

OFFICE OF PLANNING

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2013 JUN 26 P 2:01
LAND USE COMMISSION
STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A10-787
)	
MAUI R&T PARTNERS, LLC)	OFFICE OF PLANNING'S STATEMENT
)	OF POSITION; CERTIFICATE OF
To Amend the Land Use District Boundary)	SERVICE
of Approximately 253.05 Acres of Land)	
from the Agricultural District into the Urban)	
District at Kihei, Island of Maui, State of)	
Hawaii, Tax Map Key Nos. (2) 2-2-024: 016)	
and 017, and (2) 2-2-002:054 (por.))	

OFFICE OF PLANNING'S STATEMENT OF POSITION

The Office of Planning ("OP") supports the reclassification of the Petition Area from the Agricultural District into the Urban District, subject to certain conditions. Submitted pursuant to Hawaii Administrative Rules ("HAR") §15-15-55, this Statement of Position summarizes OP's position and those of State departments impacted by the proposed boundary amendment. OP's position is based on the representations of the Petitioner and documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings. Additional information that may become available will be reflected in OP's written testimony.

PETITION OVERVIEW

General Information

Maui R&T Partners, LLC ("Petitioner") requests that the Land Use Commission ("Commission") reclassify approximately 253.05 acres of land in Kihei, Island of Maui from the

State Agricultural District to the State Urban District. The Petitioner is the owner in fee simple of the Petition Area consisting of Tax Map Key ("TMK") Nos. (2) 2-2-024: 016 and 017, which consist of approximately 129.207 acres. Haleakala Ranch is the owner of TMK (2) 2-2-002:054 (por.) which consists of approximately 123.843 acres. Haleakala Ranch has authorized the Petitioner to file this Petition.

The Maui Research and Technology Park ("Project") is an existing, operational technology industry park encompassing 150.032 acres of State Urban District land located in Kihei, Maui. On July 15, 1985, the Commission approved Docket No. A84-585 reclassifying approximately 150 acres to the State Urban District, and also approved 150 acres for incremental districting pursuant to HAR § 15-15-78. On February 25, 1986, the Commission issued an amended Decision and Order modifying the Petition Area by shifting the location of the Urban District lands and the lands approved for incremental districting. The Petitioner is no longer seeking the incremental districting of the 150 acres because the Project being proposed is now different from the Project approved in 1985.

The Petitioner now seeks to expand the Project by reclassifying 253.05 acres of adjacent lands to the existing 150.032 acres of Urban lands to create a 403.082-acre multi-use employment and residential community. The Petitioner has submitted a motion to amend the Amended Findings of Fact, Conclusions of Law and Decision and Order dated February 25, 1986 in Docket No. A84-585 to allow for the change in uses that will include a village center and housing, as well as an expansion of the industrial and employment component. A separate motion has also been submitted to consolidate the hearings for Docket Nos. A84-585 and A10-787.

Proposed Use of the Petition Area

The 253.05-acre Petition Area, located on three separate parcels, will expand upon an existing and adjoining 150.032-acre technology park. The Petitioner proposes to develop the Petition Area, and the existing 150-acre Urban District area approved by Docket A84-585, into an employment center with a sustainable and walkable community where people can live, work and play. The Project Master Plan proposes to include the following components: employment core; knowledge industry expansion accommodating up to 2 million square feet of building area on a diversity of lot sizes; a 64-acre mixed-use village center including a mix of housing, office,

civic, park, and neighborhood serving retail; a mix of 1,250 single-family and multi-family residential units; and an open space network and parks.

Implementation of the Project is proposed to occur in two phases with key infrastructure improvements tied to the phase of development, and as improvements are warranted. An *Incremental Development Plan* has been prepared in compliance with HAR § 15-15-50(c)(19) since the Project will take more than 10 years to develop.

Phase 1 includes approximately 750 residential units and 700,000 square feet of commercial and industrial floor area. Phase 2 to begin in 2025 will include approximately 500 residential units and 1,300,000 square feet of commercial and industrial floor area. Major infrastructure improvements include the sewer system, potable water system, non-potable water system, storm drainage system, and roadways.

Petition Area Description and County Land Use Designations

The Petition Area is situated in Kihei, located east of Piilani Highway, and accessed via Lipoa Parkway. The Petition Area consists of three distinct parcels located adjacent to the south, east, and north of the existing Maui Research and Technology Park. The current land use consists of undeveloped lands dominated by kiawe trees and buffelgrass, and has historically been used as grazing land for domestic cattle. Adjoining the Petition Area to the north is the Waipuilani Gulch and proposed Kihei High School; to the west is the Elleair Maui Golf Club. The remainder of surrounding adjoining properties consists of undeveloped grazing land.

The Petition Area is within the County of Maui's *Kihei-Makena Community Plan*, designated as "Project District 6 (R&T Park)" and "Public/Quasi-public" use, and is zoned by the County as "Agricultural." Both a Community Plan Amendment and Change-in-Zoning will be sought to bring the entire Project site into a newly proposed, "Maui Research and Technology Park District." The *Maui Island Plan's Directed Growth Map* indicates the Petition Area is within the urban growth boundary.

