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LAND USE COMMISSION
STATE OF HAWAII

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**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

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|--|---|---------------------------------|
| In the Matter of the Petition of |) | DOCKET NO. A04-751 |
| |) | |
| MAUI LAND & PINEAPPLE COMPANY, INC.) |) | STATEMENT OF POSITION OF THE |
| A Hawaii Corporation (Pulelehua) |) | OFFICE OF PLANNING; CERTIFICATE |
| |) | OF SERVICE |
| To Amend the Agricultural Land Use |) | |
| District Boundary into the Urban Land Use |) | |
| District for Approximately 310.44 Acres of |) | |
| Land at Mahinahina and Kahana, Lahaina, |) | |
| Maui, Hawaii, Tax Map Key No. (2) 4-3- |) | |
| 001:082 and 083 |) | |

STATEMENT OF POSITION OF THE OFFICE OF PLANNING

General Information

Maui Land & Pineapple Company, Inc. ("ML&P"), filed a Petition to reclassify approximately 310.440 acres of land situated at Mahinahina and Kahana, Lahaina, Maui, ("Petition Area") from the State Land Use Agricultural District to the Urban District on June 28, 2004 and an Amended Petition for Land Use District Boundary Amendment on Jul 27, 2005 for the master-planned Pulelehua residential community ("Project"). The State Land Use Commission ("LUC") adopted findings of fact, conclusions of law and decision and order on June 30, 2006 ("2006 D&O").

On June 3, 2016, Maui Oceanview LP purchased the portions of the project area owned by ML&P, and on November 22, 2017, Maui Oceanview LP, Successor Petitioner ("Petitioner") filed a motion to amend the 2006 D&O. On November 29, 2017, Petitioner stipulated to extend the time to respond to the motion to January 22, 2018. On December 1, 2017, the Office of Planning ("OP") solicited comments on the motion to amend from State agencies.

On December 19, 2017, Petitioner stipulated to extend the time to respond to the motion to January 31, 2018. On February 23, 2018, Petitioner stipulated to extend the time to respond to the motion to 60 days from the date of Petitioner's submittal of supplementary information in

support of the motion. On August 24, 2018, Petitioner submitted a Supplemental Memorandum in support of the motion. On September 6, 2018, the Office of Planning again solicited comments on the motion from State agencies.

On October 15, 2018, Petitioner stipulated to extend the time to respond to the motion to November 21, 2018. On November 29, 2018, in anticipation of submitting additional supplementary information to the LUC in support of the motion, Petitioner again stipulated to extend the response deadline to 60 days after the LUC accepts the Petitioner's additional supplementary information.

On June 21, 2019, Petitioner submitted the Second Supplemental Memorandum in support of the motion to amend, including a proposed amended decision and order (June 2019 D&O). Subsequently, a hearing date on the motion was calendared for September 25 and 26, 2019. On August 20, 2019, Petitioner submitted a Final Draft Traffic Impact Assessment Report (TIAR) for the project. On August 20, 2019, OP solicited comments from State agencies on the motion for the third time. Responding to LUC staff comments and including the Final Draft TIAR, Petitioner submitted a Third Supplemental Memorandum on August 22, 2019.

On September 16, 2019, Petitioner submitted a Fourth Supplemental Memorandum in support of the motion, including a Revised Proposed Amended D&O (September 2019 D&O). Also on September 16, 2019, Petitioner submitted a Fifth Supplemental Memorandum in support of the motion.

OP objects to the fact that State agencies were not given 60 days from the date the LUC accepts the Petitioner's supplementary information as stipulated in the Fifth Stipulation of November 29, 2018. State agencies were provided with the Second Supplemental Memorandum in support of the motion to review, including the Proposed Amended D&O and the Final Draft TIAR, but did not have the opportunity to review subsequent Supplemental Memorandums or the Revised Proposed Amended D&O. The LUC has continued to "accept" Petitioner's submittals as late as September 16, 2019, only nine days prior to the scheduled hearing date. Consequently, OP reserves the right to supplement this testimony with additional filings.

I. RECOMMENDATION

The Office of Planning recommends conditional approval of the motion by Petitioner to amend the 2006 D&O.

II. DESCRIPTION OF THE PROPERTY

Existing Adjacent Land Uses

Land uses surrounding the Petition Area remain unchanged since the 2006 D&O. These include the Kapalua Airport, residential subdivisions (Kahana Ridge, and Kahana Nui) and Department of Hawaiian Home Lands property to the south. The Petition area is located next to and makai of the Kapalua Airport and mauka of Honoapiilani Highway. (*OP Exhibits 2 and 3*)

To the north, Maui Preparatory Academy (MPA) proposes to renovate several existing buildings on a 14.9-acre site within the State Land Use Agricultural District that was previously used to house Maui Land & Pineapple's transient summer workers.

North of the site for the Academy is the existing Kapalua Resort, Project District 1, the last resort area developed along Honoapiilani Highway. The Kapalua Mauka, Project District 2, will be located above Honoapiilani Highway, mauka of the existing West Maui Kapalua Resort.

South of the Petition Area are approximately 527.5 acres of Hawaiian Home Lands, the existing Kaanapali Resort, the project area for Kaanapali Development Corporation's proposal to expand its Kaanapali resort - Kaanapali 2020, and the State master-planned community for the Villages at Leialii.

Future transportation projects in West Hawaii include the Lahaina Bypass Road project and the Honoapiilani Highway Widening project. The Lahaina Bypass Road is intended to relieve congestion on Honoapiilani Highway by providing an alternative route to Honoapiilani Highway through Lahaina town and the Kaanapali Resort. The Bypass will extend in a north to south for approximately 9 miles from Launiupoko to Honokowai just south of the Pulelehua's southern boundary. The Bypass is designed as a limited access roadway that will eventually be a four-lane divided roadway.

Honoapiilani Highway is essentially a two-lane roadway that currently experiences congestion during peak periods. The Honoapiilani Highway Widening project will widen the highway to four lanes. (*OP Exhibit 3*)

The Petition Area extends in a north-south direction across the Kahana and Mahinahina ahupuaa, and encompasses a 310.44-acre portion of a parcel identified by Tax Map Key (“TMK”) 4-3-01: 31 consisting of 1,746.421 acres. The Petitioner is the fee simple owner of the Petition Area designated as TMK (2) 4-3-001:082 and TMK (2) 4-3-001:083. The Petition Area is situated immediately adjacent and makai of the Kapalua Airport. The northern, western and southern boundaries of the airport are bounded by the Petition Area.

The State of Hawaii is the owner of the 2.9-acre easement identified as Akahele Street, an east-west arterial road providing direct access to the Kapalua Airport. The State of Hawaii is also the owner of the Kapalua Airport identified by TMK (2) 4-3-001:068 and 074.

The Petition Area extends from approximately 75 feet mean sea level (“msl”) to approximately 240 feet msl and has an average slope of about eight percent. Two gulches, Mahinahina Gulch and Pohaku-Kaanapali Gulch, bisect the Petition Area into three distinct areas. The Petitioner's Master Plan proposes to develop the Pulelehua community into three distinct neighborhoods.

The Petition Area is in Zone C, a flood insurance rate zone that corresponds to areas outside the I-percent annual chance floodplain, and areas of I-percent annual chance sheet flow flooding.

