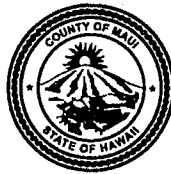


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTÉAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 30, 2017

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OFFICE OF THE MAYOR

OFFICE OF THE
COUNTY COUNCIL

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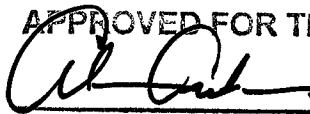
RECEIVED

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

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 6/30/17
Mayor Date

Dear Chair Carroll and Members:

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

**TMK (2) 2-5-005:063 (CPA 2013/0003) (DBA 2013/0001)
(CIZ 2013/0006) (SM1 2013/0005)**

The Department of Planning (Department) is in receipt of your letter dated June 22, 2017, regarding the above-referenced application from Paia 2020, LLC.

Question #1, as stated in your letter reads, "*Since the western boundary of the subject property is contiguous or adjacent to a State Land Use Agricultural District, do you recommend that the two conditions related to the Hawaii Right to Farm Act be added to the proposed bill granting the district boundary amendment?*" The Department's response is as follows:

The Department has a policy of not recommending additional conditions for activities that as in this case are protected under law (Chapter 165, the Hawaii Right to Farm Act). By reference from Chapter 165, it is stated - ***§165-4 Right to farm. No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance. [L 1982, c 256, pt of §1; am L 1986, c 242, §3; am L 2001, c 26, §2].***

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
June 30, 2017
Page 2

Question #2, as stated in your letter reads, *"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?"* The Department's response is as follows:

The Department wishes to state that the Maui Island Plan which went into effect on December 28, 2012, designates the property under review in this application to be in the Maui Island Small Town Growth Boundary; therefore, no additional action is needed as the property is currently in the Growth Boundary. This area is noted as also in the proposed "Paia Expansion" area. The fact that the property under review is already in the Small Town Growth Boundary, assisted the Department in recommending approval of this project.

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

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Maui Planning Commission Members (PDF)

WRS:KFW:rma

Project File
General File

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