An Environmental Impact Statement was prepared pursuant to Hawaii Revised Statutes ("HRS") Chapter 343, and HAR Chapter 11-200, due to the proposed amendment to the *Kihei-Makena Community Plan*. On April 19, 2013, the *Final Environmental Impact Statement* ("FEIS") filed by Maui R&T Partners, LLC was accepted by the Commission.

KEY ISSUES OF CONCERN TO THE STATE

The following summarizes key issues related to areas of State concern in HRS §§ 205-16 and 205-17. OP's written testimony will recommend appropriate conditions, as necessary, to address any reasonably foreseeable impacts from the proposed project that have not been addressed by commitments made by Petitioner to avoid, minimize, or mitigate these impacts.

Impacts on Areas of State Concern

Natural Systems and Habitats

Water resources. The Petition Area will require the development of a potable water source. The existing water supply is delivered to the project area via a waterline along Lipoa Parkway. The County Department of Water Supply ("DWS") cannot commit to providing potable water beyond the 18 lots within the existing technology park without further improvements. Petitioner estimates that the Project (including both Phase 1 and 2 of development, and not including the area already supplied water by the DWS) will have a potable water demand of 798,065 gallons-per-day ("gpd"), and a non-potable demand of approximately 373,329 gpd for landscape irrigation.

To meet the Project's water demand, five off-site or on-site brackish wells are proposed with the use of a Reverse Osmosis ("RO") filtration process to obtain potable water. Potable water would be directed to storage tanks while the non-potable water would be directed to underground disposal wells and to a non-potable water storage tank. A total potable water storage capacity of 1.5 million gallons will ultimately be needed for Phase 1 and 2 of the Project.

Non-potable water used for irrigation purposes will primarily be supplied by R-1 reclaimed wastewater from the Kihei Wastewater Treatment Plant ("WWTP"). The County's Wastewater Reclamation Division has indicated there may be periods where the R-1 supply may not be sufficient to accommodate the landscape irrigation needs. In order to meet the Projects non-potable water needs, the Petitioner has proposed alternatives that would provide for non-potable water produced by the brackish water RO process.

The Commission on Water Resource Management ("CWRM") has concerns regarding the RO process as follows:

"This application presents an issue of first impression for Hawaii. To date, desalinization (with its attendant waste disposal problems and very high energy requirements) has not been the basis for supplying potable water for a major urban use, especially a project involving 750 single family

houses and 500 multi-family units. It is a potentially risky action. Even though the technology is used elsewhere in the world, there are major implications for the County, especially if the plant should cease operation.”

CWRM also noted that the Petition Area has an existing well (no. 6-4426-003) that is owned by the Petitioner and it yields water that exceeds the Environmental Protection Agency’s secondary potable guideline which sets non-mandatory water quality standards for 15 contaminants; a well completion report for this well has yet to be submitted as required by its permit; and prior to any new well construction related activities, the Petitioner will need to secure all necessary permits for well construction and pump installation. Refer to the attached CWRM letter dated June 19, 2013 (Attachment A).

OP requests that Petitioner indicate any impact assessments of the proposed desalination process on the underlying aquifer. OP further recommends that Petitioner address these issues with CWRM and the County as soon as possible. A condition to address this issue will depend on facts presented by party experts during these proceedings.

Flora and Fauna. Botanical and biological surveys were conducted for the Petition Area and no federal or State threatened or endangered species, or species of concern were identified during the course of the field surveys. The survey indicated it is possible that small numbers of the endangered endemic Hawaiian Petrel bird and threatened Newell’s Shearwater bird will fly over the project area between the months of May and November. If night time construction activity occurs during these months, the survey recommends consideration given to lights being shielded to reduce the potential interaction with the nocturnal birds.

OP will recommend a condition requiring that exterior lighting is down-shielded to minimize the harmful effects of lighting on avifauna.

Archaeological, Historic, and Cultural Resources

The *Cultural Impact Assessment* concluded that development of the site will not impact cultural resources within the Petition Area. Based on general archaeological and historical research, the area was not subject to permanent or expansive population due to the lack of productive natural resources. The FEIS recommends that a qualified cultural specialist should provide for a cultural orientation for construction personnel, and provide advice for cultural concerns during the length of the project.

The *Archaeological Inventory Survey* (“AIS”) found five historic sites featuring historic modified outcroppings, a traditional or historic boundary wall, a military training feature, and three mounds which are traditional location markers. Subsurface testing was not conducted due to extremely shallow soil deposits and site locations over bedrock. The features were given a significance assessment of Criterion D - a site that has yielded, or has the potential to yield, information important to prehistory. An archaeological site can be considered no longer significant if Criterion D is the only applicable criterion and sufficient information has been collected from the site during the archaeological assessment. All sites identified by the AIS were assessed as significant under only Criterion D.