Drainage

The drainage pattern over the Petition Area remains unchanged since the 2006 D&O, and flows from east to west towards the Honoapiilani Highway. Three gulches traverse in an east to west direction through or adjacent to the Petition Area towards Honoapiilani Highway: Kahanaiki Gulch, Pohaku-Kaanapali Gulch, and Mahinahina Gulch. These gulches form three drainage basins that capture runoff, removing silt and debris before discharging into the Ocean.

III. PETITIONER'S PROPOSED USE OF THE PROPERTY

The Petitioner proposes to develop a community that will demonstrate many principles within the traditional neighborhood/smart growth concept. These principles include:

- Create a compact sustainable community with a mix of uses, housing types and activities.

- Provide affordable housing options indistinguishable from market units and integrated within Pulelehua's neighborhoods.
- Provide mixed uses that combine living and workspaces.
- Create a sense of place that values incorporating Hawaiian architecture, landscape, views and climate into the community and building types.
- Provide connectivity and ease of access to all uses within the community.
- Provide pedestrian and bike friendly walkways and streets.

To implement the above principles, the Petitioner proposes to incorporate variety into building types and roadways for the project. The Pulelehua community will consist of 800 rental apartment units, 99 single-family for-sale lots, and one large estate edge lot. This is a reduction from the 2006 D&O that proposed 859 multi-family and single-family homes and 23 larger lots reserved for estate residences to be built by owners. Some of the larger lots proposed in the 2006 D&O have the potential to have an ohana unit, which potentially could have added an additional 267 units, for a total project size of 1,149 residential units. Under the Petitioner's proposed amended D&O, up to 100 accessory/ohana units could be built under current Maui County Code. However, Petitioner does not intend to provide such units; construction of ohana units would be at the discretion of single-family lot owners.

The Pulelehua master plan also includes a commercial/retail component of approximately 70,000 square feet of gross leasable area. This is a reduction from the approximately 75,475 square feet proposed in the 2006 D&O for retail (21,475 sq. ft.), and specialty/retail office live/work space (21,475 sq. ft.). There will be buildings designed live-in/work space and for offices or workshops, and light industrial uses such as repair businesses, and businesses requiring space for storage and distribution operations.

The natural terrain with gulches lends to the design of the community into three distinct neighborhoods: Kahanaikei neighborhood to the north, Central neighborhood, and the Mahinahina neighborhood to the south.

The Central neighborhood will be designed to provide a variety of uses within a "down- town" atmosphere generally associated with village centers. Uses and buildings will combine higher density uses with a range of housing types to include a main street, storefront businesses with apartments above, a school and

other civic buildings. More live and work options combined with additional commercial uses will be located at the western portion of the Central neighborhood near the Highway and south of Akahahele Street.

The Kahanaiki neighborhood to the north will be primarily residential and will include an open space buffer that can be shared with residents in the existing Kahana subdivision to the west. The neighborhood to the south, Mahinahina, will also contain residential units and a 10-acre community park.

Sidewalks and roadways within the Pulelehua community will be designed to provide pedestrian and vehicular connectivity between uses and neighborhoods and to encourage/facilitate walking and biking. For illustrative purposes, Figure 1 of the Pulelehua Master Plan in support of the 2006 D&O is provided (Exhibit 4) for comparison with Petitioner's 2019 Conceptual Site Plan (Third Supplemental Memorandum, Volume 2).

IV. ANALYSIS

OP's analysis will address the project's impact on ten (10) areas of State concern:

1. Planning for Growth
2. Water Supply and Water Quality
3. Agricultural Lands
4. Housing
5. Preservation/Maintenance of Important Natural Systems or Habitats
6. Maintenance of Valued Cultural, Historical or Natural Resources
7. Maintenance of Other Natural Resources Relevant to Hawaii's Economy
8. Impacts on State Public Systems and Facilities
9. Provision for Employment Opportunities and Economic Development
10. Provision for Housing Opportunities and Economic Opportunities

1. Planning for Growth

Conformance with

County Plans

Maui Island Plan and County-Wide

Policy Plan

The Maui Island Plan and the County-Wide Policy Plan was adopted in 2012 and 2010, respectively. These plans were not in effect when the 2006 D&O

was approved by the LUC. The Petitioner's Proposed Amended Decision and Order does not address these plans. However, the County of Maui Planning Department states that the Project is generally consistent with the goals and objectives of the Maui Island Plan and the County-Wide Policy Plan, and supports the Housing objectives of both plans. It is also consistent with the Land Use and Infrastructure goals and principles of both plans. The Petition Area is within the Directed Growth area for West Maui.

West Maui Community Plan

The 1992 West Maui Community Plan provides for orderly growth of the community concurrent with the provision of infrastructural facilities and systems. The Petition Area is designated "West Maui Project District 5 (Pulelehua)" in the West Maui Community Plan, and the Maui County Council approved the Project District designation in 2011.

1 Thus, the Project is in accordance with the Hawaii Revised Statutes ("HRS") § 205-2 (4) (b), that urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated. The project location appears to be situated in an area appropriate for urban growth, and incorporates design principles and amenities, including a mixed-use jobs and housing balance and much needed workforce housing that are desirable to Maui County.

2. Water Supply and Water Quality

a. Impacts on State Aquifer Resources

The Petition Area is located within the Honokowai Aquifer System of the West Maui Lahaina Aquifer Sector. Due to the site's location, the project may affect both the Honokowai Aquifer System and the adjacent Honolua Aquifer System to the north.

The Commission on Water Resources Management has not designated either the Honolua or the Honokowai Aquifers as groundwater management areas. Water Management Areas are special areas where additional Commission regulation is required for owners of water sources (such as wells owners or stream

diversions owners) who must obtain water use permits to withdraw water for various uses. On the Island of Maui there are no surface-water management areas. The only ground water management area designated on the Island of Maui is the Iao System.

Pulelehua's potable water needs will be addressed by using treated surface water from its Honolua Ditch. The Ditch collects water from Honolua and Honokohau Streams. During low flow conditions, Honokohau stream flow is 7.76 MGD. The Petitioner is currently negotiating an agreement with the Maui County Department of Water Supply, which draws approximated 2.5 MGD of water from the Honolua Ditch at its treatment facility at Mahinahina to supply domestic water to West Maui. Under the agreement, the Department of Water Supply would expand its Mahinahina facility and Petitioner will allow the Department to draw an additional 2.0 MGD from the Ditch for treatment.

The Petitioner intends to use recycled R-1 water from the Lahaina Wastewater Treatment Plant ("WWTP") located south of the Petition Area irrigate landscaping for Pulelehua's community and neighborhood parks, open spaces, common areas and proposed school, as well as to meet Fire Department needs. The R-1 water will be pumped to the reclaimed water reservoir above the Kapalua Airport for distribution to meet the community's non-potable water needs. According to the August 2005 Final Environmental Impact Statement ("FEIS") prepared in support of the 2006 D&O, the use of the mixed R-1 water for irrigation will reduce Pulelehua's average daily potable water demand by almost 22 percent to 0.72 MGD per day from approximately 919,313 gpd, to approximately 719,589 gallons of potable water per day.

b. Water Quality

Under the 2006 D&O, Petitioner proposed to transmit wastewater to the County of Maui's Lahaina WWTP. However, under the proposed amended D&O, Petitioner now proposes to develop its own wastewater treatment facility to meet the needs of the Pulelehua development. The wastewater treatment system will not employ injection wells to dispose of treated water. Treated water will be used for Pulelehua's irrigation needs instead.

Storm water runoff generated by the Pulelehua development will be retained on-site in a series of detention basins, and there will be no increased flow to downstream properties, including Honoapiilani Highway, or into the existing drainage ways.

