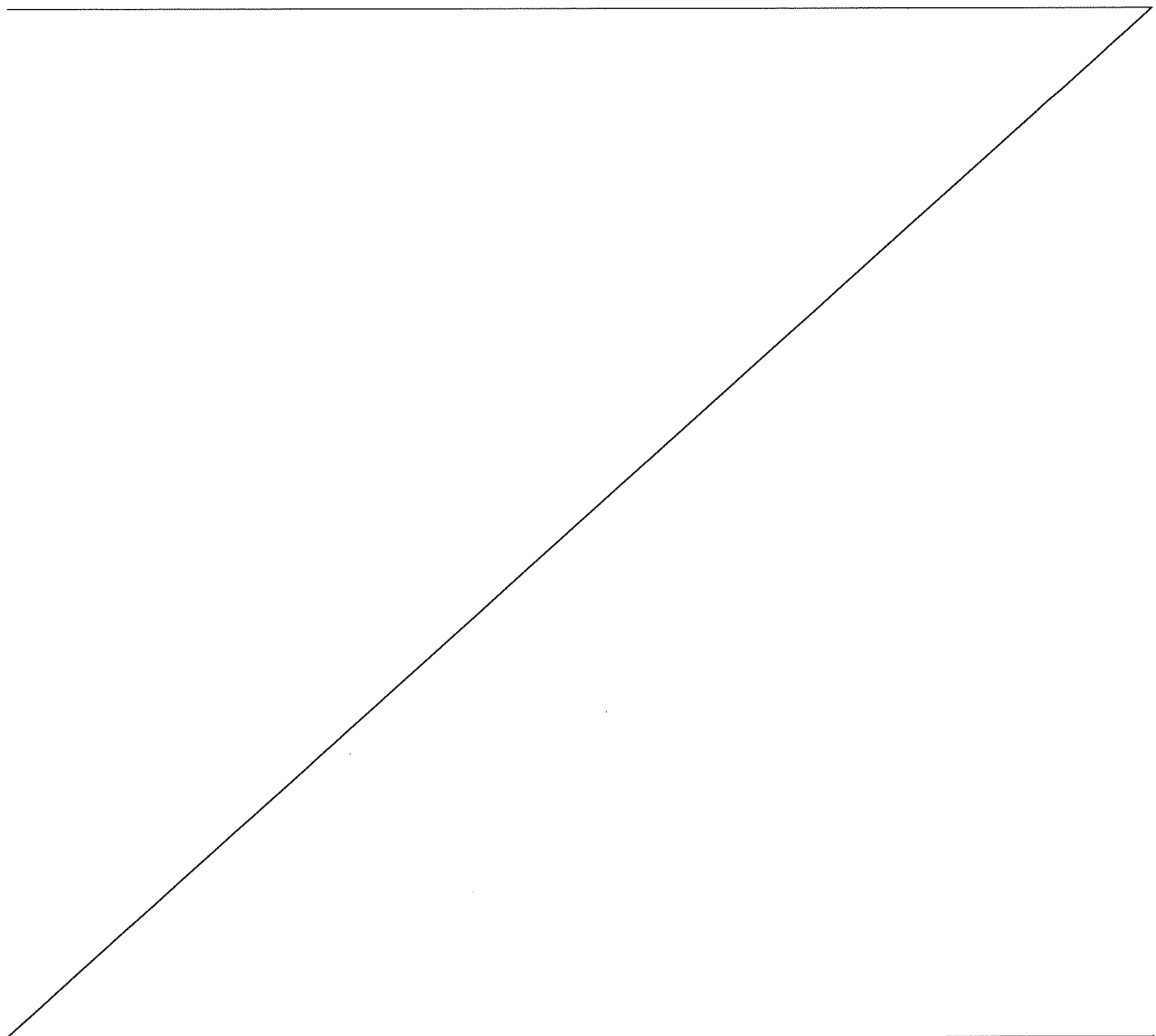
29 . Release of Conditions. The Commission may fully or partially release conditions provided herein as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.

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 26th 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 26th, day of February, 2018, per motion on February 21, 2018.

LAND USE COMMISSION

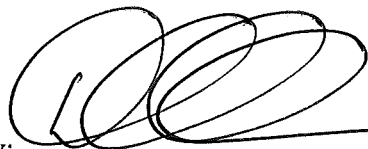
APPROVED AS TO FORM

STATE OF HAWAI'I

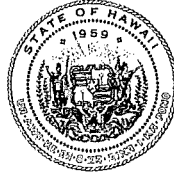

Deputy Attorney General

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) DOCKET NO. A15-798
Property Trust dated APRIL 3, 2000; and)
WAIALE 905 PARTNERS, LLC,)
)
To Amend the Agricultural Land Use District) CERTIFICATE OF SERVICE
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).)

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
6th 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

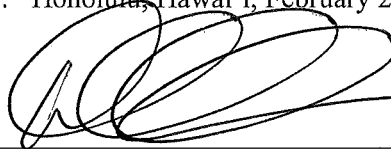
PATRICK K. WONG, Esq.
MICHAEL HOPPER, Esq.
Deputy Kaua'i County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Līhu'e, Kaua'i, Hawai'i 96766

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.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DANIEL ORODENKER
Executive Officer