The AIS does not recommend archaeological monitoring. However, the State Historic Preservation Division (“SHPD”) indicates that *Site #50-50-10-6241*, which is identified as a traditional or historic boundary wall located in the Waipuilani Gulch, should be bordered by a protective orange construction fence prior to ground altering disturbances within TMK No. (2) 2-2-024:017. On October 27, 2008, the SHPD determined the AIS is acceptable.

OP will request a condition to protect Waipuilani Gulch and ensure that appropriate mitigation measures are undertaken if any cultural, historic or archaeological findings occur during construction-related activities.

Natural Resources Relevant to Hawaii’s Economy

Agricultural lands. The Petition Area has high solar radiation but poor soils, and lack of irrigation water indicate the property is poorly suited for growing commercial field crops. The proposed Project would eliminate 102 acres of grazing land from the Haleakala Ranch, which the Ranch anticipates will not have a significant impact on cattle operations.

The State Department of Agriculture (“DOA”) finds the project will not adversely affect the existing agricultural activities or agricultural resources of the area. The Land Study Bureau rates the overall productivity of the soils as “E - not suitable” for agricultural production. Under the Agricultural Lands of Importance to the State of Hawaii (“ALISH”), the Petition Area land is not classified in the ALISH agricultural productivity rating system. Refer to the attached DOA letter dated June 12, 2013 (Attachment B).

Sustainability, energy and resource. 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 percent of Hawaii's energy demand by 2030, with 30 percent from efficiency measures and 40 percent from locally-generated renewable sources.

The Petitioner's *Sustainability Plan* applies sustainable elements in the project design, including: compact designed road networks with bicycle and pedestrian paths, use of recycled water, encouragement of renewable energy use, providing a diverse and balanced mix of uses, creating a safe and friendly pedestrian environment, and providing a variety of connections to surrounding developments, including the use of an efficient and effective transit system.

OP commends the Petitioner for pursuing smart growth and sustainability principles in the Project's master plan concept and design.

Commitment of State Funds and Resources

Transportation. Project related transportation congestion in the area poses significant challenges to the Piilani Highway if Project related impacts are not mitigated appropriately. The FEIS and *Traffic Impact Analysis Report* ("TIAR") have identified alternative measures to alleviate congestion on the Highway and local roads.

The State Department of Transportation ("DOT") has reviewed the Petition and TIAR, and has several concerns regarding the TIAR. DOT is requesting Petitioners submittal of a revised TIAR which addresses the concerns and conditions detailed in its June 20, 2013 Memorandum (Attachment C). DOT concerns include:

- The TIAR's internal capture rates and reductions appear high and should be further justified. The estimated trip generation volumes for the future committed developments in the Kihei area should be indicated in the traffic forecast analysis. Mode reduction for pedestrians and bicycles may not be allowed.
- The operating level of service ("LOS") with the project should reflect mitigation of all transportation impacts to maintain the without project scenario operating LOS and delay levels for the horizon years.
- Mitigation improvements should maintain or improve the highways LOS to "D" or better. A LOS lower than the No Build Scenario is not acceptable to DOT.
- DOT is concerned that the Liloa Drive Extension and Mauka Collector are not in the Statewide Transportation Improvement Program and will not be completed.
- Several of the turn movements at the highway intersection with Kaonoulu Street are projected to operate at a LOS of "F" during the p.m. peak, and several other

highway intersection turning movements within the study area are projected to operate at LOS "E".

DOT recommendations for conditions include:

- Acceptance of a revised TIAR prior to zone change approval by the County.
- Mitigation improvements at Liloa Parkway / Piilani Highway for Phase 1.
- Operational improvements at a new Hookena Street / Piilani Highway intersection.
- Provisions for a new intersection with Old Welakahao Road / Piilani Highway.
- Provisions for the Liloa Drive extension.
- Provisions for the mauka connector road.
- Funding of all recommended transportation mitigation improvements, dedication of land as required, and fair share contribution to regional improvements.
- Access rights to Piilani Highway at Hookena Street.
- Mitigation of traffic noise impacts.
- Execution of a Memorandum of Agreement with the DOT.

OP will recommend conditions to ensure that DOT concerns with the TIAR and related impacts to the State highway are addressed to ensure appropriate and timely mitigation of transportation impacts for all users.

Civil defense. This location currently does not have an outdoor warning system. State Civil Defense recommends that one omni-directional 121 db(c) solar powered siren be installed for coverage of the proposed Project. Since the project will increase the residential population in an area with limited safe room options, State Civil Defense recommends incorporation of hardening measures for safe rooms to withstand high wind and seismic events. Refer to the attached Department of Defense letter dated June 12, 2013 (Attachment D).

OP will recommend a condition to address the provision of a siren system and safe rooms.

Schools. Within the mixed use center area of the Project, provisions are made to accommodate a ten-acre public or private elementary or intermediate school. Adjacent to the Petition Area is the proposed Kihei High School (Docket No. A11-794). The Petitioner has projected that the Project could increase the student population by 479.