3. Agricultural Lands – Soil Classifications

Approximately 252.8 acres (approximately 81%) of the Petition Area contains

land

classified as "Prime" Agricultural Land according to the Agricultural Lands of Importance to the State of Hawaii ("ALISH") system. "Prime" lands are best suited for the cultivation of food, feed, forage, and fiber crops. From the 310.440 acres proposed for development, the project will remove approximately 253 acres of "Prime" agricultural land. The remaining 60 acres (19%) are rated Unclassified.

The University of Hawaii Land Study Bureau's Detailed Land Classification rates the productivity of soils. Productivity ratings range from "A" lands that are very productive to "E" lands that are considered unproductive for cultivated agriculture. Within the Petition Area approximately 246.8 acres (78%) are rated "A", 12.7 acres (4%) are rated "B", and 53 acres (17%) are rated "E. Without irrigation, all the "A" and "B" rated soils would be classified "D". The gulches within the Petition Area contain soils classified as Good (B) and Very Poor (E).

4. Housing

The Petitioner's market study estimates the demand for new residential (non-transient vacation rentals) units in the West Maui region through 2030 will total between 5,278 and 8,941 units. Petitioner proposes to develop 800 multi-family rental units and 99 for-sale single-family lots. Petitioner plans to meet the rental housing needs of low income, low-moderate income, moderate income and "gap groups", consistent with U.S. Department of Housing and Urban Development requirements, the Maui County Residential Workforce Housing Policy, and Chapter 2.96 of the County Code. Petitioner will develop a total of 280 workforce housing rental units, which include the 125 rental units required under Maui Land and Pineapple's Kapalua Mauka Project. These will be provided at rents affordable to households that earn between 50 percent and 140 percent of the median family income for Maui, and offer preferences to target Maui residents. The remaining 520 rental units will be offered at market rates. Pulelehua will have restrictive covenants to preclude vacation rentals within the project.

5. Preservation/Maintenance of Important Natural Systems or Habitats.

a. Conformance with Chapter 205A, Hawaii Revised Statutes, Coastal Zone Management Act

The Coastal Zone Management Area as defined in Chapter 205A, HRS, includes all the lands of the state. Using this definition, Pulelehua is within the Coastal Zone Management Area; however, it is not located along a shoreline. Pulelehua is an infill community situated between existing urban uses. The Hawaii Coastal Zone Management program is built upon ten policy areas:

Recreational Resources

- To provide coastal recreational opportunities accessible to the public and protect coastal resources uniquely suited for recreational activities that cannot be provided elsewhere.

The Pulelehua development is not on the coast. The Petitioner will use detention basins to retain storm water runoff within the property so there will be no impact to downstream properties and the ocean.

Historic Resources

- To protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

An Archaeological Impact Survey (“AIS”) and a Cultural Impact Assessment (“CIA”) were conducted in 2004 to support the 2006 D&O, and Petitioner updated the CIA in response to LUC and OP comments. The AIS found no significant archaeological resources on the Pulelehua site; the Petitioner, and its contractors will comply with all laws and rules regarding the preservation of archaeological, cultural, and historic sites should any sites be found during construction. The CIS also found no cultural practices are currently conducted on the development site. However, cultural resources are located in the gulches within the Petition Area, and Petitioner will ensure that the gulches will be accessible to cultural practitioners.

Scenic and Open Space Resources

- To protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

Pulelehua is not coastal dependent and is located mauka of Honoapiilani Highway. Pulelehua's compact design will preserve and enhance open space areas and natural environment resources by concentrating needed housing in a defined area.

Coastal Ecosystems

- To protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

A marine environment assessment prepared for Pulelehua concluded that the proposed residential community will have the potential to improve conditions in the marine environment. Sedimentation discharge to the ocean will be significantly less with Pulelehua compared to agricultural uses, and with the change from agricultural uses to residential uses there is likely to be a decrease in the flux of nutrients (e.g. fertilizers) to the ocean.

Economic Uses

- To provide public or private facilities and improvements important to the state's economy in suitable locations; and ensure that coastal dependent development such as harbors and ports, energy facilities, and visitor facilities, are located, designed, and constructed to minimize adverse impacts in the coastal zone area.

With the increase in West Maui's population, forecasts of housing demands, and the creation of additional jobs in West Maui, Pulelehua will make homes available to workers in West Maui, including resort employees, teachers, police, firefighters, and others. The provision of affordable housing will make it possible to fill necessary positions, and provide essential services crucial to keeping Maui's economy stable and growing.

Coastal Hazards

- To reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.

Pulelehua is not in a tsunami zone or flood zone. All additional runoff due to the community will be retained on site with no increased flow to downstream properties (including Honoapiilani Highway, and the Kahana Hui and Kahana Ridge subdivisions) or into the existing drainage ways, desilting basins, and the ocean. Pulelehua will comply with all laws and regulations regarding runoff and non-point source pollution, ensuring that storm water runoff and siltation will not adversely affect the downstream marine environment and nearshore and offshore water quality.

Managing Development

- To improve the development review process, communication, and public participation in the management of coastal resources and hazards.

The developer intends to develop the Pulelehua community in accordance all Federal, State, and County requirements/standards.

Public Participation

- To stimulate public awareness, education, and participation in coastal management; and maintain a public advisory body to identify coastal management problems and provide policy advice and assistance to the CZM program.

Community planning workshops for Pulelehua were held in March 2004. Then-Petitioner, Maui Land & Pineapple Company, Inc., worked diligently with Federal, State, and County agencies for over a year to make Pulelehua a reality. This included meetings open to the public, such as meetings with the County of Maui Affordable Housing Technical Review Committee and the Maui Economic Opportunity Housing Task Force, as well as a workshop meeting with the Maui Community Council Housing & Human Concerns Committee.

Beach Protection

- To protect beaches for public use and recreation; locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion.

Pulelehua is not on the shoreline and is not expected to interfere with natural shoreline

processes.

Marine Resources

- To implement the state's ocean resources management plan.

Compared to former agricultural uses, the development of Pulelehua will improve conditions for the marine environment by the reduction of sedimentation discharge to the ocean resulting in a decrease in the flux of nutrients (e.g. fertilizers) to the ocean.

6. Maintenance of Valued Cultural, Historical, or Natural Resources

a. Impacts Upon Area Resources

Pulelehua is not expected to impact marine resources and cultural fishing practices and existing nearshore water quality conditions. All additional runoff due to the community will be retained on site with no increased flow into the existing drainageways, desilting basins, and the ocean.

b. Archaeological, Historical, and Cultural Resources

The Kahana drainage area has a few remnants of the early historic period (stone animal pens); and the Mahinahina drainage area has a remnant wooden flume from the sugar plantation period. The Honolua Ditch traverses Mahinahina Ahupuaa. Desiltation basins were constructed in both the Mahinahina Gulch and Kahana iki Gulch, and in the section north of Akahale Street (Pohaku-Kaanapali Basin). Except for a plantation-era irrigation flume and isolated surface artifact, the 2004 Archaeological Survey did not reveal any significant surface cultural manifestations. Therefore, the study concluded that development of the Petition Area is not expected to have an impact on archaeological resources.

The Petition area was part of an ancient Hawaiian life system. Any evidence of cultural sites or practices that may have been conducted on the Petition Area have been destroyed or buried by ranching, sugar and pineapple activities. However, fishing and sea-gathering practices continue outside of the Petition Area. According to the FEIS, the upper gulches and lands still have cultural resources in the way of flora and fauna (fungus and feral pigs).

