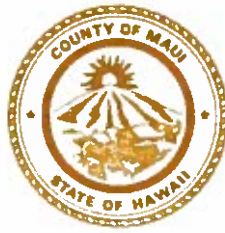


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



**DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793**

April 29, 2019

Mr. Vernon Lindsey
1507 Piihana Road
Wailuku, Hawaii 96793

Dear Mr. Lindsey:

**SUBJECT: PHASE III PROJECT DISTRICT APPROVAL
APPLICATION FOR WAILUKU PLANTATION,
WAILUKU, ISLAND OF MAUI, HAWAII;
TMK: (2) 3-4-032:001 (PH3 2018/0007)**

The Department of Planning (Department) received the above-referenced application for your proposed Wailuku Plantation farm dwelling on November 7, 2018. We note that there is an existing Notice of Violation still open for the property, NOV 2018/0037, with fines accruing. The Zoning Administration and Enforcement Division has indicated that you filed an appeal, which is scheduled for hearing by the Board of Variances and Appeals on April 25, 2019. Before we can process any permit applications, the violation must be closed/resolved, and fees must be paid.

In addition, we are uncertain as to how this one farm dwelling fits with your overall plans as the new owner of a portion of the Piihana Project District. For example, it is not clear to us if you are intending to follow the plans submitted by C. Brewer when the entitlements were approved or if you are proposing a different development, as appears to be indicated in plans prepared by Melvin Jay Fielding dated June 21, 2018.

We note that whichever concept you decide to pursue, you must comply with the following:

- 1) On January 30, 1990, the State Land Use Commission reclassified the subject property from 'Agricultural' to 'Urban.' The approved Preliminary Site Plan and Housing Allocation Summary, which call for the construction of approximately 600 units total, with 140 single-family and 460 multi-family units, are attached as **Exhibit A**. The conditions imposed in the Decision and Order for the District Boundary Amendment

for the Piihana Project District have not yet been fulfilled. See **Exhibit B**. On Page 2 of the latest compliance report, dated September 28, 2018, submitted by yourself on behalf of Wailuku Plantation LLC and Brian Ige on behalf of RCFC Piihana LLC, it states that there has been no activity at the Piihana Project District due to site exactions that make development of the project difficult. See **Exhibit C**. The exactions include construction of a bridge across Iao Stream, water system improvements, offsite roadway improvements, a wastewater pump station and affordable housing requirements, etc. The subject property is still bound by the conditions imposed by the LUC.

In your Phase III Project District application, it says that you are proposing a farm dwelling. Because farm dwellings can only be built on land that is designated 'Agricultural' and the County and State land use designation have changed to non-agricultural designations, a farm dwelling is not a permitted use.

We recommend that you contact the State Land Use Commission (LUC) for guidance on your proposed development to assure that the project is consistent with representations made to the Commission. Please call (808) 587-3822.

- 2) On November 8, 1991, a Phase I Project District approval and conditional zoning were approved concurrently for the Wailuku-Kahului Project District 2. A General Land Use Allocation and Land Use Allocation table are attached as **Exhibit D**. The ordinance is attached as **Exhibit E**.

In order to develop the lot as proposed, compliance with the proposed plan, as well as the ten conditions imposed is required. We note that condition 4a states that no building permit will be issued until a construction contract has been executed and a notice to proceed has been issued for the extension and improvement of Eha Street, from Wailuku Industrial Park to Imi Kala Street.

- 3) A Phase II Project District approval was granted to C. Brewer on April 21, 1992. See **Exhibit F**. C. Brewer proposed to develop 50 acres for single-family use, 16 acres for multi-family and 12 acres for park/open space. A maximum of 600 units were proposed and were to have consisted of 330 multi-family units. The remaining units were to have consisted of single-family lots ranging from 3,000 to 5,000 square feet. See plans attached as **Exhibit G and H**.

We note that Condition number 14 of the approval states that Phase II Project District Approval shall not be transferred without prior written approval of the Commission. In order to develop your properties, you would need to apply for a transfer, which must be approved by the MPC.

In addition, Condition number one states that approval was granted based on plans and specifications received by the Department on December 31, 1991.

Because your proposal differs from what C. Brewer proposed, a Project District Phase II approval by the Maui Planning Commission is necessary. For the Phase II process, an original and one copy of a preliminary site plan and analysis would need to be submitted and should include the following:

- A) Proposals for drainage, streets, parking, utilities, grading, landscape planting, architectural design concepts and guidelines, building elevations, building sections, construction phasing, open spaces, land uses, and signage.
- B) Proposals for recreation and community facilities.
- C) Proposals for floor area ratios, lot coverage, net buildable areas, open space ratios, impervious ratios, and density factors.
- D) Statement on potential environmental, socioeconomic, and aesthetic impacts.

Once a Phase II approval is granted, a Phase III administrative approval is necessary. For the Phase III approval, we would need the following:

- A) Evidence that the Applicant is the owner or lessee of record of the real property.
- B) A notarized letter of authorization from the legal owner if the Applicant is not the owner.
- C) Final site plans to include the following:

Mr. Vernon Lindsey
April 29, 2019
Page 4

- i. Drainage, street, parking, utilities, grading, landscape planting, architectural design concepts and guidelines, building elevations, building sections, construction phasing, open spaces, land uses and signage.
- ii. Recreation and community facilities.
- iii. Floor area ratios, lot coverage, net buildable areas, open space ratios, impervious ratios, and density factors.

D) Non-refundable filing fee.

Should you require further clarification, please contact Staff Planner Tara Furukawa by email at tara.furukawa@mauicounty.gov or by phone at (808) 270-7520.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Brian Ige, RCFC Kehalani (PDF),
Riley Hakoda, State of Hawaii Land Use Commission (PDF)
Rowena Dagdag-Andaya, Acting Director, Department of Public Works (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
James Aarona, Land Use and Building Plans Examiner (PDF)
Conklin Kai Wright, Zoning Inspector (PDF)
Ana Lillis, Staff Planner (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Project File

MCM:TKF:lk

K:\WP_DOCS\Planning\PH3\2018\0007_WailukuPlantation\For Ax\CloseFile.doc