The DOE has indicated that the Project's residential development will be required to pay school impact fees, and that the developer should be aware of the appropriate time to enter into an impact fee agreement as provided in HRS § 302A-1603. The school impact fees will mitigate the impact on school facilities from new students who are expected to reside within the Petition Area. Refer to DOE's Memorandum dated June 12, 2013 (Attachment E).

OP will recommend a condition requiring compliance with school impact fees.

Other Issues of Concern

Housing. The Project proposes to construct 1,250 residential units; 750 units in Phase I and 500 units in Phase 2 of development. Housing options will consist of a mix of multi-family homes, single-family homes, and townhouse units. The estimated price range of the proposed units will be between \$280,000 and \$1,000,000 with the units being targeted for a range of homeowners, including workforce affordable homes in compliance with Maui County Code Chapter 2.96.

Wastewater. The existing technology park lots are served by a privately owned and maintained wastewater system which collects and conveys water to the Kihei WWTP. Expansion of service within the Petition Area will consist of new gravity sewer mains located primarily within planned roadways to collect wastewater from the developed lots and convey it to new or existing sewer pump stations that will then convey it to the Kihei WWTP. Incremental improvements to increase the capacity of the existing Kihei WWTP pumping system will be required to accommodate the larger design peak wastewater flows generated by Phases 1 and 2 as they are built out. Capacity improvements may also be required by the County.

The Kihei WWTP currently treats an average daily flow of approximately 3.4 mgd, and has a treatment capacity of 8 mgd, leaving an available amount of 4.6 mgd based on actual average daily flows. If the calculation is based on allocated wastewater flows then the amount available would be 1.2 mgd. Treatment capacity at the Kihei WWTP should be sufficient to accommodate the Project.

Drainage. The Petition Area is located between major drainage ways: Waipuilani Gulch to the north, and Keokea Gulch to the south. The area east, or mauka, of the Petition Area consists of higher elevated undeveloped lands which create an east-to-west directional runoff, situating the Petition Area in the drainage path. Flows draining westerly enter the Petition Area, flow through the Project site, through the Elleair Golf Course to culverts under Piilani Highway,

and then to the ocean. Flows generated within the Petition Area enter into minor drainage areas before joining with off-site generated flows. Off-site runoff will be allowed to pass through the Project site without further mitigation.

Project development is expected to increase the peak flow rate of runoff. However, the increase in drainage caused by the project will be retained on-site in accordance with the County of Maui's Drainage Rules. An on-site drainage plan has been prepared to mitigate surface runoff caused by seasonal storm events. Facility design for peak post-development runoffs are based on a 50-year, 1-hour storm. The collective result of all land uses in the Petition Area employing peak runoff mitigation will be a no increase in peak runoff downstream of the Petition Area.

Notable elements of the drainage system may include: drainage detention basins distributed among internal drainage areas for roads and residential areas; commercial and institutional lots that will be required to mitigate its own increase in runoff by constructing subsurface storage chambers, or above ground drainage ponds within each lot; drainage reserve areas that include modification of existing natural drainage ways with bank stabilization and erosion control measures; use of vegetated surface drainage facilities to treat and infiltrate stormwater in order to control water pollution, reduce peak flows and runoff volumes, and promote groundwater recharge; use of porous pavements on pedestrian and bike paths to promote infiltration; and encouragement for residential, commercial, and institutional building occupants to utilize vegetated drainage facilities in their building site planning.

OP appreciates the Petitioner's consideration of low impact development ("LID") measures and will recommend a condition that the Petitioner incorporate LID techniques and technologies in the design and construction of the Project's drainage or stormwater management system.

Provision for Employment Opportunities and Economic Development.

The proposed Project will immediately provide for the creation of local construction related jobs lasting over the course of its build-out. The economy will be strengthened by attracting technology and knowledge based industries that create high paying jobs as well as other service and support related jobs. The *Economic Impact Analysis* indicates that the construction of the Project and ongoing operations/maintenance of the residences, onsite commercial and industrial/businesses, and community facilities, will provide approximately

3,300 jobs per year over a 19-year period. After stabilization, the Project will support some 5,800 permanent jobs onsite.

SUMMARY OF CONFORMITY WITH APPLICABLE DISTRICT STANDARDS, STATE PLANNING STATUTES, COUNTY PLANS, AND OTHER DECISION-MAKING CRITERIA

The Petition Area is adjacent to lands currently classified as State Urban District, including the existing research and technology park, the Elleair Golf Course, and the land west of Piilani Highway. The Petition generally meets the standards for determining State Urban District boundaries as set forth in HAR § 15-15-18. With appropriate mitigation, the proposed reclassification is generally consistent with one or more objectives, policies, and priority guidelines of HRS Chapter 226, the Hawaii State Plan. In particular, the proposal supports a steadily growing and diversified economic base, supports the information industry, provides for housing opportunities, and provides for educational opportunities. The reclassification will complement the Administration's priorities in its *New Day Comprehensive Plan* by supporting the economy, jobs, housing, small businesses, and education. The Petition generally conforms to the Coastal Zone Management objectives and policies set forth in HRS § 205A-2. The Petition area does not meet the criteria for important agricultural lands as specified in HRS § 205-41.