A cultural practice on these lands at one time was growing sweet potato, a staple for the ancient people of this area, as well as cultivating bananas, olona, hala and possibly dry-land taro. Plants such as kukui, ohia, fungus, and lama that grew in the gulches, valleys and mountains, were used for medicines, food, crafts, and lumber. These resources are still sought after today. However, other than a few kukui trees in the gulches, none of these plants exist today on the Pulelehua community site.

In response to LUC and OP comments, Petitioner updated the 2004 CIA. The CIA found that there are no cultural practices on the Pulelehua lands, and therefore there will be no adverse impacts by the project. However, there are cultural resources in the Kahana and Mahinahina gulches within the Petition Area. Development will not extend to the gulch edge. The existing field roads along both gulches will be retained and there will be no development between the roads and the gulches. Therefore, there will be no adverse impact to access to the gulches. Retention of storm water runoff within the project site will prevent adverse

impacts to cultural fishing practices and resources makai of the development.

c. Flora and Fauna Resources

Portions of the Petition Area have scattered patches of weeds. Gulch vegetation consists of Koa haole shrubs, and various grasses.

Seven native species found within the Petition Area and widespread throughout the Hawaiian Islands include uhaloa (*Waltheria indica*), popolo (*Solanum americanum*), aalii

(*Dodonaea viscosa*), ulei (*Osteomeles anthyllidifolia*), koali awa (*Ipomoea inidca*), akia (*Wikstroemia oahuensis*), and pua kala (*Argemone glaca*).

The 2004 botanical survey conducted by Char and Associates found no threatened, endangered, or species of concern on the Petition Area. The proposed use of the Petition Area will not have a significant negative impact on botanical resources.

The 2004 avifaunal and feral mammal field survey conducted by Phillip L. Brunner, found no threatened or endangered species of birds or mammals within the Petition Area. No native birds or mammals were observed on the site during the survey. The Petition Area does not have habitat for waterbirds. The Pacific Golden-Plover (*Pluvialis fulva*) was the only migratory bird observed on the site. All the birds and mammals observed on the site during the survey were alien species, therefore development of the Pulelehua community will not impact threatened, endangered or native species.

d. Air Quality

Development of the Pulelehua community to full build-out will not negatively impact air quality within and surrounding the community. According to the FEIS, air quality in the Mahinahina region is believed to be relatively good. Existing impacts include distant volcanic emissions and possibly occasional localized impacts from traffic congestion. Emissions of fugitive dust can occur during periods where agricultural operations and field activity expose soils.

Creation of the Pulelehua community may result in long-term impacts on air quality. Motor vehicles to and from the Pulelehua community will result in a long-term increase in emissions. However, it is anticipated that concentrations will

remain within State and Federal standards and no Federal or State air quality standards will be violated from build-out of the Pulelehua community.

e. Noise Quality

Existing dominant noise sources within and near the site for the planned Pulelehua community emanate from traffic on Honoapiilani Highway and aircraft from the Kapalua Airport. Traffic-generated noise due to Pulelehua is not expected to be significant. While vehicular traffic volumes in the area will increase, the increase in noise due to traffic from Pulelehua is expected to be less than 2 decibels (dB). Other sounds from human habitation will change from the sounds related to nearby current agricultural uses, to sounds typical from residential and commercial uses. Noisy equipment will be located away from homes, as much as possible.

Development of the community will include a wide landscaped greenway along Honoapiilani Highway to buffer Pulelehua homes from Honoapiilani Highway noise. An existing earth berm along the mauka side of Honoapiilani Highway will be an effective sound barrier to mitigate traffic noise. Minor modifications to the berm may be undertaken, if necessary, to ensure that all homes within the Pulelehua community are consistent with Federal Highway Administration and HUD traffic noise guidelines.

f. Airport Noise

The West Maui Land Use Map in the West Maui Community Plan, identifies the 60-LDN contour line around the Kapalua Airport. In addition, the Petitioner's Conceptual Site Plan shows the relationship of the Federal Aviation Administration's (FAA) required airport safety areas within the Petition Area. As shown, the northern portion of the Petition Area falls within the designated line. Accordingly, the Petitioner has planned *non-residential* uses for the Pulelehua community, such as community gardens, trails, and open space in this area.

Noise models show that the project's residential development will not be significantly impacted by airport noise under current levels or at maximum level of operations at the Kapalua Airport. Petitioner proposes several noise mitigation measures to ensure compatibility between residential areas and the Airport.

The State Department of Transportation Airports Division has reaffirmed the validity of several conditions imposed upon the project under the 2006 D&O, and Petitioner has retained these in the proposed amended D&O.

The proposed amended D&O will not interfere with the following objectives and policies for "Transportation", West Maui Community Plan for maintaining operations at Kapalua Airport:

- Maintain a community airstrip in the Mahinahina area and limit the current size, scale and level of services at the airstrip through conditional zoning.
- Create a direct control overlay district in and around the Kapalua Airport generally defined by the 60 LDN isoline of the FAA approved noise contour map for the airport.

7. Maintenance of Other Natural Resources Relevant to Hawaii's Economy

a. Marine Resources and Ocean Water Quality

Land-based sources of pollutants, such as sediment, nutrients, and contaminants, are one of several factors threatening water quality and coral reef ecosystems in Hawaii. These pollutants are transported in surface water runoff and by groundwater seepage into coastal waters.

Section 303(d) of the Clean Water Act (CWA) requires that each State identify waters for which existing required pollution controls are not stringent enough to achieve State water quality standards and waters are impaired by point sources of pollution and non-point sources of pollution, or a combination of both. These waters are referred to as "water quality limited." States are required to rank their Water Quality-Limited Segments (WQLS) by priority and establish Total Maximum Daily Loads (TMDLs) for them. The TMDL also identifies the sources and causes of pollution or stress, e.g., point sources, non-point sources, or a combination of both, and establishes allocations for each source of pollution stress as needed to attain water quality.

The West Maui area was designated as a WQLS in 1992 primarily because of the algal blooms that have been occurring there. Marine biologists suspect that

excessive nutrients from runoff cause the algal blooms. From Makita point, north to Lipoa point, the West Maui watershed is undergoing serious erosion and contributing to downstream sediment-based water pollution. The coastal waters in this area have been identified as "Water Quality Limited Segments" by DOH.

All Hawaii State waters are classified as Class A or Class AA. Class A waters have strict pollution discharge regulations to protect them for recreational and aesthetic enjoyment. The highest category of ocean waters in the United States is the Class "AA" category. Coastal waters designated Class "AA" waters have regulations against discharge to protect the waters in a natural pristine state. Under the Clean Water Act, sediment discharge into these waters is absolutely prohibited. Under Section 11-54-3(C) (1) Hawai'i Administrative Rules (HAR) it is the objective of class AA waters that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of these areas shall be protected.

The uses to be protected in this class of waters are oceanographic research, the support and propagation of shellfish and other marine life, conservation of coral reefs and wilderness areas, compatible recreation, and aesthetic enjoyment. On West Maui, only the waters within the Marine Life Conservation District at Mokuleia and Honolua Bays are classified "AA".

The coastal waters around West Maui are classified "A". Under Section 11-54-3(C) (2), the objective of the "Class A" designation waters is to protect those waters for recreational purposes and aesthetic enjoyment. Any other use shall be permitted if it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters. "Class A" waters are not to receive any discharge that has not been treated to the best degree of treatment or control possible compatible with the criteria established for this class. No new sewage discharges will be permitted within embayments and outside of the water within Kahului Harbor, no new industrial discharges shall be permitted within embayments.

