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Ref. No. P-15087

March 28, 2016

Mr. Michael J. Summers, President  
Planning Consultants Hawaii LLC  
2331 W. Main Street  
Wailuku, Hawaii 96793

Dear Mr. Summers:

**Subject:** Draft Environmental Impact Statement, Waikapu Country Town  
LUC Docket No. A15-798, Waikapu Properties, LLC et al  
TMK: (2) 3-6-002:001, 003; (2) 3-6-004:003, 006;  
(2) 3-6-005:007, and (2) 3-6-006:036  
Wailuku, Maui, Hawaii

Thank you for the opportunity to review the subject Draft Environmental Impact Statement (EIS) for Waikapu Country Town.

The project area encompasses approximately 1,576 acres, of which approximately 485 acres would be reclassified from the State Agricultural District to the State Urban and Rural Districts for a mixed-use residential community. Approximately 1,077 acres of the project area would remain in the State Agricultural District, and of those lands, approximately 800 acres would be permanently protected through a conservation easement, as an Agricultural Preserve. The remaining 14 acres of the project are already classified as State Urban and are utilized by the Maui Tropical Plantation. The Urban and Rural components of the project will include 1,433 residential units, in addition to 146 ohana units, neighborhood retail, commercial, an elementary school, parks, and open space.

The Office of Planning (OP) offers the following comments on the subject Draft EIS.

1. **Proposed District Reclassification Boundaries.** The description of the project in Chapter I does not clearly identify which lands are proposed for reclassification to the State Urban District and which lands are proposed for reclassification to the State Rural District. Please clarify in text and graphics the proposed district reclassification boundaries in the Final EIS.
2. **Housing.** We understand that the project will comply with the County's workforce housing ordinance, which is enumerated in Chapter 2.96, MCC. We also note that

Hawaii Administrative Rules, § 15-15-50 (c)(8) provides that a petition for district boundary amendment shall include a "statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables." Accordingly in the Final EA, please describe how the proposed project will comply with the ordinance and LUC rules, particularly how the project's proposed residential product types will be allocated among the market and various affordable housing target populations (income groups), the number of each housing type, the expected price ranges for the different product types, and the assumed household sizes of the housing types.

3. **Water Resources.** It is unclear whether there is sufficient potable and non-potable water available to meet the projected average daily water demand for Phases I and II. Please clarify in the Final EA relative to applicable water sources, surface water and aquifer sustainable yields and current withdrawals. Please also state whether the proposed project is within a designated Water Management Area; the permits or other approvals required for proposed water source use; and the consistency of the project and impact of the project in terms of proposed water use and system improvements and priorities contained in the county water use and development plan, prepared pursuant to the State Water Code, HRS Chapter 174C.
4. **Agricultural Lands.**
  - We understand that the specific details of the agricultural conservation easement are still being considered, however, we expect that the Final EA or district boundary amendment petition submittal will include a discussion of how the easement will be implemented and managed.
  - Page III-34 of the Draft EA states that the conservation easement will only allow agricultural subdivisions which serve the purpose of creating agricultural enterprises. In order to prevent the occurrence of non-agricultural uses within the proposed Agricultural Preserve, please provide a definition of "agricultural enterprises" in the Final EIS.
  - The Conceptual Agricultural Master Plan on page III-37 indicates that renewable energy facilities (or solar farms, according to page III-36) may be located within the Agricultural Preserve. OP notes that the proposed location of the solar farms appears to be on soils rated "A" and "B" by the Land Study Bureau Detailed Land Classification system. We further note that solar energy facilities are allowed on "B" rated lands with conditions and restrictions, and are allowed under very narrowly-defined circumstances on "A" rated agricultural lands. Please discuss the applicable restrictions on solar energy facilities in the Agricultural District and required permitting and/or consider modifying the Agricultural Master Plan accordingly.
  - Additionally, we encourage the Petitioner to require in the conservation easement agreement that the proposed solar farms be accessory to agricultural activities.

5. **Wastewater Treatment and Disposal.** Page V-92 states that the [Petitioner] will need to construct a stand-alone private wastewater treatment facility, or partner with other projects in the Waikapu area, such as A&B's Waiale project or the County of Maui to construct a regional wastewater treatment facility. The Draft EA further states that the [Petitioner] is analyzing several package wastewater treatment options. If this becomes known before preparation of the Final EA, please provide information about the wastewater system selected, specifically the type of plant to be used, permitting requirements, plans for reuse and/or disposal of treated effluent and waste solids, and how the private system will be operated and maintained.
  
6. **Schools.**
  - In a letter from the Department of Education (DOE) dated June 5, 2015, the DOE states that [the Petitioner] is strongly encouraged to meet with the DOE, Facilities Development Branch to negotiate and execute an Educational Contribution Agreement (ECA) before county entitlements are sought. The Draft EA, however, does not include mention of an ECA with the DOE. In the Final EA, please include a discussion regarding the status of the ECA with the DOE.
  - The table on page V-62 indicates that the Petitioner will pay to the DOE approximately \$2,600,000 in impact fees for construction costs. This value, however, is based only on the development of the single family and multi-family units, totaling 1,433 units, and does not include the 146 ohana units proposed.
  - The Maui Island Plan states that the [Waikapu Country Town] planned growth area...will have a mix of single-family and multifamily rural residences, park land, open space, commercial uses, and an elementary or intermediate school developed in coordination with the Waiale project (page 8-9). In the Final EA, please describe how the Petitioner is coordinating the development of the proposed elementary school with the Waiale project.
  - We recommend that school facilities be added to the unresolved issues list in Chapter I.
  
7. **Waiale Bypass Road.** Pursuant to page VI-13 of the Draft EA, the Waiale Bypass Road is identified in the County's FY2016 CIP for funding between 2017 and 2021, but the precise schedule for funding and development of this roadway is uncertain at this time. Pursuant to page 4 of the TIAR, primary access to the proposed development would be provided via Honoapiilani Highway and the Waiale Bypass Road. Given the significance of the bypass road for efficient circulation in the area, the Final EA should identify when the bypass road will be completed to ensure that mitigation coincides with the development of the proposed project.

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**8. Other Comments:**

- A map showing the proposed State Land Use District Boundary Amendments and acreage reclassifications should be provided in the Final EIS.
- All maps should include a legible scale, a north arrow, and a legend. Maps should also be in color whenever possible. The Land Study Bureau Map on page V-39, in particular, should be in color in order to accurately determine soil ratings within the project area.
- The Table of Contents indicates that the ALISH Map is included as Figure 37 on page V-40, however there is no ALISH Map in the Draft EA; it appears that the Land Study Bureau Map was accidentally added in its place. Please reconcile this in the Final EIS.
- The digital version of the Final EIS document should be PDF-bookmarked in its entirety. All chapters, subchapters, appendices and comment letters should be bookmarked for easier access.

The responsiveness of the project and proposed petition to concerns identified in the environmental review process will influence OP's evaluation of the acceptability of the Final EIS and development of the State's position on the proposed petition.

Thank you for the opportunity to review this project. If you have any questions please call Katie Mineo of our Land Use Division at (808) 587-2883.

Sincerely,



Leo R. Asuncion  
Director

c: Land Use Commission