The Petition Area is consistent with infill development policies in the County *General Plan: Countywide Policy Plan* adopted by Ordinance No. 3732 on March 24, 2010, and lies within the urban growth boundary of the *Maui Island Plan* adopted by Ordinance No. 4004 on December 28, 2012. The *Kihei-Makena Community Plan* was adopted by Ordinance No. 2641 and became effective on March 6, 1998. The Petition Area will require an amendment to the *Community Plan* from "Agricultural", "Public/Quasi-Public" and "Project District 6" to "Maui Research and Technology Park District", and a change in zoning from "Agricultural" to "Maui Research and Technology Park District".


Based on our preliminary assessment of the Project with respect to the Commission's decision-making criteria, OP supports the proposed boundary amendment with conditions that will address the concerns raised herein. The proposed boundary amendment does not conflict with HRS Chapter 205 and generally meets the Commission's decision-making criteria contained in HRS Chapter 205 and HAR Chapter 15-15. OP's position is contingent on the Petitioner's commitment to avoid, minimize, or mitigate Project impacts identified by the State

herein and in this proceeding to the satisfaction of the relevant State agencies prior to the close of the Petitioner's case-in-chief, or by agreed-to conditions of approval.

OP distributed the Petition to State agencies for their review and comments; additional information or concerns may be forthcoming. Specific impacts on areas of State concern and recommendations on conditions to mitigate Project impacts will be discussed further in OP's written testimony.

DATED: Honolulu, Hawaii, this 26th day of June 2013.

OFFICE OF PLANNING
STATE OF HAWAII



JESSE K. SOUKI
Director

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

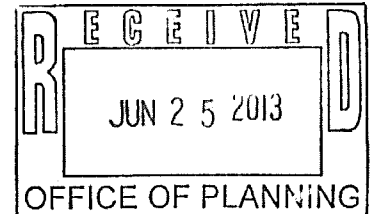


STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

June 19, 2013

WILLIAM J. AILA, JR.
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Mr. Jesse K. Souki, Director
Office of Planning
Department of Business, Economic Development & Tourism
235 South Beretania St., 6th Floor
Honolulu, HI 96804



74890
ORIGINAL

Dear Mr. Souki:

SUBJECT: Maui R & T Partners, LLC, Park Expansion SLUDB, Kihei, Maui

FILE NO.: LUC A10-787

TMK NO.: (2) 2-2-024:16&17, 2-2-002:54 (por)

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrn>.

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.
6. We recommend the use of alternative water sources, wherever practicable.
7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

DRF-GN 03/20/2013
Attachment A

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrm/info_permits.htm.

- 8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- 9. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- 10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 12. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 13. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER:

The project anticipates residential, commercial/industrial, and park development to complement expanded research and technology campus development toward a more complete suburban environment, estimating about 750 single-family and 500 multi-family residences and 81 to 141 acres of additional space. The document anticipates drilling five new brackish wells at the 580 ft. elevation contour to supply on the order of 1.171 mgd, about 60% of that to be treated through reverse osmosis to potable quality.

Parcel 54 has an existing well (6-4426-003) owned by Maui Research and Technology Partners, LLC. It yields brackish water that exceeds EPA's secondary potable guideline. The well is reporting use, but the Commission has not received the well completion report required under its permit. This is a potential violation of the Water Code. It should be resolved as soon as possible.

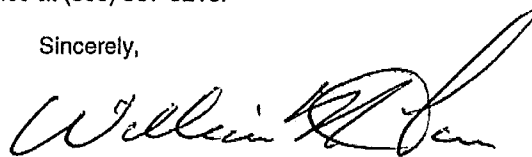
Two wells at the targeted upslope elevation (4424-001 and 4425-001) are less brackish. They report a small use from both these wells, and had originally anticipated greater use for development. They may provide a window into the prospects of proposed water development for the R & T Park expansion.

Development of new wells requires pump tests to determine whether the proposed pumping is sustainable. Spacing between wells and the number of wells are contingent upon the results of actual drilling and testing.

This application presents an issue of first impression for Hawaii. To date, desalinization (with its attendant waste disposal problems and very high energy requirements) has not been the basis for supplying potable water for a major urban use, especially a project involving 750 single family houses and 500 multi-family units. It is a potentially risky action. Even though the technology is used elsewhere in the world, there are major implications for the County, especially if the plant should cease operation.

If there are any questions, please contact Charley Ice at (808) 587-0218.