The Maui Land and Pineapple Company's baseline marine environmental assessment and potential impact analysis of the nearshore areas off the Pulelehua

property was conducted in May 2004 by Marine Research Consultants. The report supports state's identification of nearshore waters fronting the Petition Area as a "water quality limited segment" and "Class A". The report concluded that the marine environment fronting the Pulelehua site is "sub-optimal" due to the following factors.

- The nearshore area is presently receiving a substantial input of nitrates (N03) from the leaching of fertilizer nutrients through the groundwater.
- Following heavy rains, desilting basins designed to capture surface flow before it reaches the ocean become overloaded
- Overflow from the basins discharges into the ocean and remains in suspension in the nearshore until mixing processes disperse the sediment.

The area has experienced flooding in the past. On July 22, 1993, a "500-year storm" dropped 6 inches of rain on the Napili-Mahinahina area in about 90 minutes. Due to the severity of the storm, the terraces at Maui Pineapple Co.'s plantation could not restrain the flow, and the desilting basins filled and overflowed. In 1997 and 2002, heavy rains created significant floods in Lahaina.

The Petitioner asserts that all additional runoff resulting from development of the community will be retained on-site with no increased flow to downstream properties including Honoapiilani Highway, and the Kahana Hui and Kahana Ridge subdivisions or into the existing drainageways, desilting basins, and the ocean. Mahinahina Gulch will be left in open space to maintain its existing function as a drainage channel. However, the Petitioner should provide assurance that the project's proposed drainage facilities will accommodate the heavy storms that may hit the area.

b. Public Recreational Resources

Pulelehua will contain approximately 100 acres of parks and recreation areas. Petitioner had a general agreement with the Maui Department of Parks and Recreation to develop and dedicate to the County a 10-acre Community Park in lieu of standard park fees. In addition, Petitioner will develop many smaller,

privately maintained park areas as part of the Pulelehua development. A trail system will connect all phases of the community, and will be maintained by the homeowner association. Gulch areas will provide an additional 33 acres of open space. The former Petitioner, Maui Land and Pineapple Company, acknowledges it is still obligated to provide the County of Maui a 50-acre regional park.

8. Impacts on State Public Services and Facilities

a. State Highways and Roadways

The Petitioner prepared an updated Traffic Impact Assessment Report (“TIAR”) dated August 13, 2019. The August 2019 TIAR has been reviewed and accepted by the State Department of Transportation (“DOT”). As shown on Petitioner’s Conceptual Site Plan (Third Supplemental Memorandum, Volume 2), three proposed access points on the State Honoapiilani Highway have been agreed upon. These include the existing Akahele Street, which continues to be the main entrance to the Pulelehua development, the Right-turn-in/Right-turn-out (RIRO) access to the North, and Road J, the access to Pulelehua’s Mahinahina neighborhood to the South. The 2006 D&O had also considered a fourth “Middle Street” access, but this is no longer being proposed. DOT is requesting two amended conditions of approval to Petitioner’s proposed amended D&O based on the updated TIAR. These conditions are contained in OP's Recommendations.

b. Schools

West Maui is served by schools within the Department of Education’s (DOE) Lahainaluna complex. Currently, there are four public schools in the Lahainaluna complex and all are in Lahainaluna -- Kamehameha III Elementary, Princess Nahienaena Elementary, Lahaina Intermediate, and Lahainaluna High schools. In addition, there are two private schools in the area, Sacred Hearts School and West Maui Garden Academy. Petitioner has designated a 13-acre site in Pulelehua reserved for a new elementary school. The DOE has accepted the site subject to Condition No. 2 in both the 2006 D&O and Petitioner’s proposed amended D&O.

c. Civil Defense

The Maui Civil Defense Agency has responsibility for administering and operating the various local, state, and Federal civil defense programs for the County. This includes planning, preparing, and coordinating civil defense operations to meet disaster situations and to coordinate post-disaster recovery operations.

Natural hazards affecting the Hawaiian Islands include volcanic eruptions, earthquakes, landslides, hurricanes, tsunamis, and flooding.

d. Flooding

There are five Soil and Water Conservation Districts (SWCD) for Maui County: Olinda- Kula, Hana, Central Maui, West Maui, and Molokai. The four on the Island of Maui work together to develop soil conservation and water and flood control strategies to keep up with development. Their projects included lining the lower channel for Iao Stream through Wailuku, and detention basins above Kahana. As mentioned previously, on July 22, 1993, a storm described as a "500-Year storm" dropped 6 inches of rain on Napili-Mahinahina in about 90 minutes. Even with the detention basins above Kahana in place, due to the severity of the storm, the terraces at Maui Pineapple Co.'s plantation could not restrain the flow. The Petitioner should provide assurance that the project's proposed drainage facilities will be able to accommodate the occasional heavy storms that may occur within the area.

9. Provision for Employment Opportunities and Economic Development

Petitioner's April 2019 market study estimates that the Project will create 1,516 "worker years" of construction trades employment, 886 worker years of commercial/retail businesses, and 97 worker years of business/community association and maintenance trade over the initial construction and sales period. The study also estimates the project will provide 200 permanent full-time equivalent jobs with annual wages of \$7.9 million. Permanent full-time equivalent jobs in the region economy is estimated to provide \$1.2 million, and \$40.9 million per year in discretionary expenditures from community residents.

Pulelehua will contribute to State and County revenues in the form of

increased property taxes, and increased income tax revenue from construction jobs and long-term employment opportunities. State tax revenue for the ten-year construction and sales period is estimated to exceed \$26.8 million from income tax and \$37.7 million from general excise tax, and will stabilize at \$5.8 million annually from income tax and \$6.9 million annually from general excise tax. County real property tax revenue during the ten-year construction and sales period is estimated at \$8 million and \$1.5 million annually thereafter. Pulelehua will provide homes for sale and rent to Maui's primary workers. The FEIS asserts that there is a strong demand for affordable and moderate market-rate housing in West Maui for full-time residents as there are many employment opportunities between Lahaina and Kapalua. Further, development of the community will benefit the construction industry.

10. Provision for Housing Opportunities and Economic Development

280 residential units in Pulelehua will be affordable to provide homes for rent to Maui's workers, earning between 50 to 140 percent of the median income.

V. CONFORMANCE WITH THE STATE LAND USE COMMISSION RULES

Petitioner's proposed motion to amend the 2006 D&O remains consistent with Land Use Commission (LUC) Rules Section 15-15-18 that sets forth standards to be used by the Commission for determining urban boundaries. For example:

1. Lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other land uses. The project site is bounded by a State highway, adjacent to existing residential subdivisions (Kahana Ridge, and Kahana Hui), makai of the Kapalua Airport, and close to the Kapalua and Kaanapali Resorts and retail services within those resorts.
2. Proximity to centers of trading and employment and availability of basic services. The project site is located between West Maui's primary employment areas of Kaanapali and Kapalua.
3. Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire

protection. Presently there are no services available at the site. The Petitioner proposes to develop a community that will include some basic services such as parks, schools, and or will be able to connect services that can be made available. The Napili Fire Station and a police station are located approximately 2 miles north of the Petition Area in Napili, and Petitioner intends to develop its own wastewater treatment facility.

