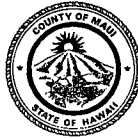


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 22, 2017

Mr. William Spence, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Spence:

**SUBJECT: COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY
AMENDMENT, AND CHANGE IN ZONING FOR PAIA 2020,
LLC (PAIA) (LU-13)**

The Council's Land Use Committee is in receipt of County Communication 17-126 from the Planning Director transmitting an application from Paia 2020, LLC, requesting a Community Plan Amendment, District Boundary Amendment, and Change in Zoning located at 120 Baldwin Avenue, Paia, Maui.

Pursuant to Section 205-3.5, Hawaii Revised Statutes, "Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, shall include the following conditions:

1. There shall be a prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District; and
2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any

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disclosure required for the sale or transfer of real property or any interest in real property.”

The property located on the west side of the proposed project site is designated State Land Use Agricultural District.

Furthermore, the Maui Planning Department’s Report to the Maui Planning Commission, dated October 25, 2016, states that the Maui Island Plan designates the project’s property to be within the planned “Paia Expansion” which is the Maui Island Small Town Growth Boundary. It further states, “This inclusion is critical in that the Maui Island Plan represents the culmination of a public review process about future direction for the Island of Maui.”

Accordingly, may I respectfully request that you respond to the following:

1. Since the western boundary of the subject property is contiguous or adjacent to a State Land Use Agricultural District, do you recommend that two conditions relating to the Hawaii Right to Farm Act be added to the proposed bill granting the district boundary amendment?
2. Excluding the approval of the Community Plan Amendment, District Boundary Amendment, and Change in Zoning, is there further action required by the Maui Planning Commission or County Council to achieve the inclusion of the property into the Maui Island Small Town Growth Boundary?

Thank you for your consideration of this request. May I also request that you submit your written response by July 7, 2017.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Gary Saldana at ext. 7137, or Clarita Balala at ext. 7668).

Sincerely,



ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:013apl01:grs

cc: Mayor Alan M. Arakawa