Sincerely,



WILLIAM M. TAM
Deputy Director

c: DLNR-Land Division

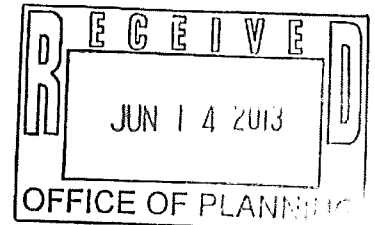
NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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Phone: (808) 973-9600 FAX: (808) 973-9613



June 12, 2013

Mr. Jesse K. Souki, Director
Office of Planning
235 S. Beretania Street, 6th Floor
Honolulu, HI 96804

74862
ORIGINAL

Dear Mr. Souki:

Subject: Petition for Amendment to the State Land Use District Boundaries
Land Use Commission Docket No. A10-787
Maui R & T Partners
Kihei, Maui, Hawaii
TMK: (2) 2-2-024:016 and 17; 2-2-002:54 (por)
Acreage: 253.05 acres

The Hawaii Department of Agriculture (HDOA) has reviewed the subject petition and the Final Environmental Impact Statement (FEIS) and does not object to the Petitioner's request, as we believe the project will not adversely affect the existing agricultural activities or agricultural resources of the area. HDOA offers the following comments on the petition and FEIS for the subject lands.

- 100% of the subject lands are rated "E" by the Land Study Bureau's Detailed Land Classification for the Island of Maui. 100% of the land is not in the Agricultural Lands of Importance in the State of Hawaii.
- While Petitioner prefers to use water from the County of Maui public water system, in the alternate, Petitioner plans to source its drinking waters from on or off site wells drawing brackish groundwater from the Kamaole Aquifer. The pumpage from the wells will be within the State Commission on Water Resources Management's definition of the sustainable supply for the aquifer.
- The Maui Research and Technology Park (MRTP) expansion areas are still used by Haleakala Ranch. Development of the project will remove around 102 acres of grazing land from the ranch, or approximately .44% of the ranches 23,000 acres of grazing land on Maui. The expansion area is unsuitable for other commercial field crops.



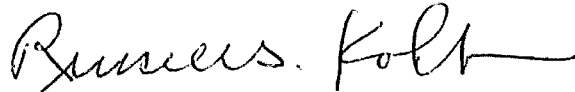
Attachment B

Mr. Jesse Souki, Director
June 12, 2013
Page 2 of 2

- Petitioner is planning to notify future MRTP residents that farming activities will occur on abutting agricultural lands. In addition, Petitioner will establish landscape planting around the perimeter of the property with a buffer to mitigate potential agricultural use conflicts.

From the comments above, the proposed boundary amendment for the subject lands does not appear to significantly impact agriculture on Maui.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell S. Kokubun", with a long horizontal flourish extending to the right.

Russell S. Kokubun, Chairperson
Board of Agriculture

NEIL ABERCROMBIE
GOVERNOR



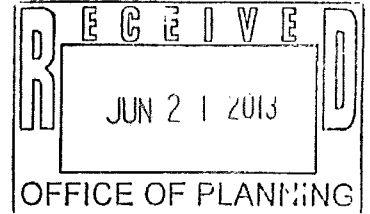
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

HWY-PS
2.5048

June 20, 2013



74885

TO: JESSE K. SOUKI, DIRECTOR
OFFICE OF PLANNING
DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

FROM: GLENN M. OKIMOTO, PH.D.
DIRECTOR OF TRANSPORTATION

ORIGINAL

SUBJECT: EXPANSION OF EXISTING RESEARCH & TECHNOLOGY PARK
PETITION FOR AMENDMENT OF STATE LAND USE DISTRICT BOUNDARY
LAND USE COMMISSION DOCKET A10-787, AGRICULTURAL TO URBAN,
MAUI, KIHEI, TMK: (2) 2-2-024:054 (por.) and (2) 2-2-024:016 and 017

Thank you for the opportunity to review the subject petition to amend the State land use district boundary from the State Agricultural to Urban District for approximately 253 acres of land for the expansion of the existing Maui Research and Technology Park (MRTP).

The MRTP Master Plan Update MPU proposes the conversion of the MRTP from a high tech innovation park into a multi-use development with an employment core, knowledge industry, commercial and civic uses, residential areas, open space and parks in two phases on an expanded 411 acre site. Phase 1, scheduled for completion in 2024, will consist of 723,200 square feet (SF) of Employment, 100,000 SF of Retail, 750 Residential Dwelling Units, 150 Hotel Rooms and a 102,000 SF Elementary School. Phase 2, scheduled for completion in 2034, will consist of 1,014,800 SF of Employment and 500 Residential Dwelling Units.

Current access to the existing park is from Lipoa Parkway at its intersection with Piilani Highway. Piilani Highway, State Route 31, is functionally classified as a Principal Arterial with a posted speed limit of 40 MPH.

The Department of Transportation (DOT) has the following concerns:

1. With reference to the Traffic Impact Analysis Report (TIAR) prepared by Parsons Brinckerhoff, Inc. dated February 2012, revised February 2013, the internal capture rates and reductions appear high and should be further justified in order for DOT to evaluate. The estimated trip generation volumes for the future committed developments in the Kihei area should be indicated in the traffic forecast analysis and acceptable to DOT. Mode reduction for bicycles and pedestrians may not be allowed by DOT.