4. *Sufficient reserve areas for foreseeable growth.* There is a large estate lot and open space at the northern end of the Petition Area for future growth.
5. *Lands with satisfactory topography, drainage and reasonably free from floods, tsunami, unstable soil conditions and other adverse environmental effects.* According to the 2006 D&O FEIS, the project site meets this standard. The average slope of the Petition Area is 8 percent. The project site is not located in a flood or Tsunami zone. However, the Petitioner should provide assurances that the project's proposed drainage facilities will accommodate the heavy storms that may hit the area.
6. *Land contiguous with existing urban areas, particularly when indicated for future urban use on state or county general plans.* Portions of the Petition Area are bounded by a State highway, and adjacent to existing residential subdivisions (Kahana Ridge, and Kahana Hui), makai of the Kapalua Airport, and close to the Kapalua and Kaanapali. Resorts. The area makai of the Highway fronting the Petition Area is Urban.

VI. CONFORMANCE WITH THE APPLICABLE GOALS, OBJECTIVES, AND POLICIES OF THE HAWAII STATE PLAN AND RELATES TO THE APPLICABLE PRIORITY GUIDELINES OF THE HAWAII STATE PLAN AND THE ADOPTED FUNCTIONAL PLANS

The Hawaii State Plan

The proposed amended D&O examines the consistency of the project with the objectives and policies of the Hawaii State Plan on pgs. 63 – 70 of the proposed amended D&O.

State Functional Plans

According to the 2005 FEIS, the proposal is in conformance with the State Functional Plans for Agriculture, Employment, Recreation, Energy, Health, Historic Preservation, and Transportation.

The proposed amended D&O will allow Petitioner to develop the subject Petition area in a manner that will assist residents towards fulfilling the basic goals of the Hawaii State Plan of individual and family self-sufficiency, social and economic mobility and community or social well-being. In addition to providing affordable housing, urbanization of the Petition area will provide lands for future housing and economic opportunities for Maui residents. The addition of new housing opportunities for business and commercial growth within a sustainable community may help to diversify the economy of the Lahaina area.

XI. RECOMMENDATION

Based on the foregoing information and analysis, OP recommends that the Motion to Amend the 2006 D&O by Maui Oceanview LP be approved subject to the following:

OP Proposed Conditions:

1. **Affordable Housing.** *OP defers to the County of Maui.*
2. **Public School Facilities.** Petitioner shall contribute to the development, funding, and/or construction of public school facilities, on a fair-share basis, pursuant to an Education Contribution Agreement for Pulelehua executed between Petitioner and the DOE. The Education Contribution Agreement shall provide for the dedication of land and/or other consideration to be applied to the construction of a public elementary school in Pulelehua. Petitioner shall file the Education Contribution Agreement and any subsequent amendments with the Commission after it has been executed by Petitioner and the DOE. Petitioner shall also submit copies of all executed Education Contribution Agreements to the County of Maui prior to the Council approving an ordinance amending the West Maui Community Plan Land Use Map designation for Pulelehua.

Petitioner shall pursue alternatives with the DOE to expedite the design and construction of the public elementary school in Pulelehua. Such alternatives may include a design-build agreement whereby Petitioner would agree to design and build public school facilities for a sum to be paid by the DOE.

3. Wastewater Facilities. *OP defers to the County of Maui.*

4. Akahahele Street. Petitioner shall enter into an agreement with the DOT, Airports Division, under terms and conditions acceptable to the DOT, for access to and use of Akahahele Street. Petitioner acknowledges, understands, and agrees that Petitioner's obligation and responsibilities in an agreement can extend to, but not be limited to, design and construction of the roadway improvements and intersections, compliance with Kapalua-West Maui Airport security programs, and upkeep and maintenance of Akahahele Street.

5. Transportation Improvements. ~~Petitioner shall submit a revised TIAR for Pulelehua to the DOT for their review and approval no later than the completion date of the final development and internal circulation plan for Pulelehua.~~

~~Petitioner shall implement traffic mitigation measures and roadway and intersection improvements, including signalization and pedestrian facilities, for access to and use of Honoapiilani Highway, as determined by and to the satisfaction of the DOT, including those improvements and mitigation measures as recommended or required by the TIAR approved by the DOT. Petitioner shall obtain the DOT's prior written approval of Petitioner's TIAR and Petitioner may not proceed with the development of Petitioner's Project until the DOT approves the TIAR. *Petitioner shall submit an updated TIAR to the DOT for their review and acceptance prior to the start of construction for Scenario three (Phase 3, 4, and 5). The updated TIAR shall also verify the validity of*~~

recommended improvements related to the new elementary school operation anticipated to be completed by approximately year 2035 (Phase 4). To the satisfaction of DOT, as recommended or required in the accepted TIAR, the Petitioner shall construct and ensure operation of all improvements related to the State Honoapiilani Highway for each phase/scenario prior to the first Certificate of Occupancy for the associated phases. Petitioner shall coordinate with DOT to provide any necessary roadway setbacks for future roadway improvements on the State Honoapiilani Highway.

6. Regional Highway Contribution. *Petitioner shall apply its regional highway pro-rata contributions to the nearby Lahaina Bypass for the construction of Phase 1C (resulting from the total calculation of Phase 1A, 1B-1, 1B-2, and 1C). The Petitioner shall meet with DOT to determine the specific contribution amount and timetable that is mutually agreeable to DOT.*

67. Roadway Connectivity and Regional Circulation. Petitioner shall plan and prepare for lateral (in general parallel to the coastline and fronting the highway) roadway connections from the Petition Area to adjoining lands in cooperation with the respective neighboring landowner(s) to provide potential alternate roadway routes to improve transportation capabilities in the area. Petitioner shall facilitate and promote the need for a Regional Traffic Circulation Plan from the County government to assist Petitioner and the DOT in determining roadway connections from the Petition Area to other adjoining lands and to existing roads and highways.

78. Traffic Fair-Share Contribution. *OP defers to the County of Maui.*

89. Civil Defense. Petitioner shall, on a fair-share basis, fund and construct adequate solar-powered civil defense measures serving the Petition Area as determined

by the State of Hawai'i Department of Defense, Office of Civil Defense, and the County of Maui Civil Defense Agency.

910. Archaeological Inventory Survey and Historic Preservation

Mitigation Plan. Petitioner shall comply with the conditions recommended by the DLNR, SHPD, on March 3, 2005, regarding revisions to Petitioner's archaeological inventory survey and approval of an acceptable monitoring plan in the general vicinity of historic sites on the Petition Area prior to commencement of any ground altering activities.

1011. Previously Unidentified Burial/Archaeological/Historic Sites.

Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, then all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the DLNR, SHPD, that mitigative measures have been implemented to its satisfaction.

1112. Air Quality Monitoring. Petitioner shall participate in an air quality-monitoring program if required by the DOH.

1213. Notification of Noise. Petitioner shall notify and disclose to all prospective buyers and/or lessees of the Petition Area, in accordance with State law, the potential adverse impacts of aircraft and airport activity from the adjacent Kapalua West Maui Airport, such as but not limited to noise, right of flight, emissions, vibrations, and other incidences of aircraft operations. Petitioner shall implement procedures and provide covenants in any grant or transfer of interest in the Petition Area, or portion thereof,

whereby buyers and lessees and other future owners, lessees, or occupants will release the State of Hawai'i from and against all claims, liability, and losses resulting from aircraft and airport operations, provided that the State of Hawai'i shall not be released from its negligence.