2. In the Revised TIAR, the operating level of service (LOS) with the project (Build scenario) and with the recommended mitigation improvements should reflect the DOT guideline that the Petitioner mitigates all transportation impacts due to the project in order to maintain the without project scenario operating LOS and delay levels for the horizon years. In addition, where the LOS in the without the project scenario is worse than the DOT guideline threshold of LOS "D", DOT recommends that the Petitioner provide mitigation improvements to improve the through movements and turning movements from Piilani Highway to a desirable LOS "D" or better in the with the project scenario.
3. Phase 1 and Phase 2 under Scenario 3 with the recommended local and direct transportation mitigation improvements for MRTP, but without the planned Regional Roadway improvements, are not acceptable to DOT, as the projected operating LOS for many of the movements are lower than for the No Build Scenario. Furthermore, many of the through and turning movements from Piilani Highway at the intersections within the study area are projected to operate at LOS "E" and "F".
4. With regard to Phase 1 (year 2024) under Scenario 4 with the recommended local and direct transportation mitigation improvements for MRTP and with the planned Regional Roadway improvements, DOT is concerned that the regional Liloa Drive Extension is not in the Statewide Transportation Improvement Program (STIP) or the Maui Island Plan and therefore may not be completed prior to Phase 1. DOT is also concerned that at the intersection with Kaonoulu Street, the Piilani Highway northbound (NB) through traffic, NB left-turn and southbound (SB) left-turn movements are projected to operate at LOS "F" during the PM peak hour, and several turning movements from Piilani Highway at other intersections within the study area are projected to operate at LOS "E" and "F".
5. With regard to Phase 2 (year 2034) under Scenario 4 with the recommended local and direct transportation mitigation improvements for MRTP and with the planned Regional Roadway improvements, DOT is concerned that the regional Liloa Drive Extension, the regional Mauka Collector (2 lanes) from south of MRTP to Mokulele Highway are not in the STIP or the Maui Island Plan, and therefore may not be completed prior to Phase 2. DOT is also concerned that at the intersection with Kaonoulu Street, the Piilani Highway NB left-turn and SB left-turn movements are projected to operate at LOS "F" and several turning movements from Piilani Highway at other intersections within the study area are projected to operate at LOS "E".

DOT recommends the following conditions:

1. Petitioner shall revise the TIAR dated February 2012, revised February 2013, and obtain acceptance of the Revised TIAR from DOT prior to approval of a change of zone from the County of Maui. The Revised TIAR shall address the concerns and conditions in this memorandum and shall recommend additional mitigation measures for potential project-related traffic impacts on State facilities, as required, to the satisfaction of the DOT.

2. Petitioner shall provide additional improvements to the existing access from Lipoa Parkway at its intersection with Piilani Highway for Phase 1, as recommended in the TIAR, revised February 2013, and subject to other recommendations in the Revised TIAR.
3. Petitioner shall provide a new right-turn-in and right-turn-out (RIRO) access (second access) from the proposed Hookena Street/Piilani Highway intersection, across the existing East Waipuilani Road RIRO intersection for Phase 1, with the transportation mitigation improvements recommended in the TIAR, revised February 2013, and subject to other recommendations in the Revised TIAR. The existing 80-foot wide permitted vehicular access at that approximate location shall be validated.
4. Petitioner shall provide a third access to MRTP from a new intersection with the Old Welakahao Road (Not a State facility), east of the Old Welakahao Road/Piilani Highway intersection for Phase 2, with the transportation mitigation improvements recommended at the Old Welakahao Road/Piilani Highway intersection in the TIAR, revised February 2013, and subject to other recommendations in the Revised TIAR.
5. Phase 1 based on Scenario 4 in the Revised TIAR shall be subject to the Liloa Drive Extension being completed and operational prior to Final Subdivision Approval being granted for Phase 1.
6. Phase 2 based on Scenario 4 in the Revised TIAR shall be subject to the Liloa Drive Extension, the Mauka Collector with direct access to Mokulele Highway, and the Kihei Upcountry Highway being completed and operational prior to Final Subdivision Approval being granted for Phase 2.
7. Transportation mitigation improvements recommended by the Revised TIAR or Updated TIAR to support each phase or development threshold of the project, shall be completed prior to the issuance of a certificate of occupancy for the first residential unit, or building in that phase. The Revised TIAR shall be updated and submitted to DOT for review and acceptance every five (5) years.
8. Petitioner shall fund and provide for the planning, design and construction of all recommended transportation improvements required to mitigate local and direct project generated and/or related transportation impacts, in accordance with the Revised TIAR, as accepted by DOT, at no cost to the State. Petitioner shall also dedicate land to accommodate auxiliary lanes on Piilani Highway, as required.
9. Petitioner shall provide its fair share contribution toward the cost of regional transportation improvements to State highways, as determined by Petitioner and DOT. Regional improvements may also include the reservation and contribution of land for such improvements.

10. Petitioner shall pay to DOT the fair market value for access rights to Piilani Highway at the proposed Hookena Street/Piilani Highway intersection, in addition to any recommended and required transportation mitigation measures for project-related traffic impacts on State facilities.
11. Petitioner should determine the traffic noise impacts to the proposed MRTP and address the impacts by noise compatible planning and abatement measures to comply with the noise level requirements in the current DOT Highway Noise Policy and Abatement Guidelines. The Petitioner shall provide noise abatement measures, at no cost to DOT.
12. A Memorandum of Agreement (MOA) between Petitioner and DOT shall be prepared based on the concerns and conditions in this memorandum and the Decision and Order, and shall include the recommendations contained in a Revised TIAR accepted by DOT. The MOA shall be executed prior to tentative subdivision approval being granted.

Should you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch, at 587-1830.

c: Chris Hart & Partners, Inc.

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

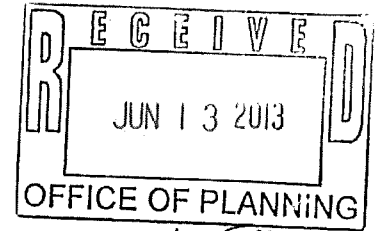
DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

June 12, 2013



74459

ORIGINAL

Mr. Jesse Souki, Director
Office of Planning
State of Hawaii
235 South Beretania St., 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Souki:

Petition for Amendment of the State Land Use District Boundaries
Land Use Commission Docket No. A10-787, Maui R&T Partners, LLC

Thank you for the opportunity to comment on the subject petition.

In a letter to Maui R&T Partners, LLC dated August 7, 2012, we recommended that a siren be installed if the proposed development were approved. (Please see attached). Additionally, we recommended the incorporation of hardening measures for facilities developed.

If you have any questions, please call Ms. Havinne Okamura, Hazard Mitigation Planner, at 733-4300, extension 556.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Mayne".

DOUG MAYNE
Vice Director of Civil Defense

Attachment D

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

August 7, 2012

Mr. Steve Perkins
Maui R & T Partners, LLC
1300 North Holopono, Suite 201
Kihei, Hawaii 96753

Dear Mr. Perkins:

**Draft Environmental Impact Statement (DEIS)
Maui Research and Technology Park Master Plan Update
Island of Maui, Makawao District**

Thank you for the opportunity to comment on this proposed development.

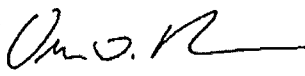
The proposed mixed-use development will increase the residential population in an area with limited safe room options. As a result, we strongly recommend incorporation of hardening measures for safe rooms within planned residential facilities, and the hardening of proposed community facilities so as to withstand high-wind and seismic events.

Additionally, although the bulk of the proposed development has siren coverage from the new Kihei Community Center siren, we ask that one omni 121 db(c) directional siren be installed on the northeast section of the property.

We defer to the appropriate state and federal agencies as to the protection of coastal and marine environment as well as the cultural, historical, and archeological elements of the property.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,

 EXECUTIVE
OFFICER

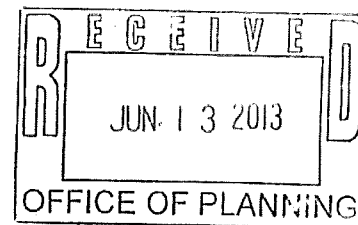
Fr DOUG MAYNE
Vice Director of Civil Defense

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804



74858

ORIGINAL

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 12, 2013

TO: Mr. Jesse K. Souki, Director
Office of State Planning
Department of Business, Economic Development & Tourism

FROM: Duane Y. Kashiwai, Public Works Administrator
Facilities Development Branch
Department of Education

A handwritten signature in black ink, appearing to be "Dm".

SUBJECT: **Petition to Amend State Land Use District Boundaries for the
Maui Research & Technology Park, Kihei, Maui**

The Department of Education (DOE) is responding to your May 17, 2013, memo asking about the anticipated effects of the Maui Research & Technology Park's boundary amendment request and any recommended mitigations.

The DOE reviewed the Draft Environmental Impact Statement for the proposed project and the related applications for Maui County zoning and community plan amendments in the summer of 2012. We made comments at that time and note that our comments were incorporated in the Final Environmental Impact Statement.

Maui R & T Partners, LLC, acknowledges that their residential development will be required to pay school impact fees. We anticipate that the developer will be contacting us at what they deem is the appropriate time to enter into an impact fee agreement. We also assume that the developer understands that the appropriate time is dictated by the school impact fee law, Chapter 302A-1603, Hawaii Revised Statutes.

The payment of school impact fees will mitigate the school facilities impact of approximately 470 new DOE students who are expected to eventually reside in the Park.

We appreciate the interest of the Office of Planning and the State Land Use Commission. If you have any further questions, please contact Heidi Meeker of the Planning Section, Facilities Development Branch at 377-8301.

DYK:jmb

Attachment E

Docket No. A10-787

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
WYETH M. MATSUBARA
Matsubara - Kotake
888 Miilani Street, 8th Floor
Honolulu, Hawaii 96813

WILLIAM SPENCE, DIRECTOR
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96813

JAMES GIROUX, ESQ.
Deputy Corporate Counsel
Department of the Corporation Counsel
County of Maui
200 High Street
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 26th day of June 2013.



JESSE K. SOUKI
Director
Office of Planning