1314. Airport Infrastructure. Petitioner shall provide and be responsible at its costs for any relocation, change, repair, or alteration to existing airport utility, service, and related infrastructure lines and equipment affected by Petitioner's Project, located in or surrounded by the Petition Area, to the satisfaction of the DOT.

1415. Sound Attenuation. Petitioner shall employ the following noise mitigation measures: Petitioner shall follow the Maximum Operation Scenario in its noise study and place residential units and similar noise sensitive uses outside the 60 DNL (toward lesser DNL) noise contour. Residential units and similar noise sensitive uses located in between the 55 to 60 DNL noise contours should be properly designed and constructed to meet, at a minimum, Federal EPA residential interior noise standards. Industrial commercial-business type uses, if located in the 60-65 or higher noise contours, containing noise sensitive uses (e.g., rest area, offices, etc.) should have the noise sensitive area properly designed and constructed to meet, at a minimum, applicable Federal EPA interior noise standards.

1516. Runway Safety, Protection, and Use. Petitioner acknowledges that portions of the Petition Area lay within, or are subject to, the airport runway safety and protection areas (the RPZ, the RSA, and the ROFA) required by the FAA at the Kapalua-West Maui Airport. Petitioner agrees to comply with FAA requirements and cooperate with the DOT for the documentation and recordation of the safety and protection areas. Petitioner agrees to provide the DOT access in order that the DOT may undertake

mitigation measures (grading, lengthening, alteration, or improvement) to bring the safety and protection areas up to FAA standards. Petitioner will sell an aviation easement on the affected lands in favor of the State of Hawai'i.

1617. Hazards to Aircraft Operations. Petitioner shall take appropriate measures to fund and implement a program to control any bird nesting or gathering and any insect, pest, or wildlife infestation, especially in any drainage retention basins serving the Petition Area and in any portion of the Petition Area in the RSA, RPZ, and ROFA, or abutting the Kapalua-West Maui Airport to minimize the hazards to aircraft operations, as deemed necessary by the DOT, Airports Division.

1718. Drainage. Petitioner shall fund the design and construction of drainage system improvements to prevent runoff resulting from the development of the Petition Area from adversely affecting State airport and highway facilities to the satisfaction of appropriate State and County agencies, based on one hour of runoff from a 50-year storm.

1819. Notification of Potential Nuisances. Petitioner shall disclose to all prospective buyers and/or lessees of the Petition Area that potential odor, noise, and dust pollution may result from agricultural uses on adjacent lands.

1920. Provisions of the Hawai'i Right to Farm Act. Petitioner shall notify all prospective buyers and/or lessees of the Petition Area that the Hawai'i Right to Farm Act, chapter 165, HRS, limits the circumstances under which pre-existing farm activities may be deemed a nuisance if there are any lands in the Agricultural District adjacent to the Petition Area.

2021. Integrated Solid Waste Management Plan. Petitioner shall cooperate with the DOH and the DPWEM to conform to the program goals and objectives of chapter 342G, HRS, and the County of Maui's approved integrated solid waste management plan in accordance with a schedule and timeframe satisfactory to the DOH. Petitioner shall, in coordination with appropriate State and County government agencies, assist in the planning and promotion of solid waste recycling facilities, including recycling bins in public places, such as schools and parks, if any, within the proposed development.

2122. Water Resources Allocation. “[Petitioner] Maui Oceanview LP” Petitioner shall provide adequate potable and non-potable water source, storage, and transmission facilities and improvements “[to the satisfaction of the DWS]” to the satisfaction of the DWS to accommodate the proposed development on the Petition Area.

2223. Established Access Rights Protected. Petitioner shall preserve any established access rights of native Hawaiians who have customarily and traditionally used the Petition Area for access to other areas to exercise subsistence, cultural, and religious practices.

2324. Best Management Practices. Petitioner shall implement applicable best management practices applicable to each proposed land use to reduce or eliminate soil erosion and groundwater pollution, and effect dust control measures during and after the development process in accordance with the DOH guidelines.

2425. Soil Analysis. Petitioner shall conduct a soil analysis study of the Petition Area to determine the impact of the Project from fertilizer and pesticide residue that may be present on the Petition Area and undertake measures to abate and remove any hazardous materials identified.

2526. Water Conservation Measures. Petitioner shall implement water conservation measures and best management practices, such as use of indigenous and drought tolerant plants and turf, and incorporate such measures into common area landscape planting.

2627. Energy Conservation Measures. Petitioner shall implement energy conservation measures such as use of solar energy and solar heating and incorporate such measures into the Project.

2728. Compliance with Representations to the Commission. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.

DATED: Honolulu, Hawaii, September 24, 2019.

OFFICE OF PLANNING
STATE OF HAWAII



RODNEY FUNAKOSHI
Planning Program Administrator

OFFICE OF PLANNING

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**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

| | | |
|---|---|---------------------------|
| In the Matter of the Petition of |) | DOCKET NO. A04-751 |
| |) | |
| MAUI LAND & PINEAPPLE COMPANY, INC.) |) | CERIFICATE OF SERVICE |
| A Hawaii Corporation (Pulelehua) |) | |
| |) | |
| To Amend the Agricultural Land Use District |) | |
| Boundary into the Urban Land Use District for |) | |
| Approximately 310.440 Acres of Land at |) | |
| Mahinahina and Kahana, Lahaina, Maui, Hawaii, |) | |
| Tax Map Key No. (2) 4-3-001:082 and 083 |) | |
| _____ |) | |

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.

TAKITANI AGARAN & JORGENSEN, LLLP
GILBERT S.C. KEITH-AGARAN, ESQ.
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Department of Corporation Counsel
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Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, September 24, 2019.

OFFICE OF PLANNING
STATE OF HAWAII





A handwritten signature in black ink, appearing to read "Rodney Funakoshi". The signature is written in a cursive style with a period at the end.

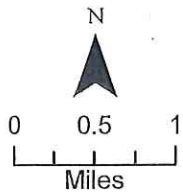
RODNEY FUNAKOSHI
Planning Program Administrator

LUC Docket A04-751 Maui Land & Pineapple Co.

 Petition Area

State Land Use Districts

-  Agricultural
-  Conservation
-  Rural
-  Urban

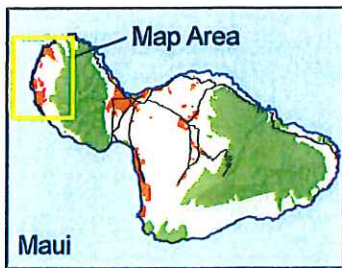


TMK: 4-3-001:031

Honokowai

Kaanapali

Lahaina







This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
Date: 10/5/05
Map No: 20051005-01
Sources:
State Land Use Districts - State Land Use Commission, 2005.

Exhibit 2


**LUC Docket A04-751
Maui Land & Pineapple Co.**

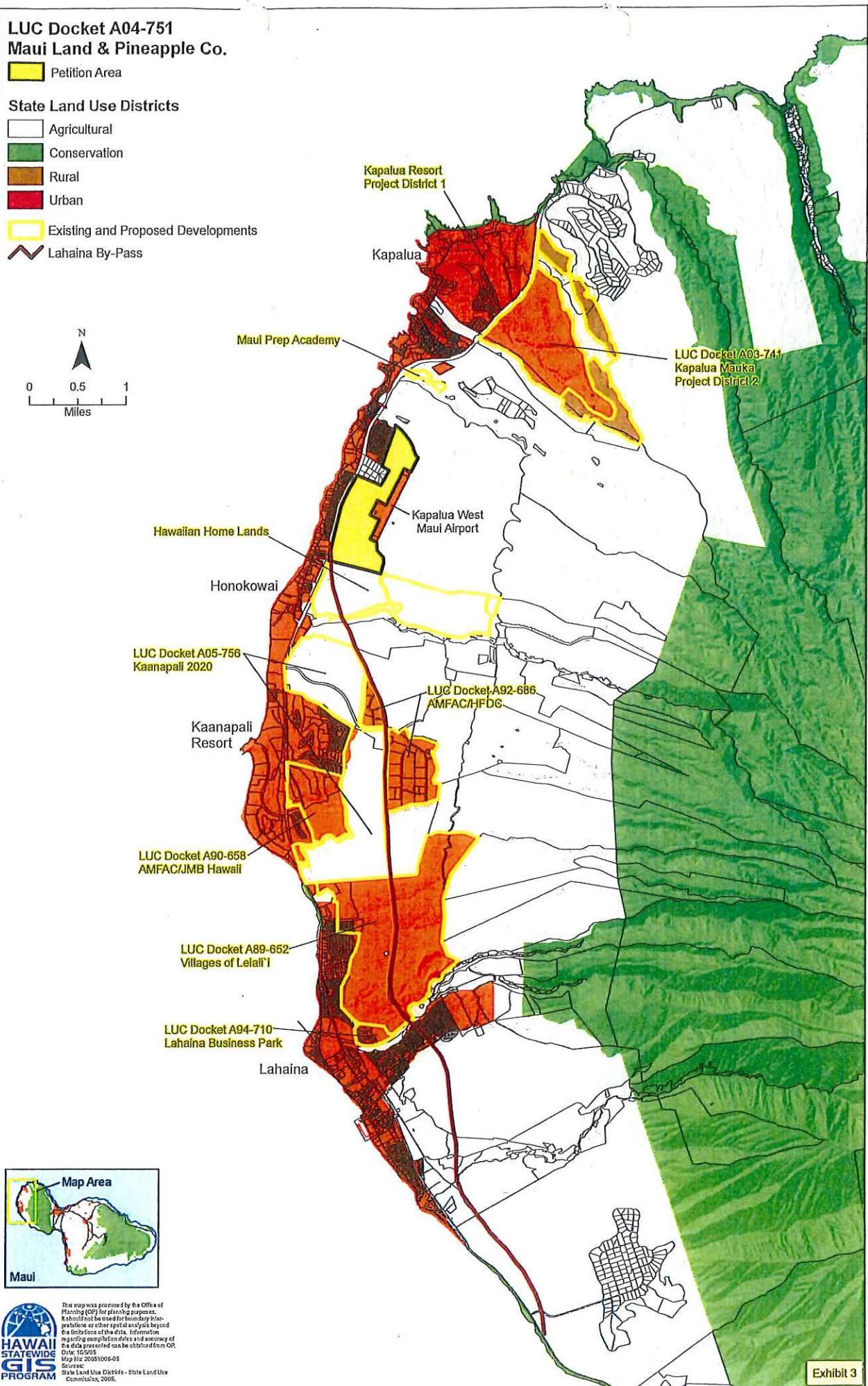
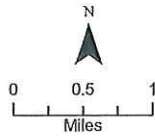
 Petition Area

State Land Use Districts

-  Agricultural
-  Conservation
-  Rural
-  Urban

 Existing and Proposed Developments

 Lahaina By-Pass



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation date and accuracy of the data presented can be obtained from OP.
Date: 10/09
Map No: 20081006-05
Sources:
State Land Use Districts - State Land Use Commission, 2005.

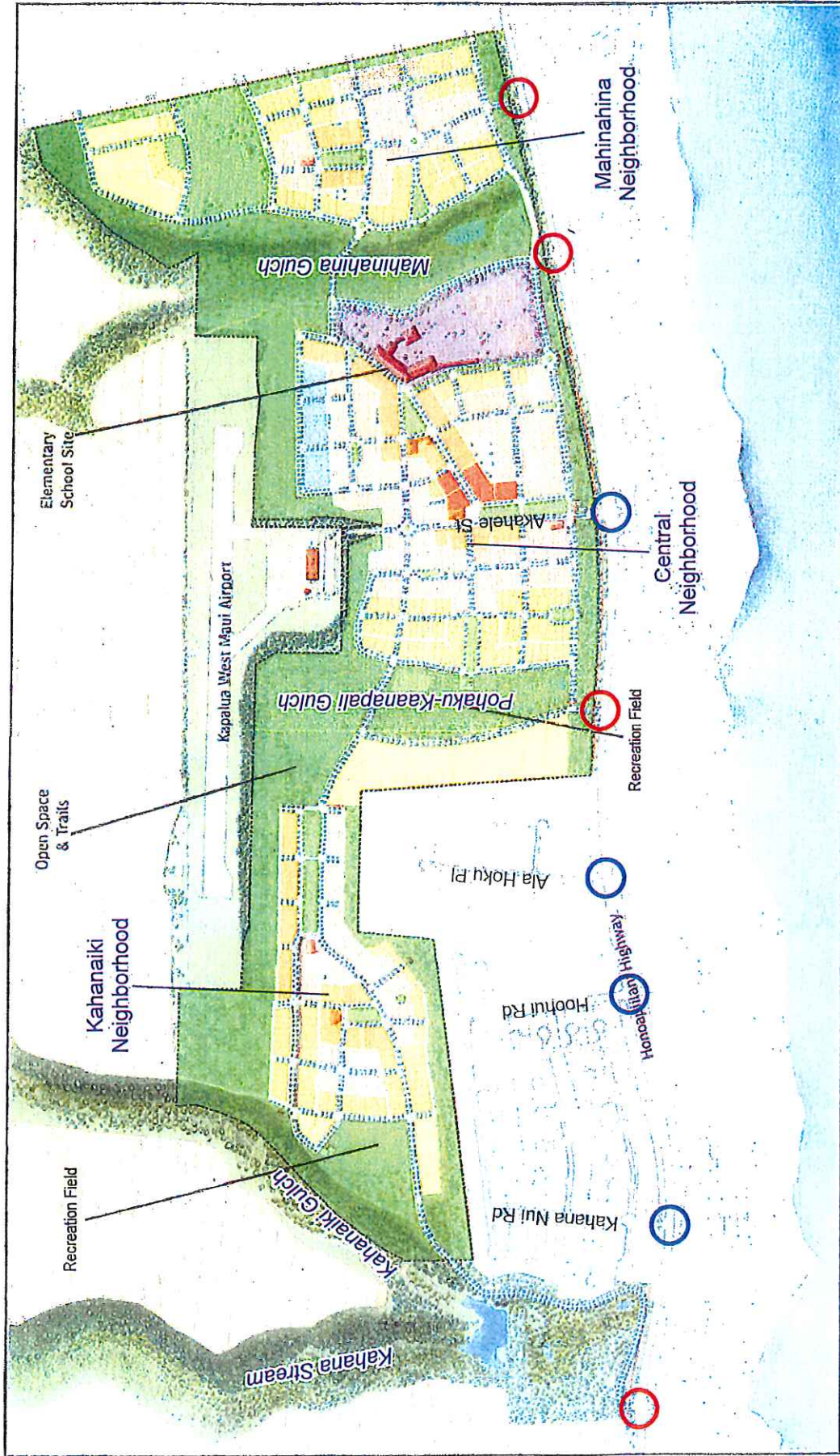


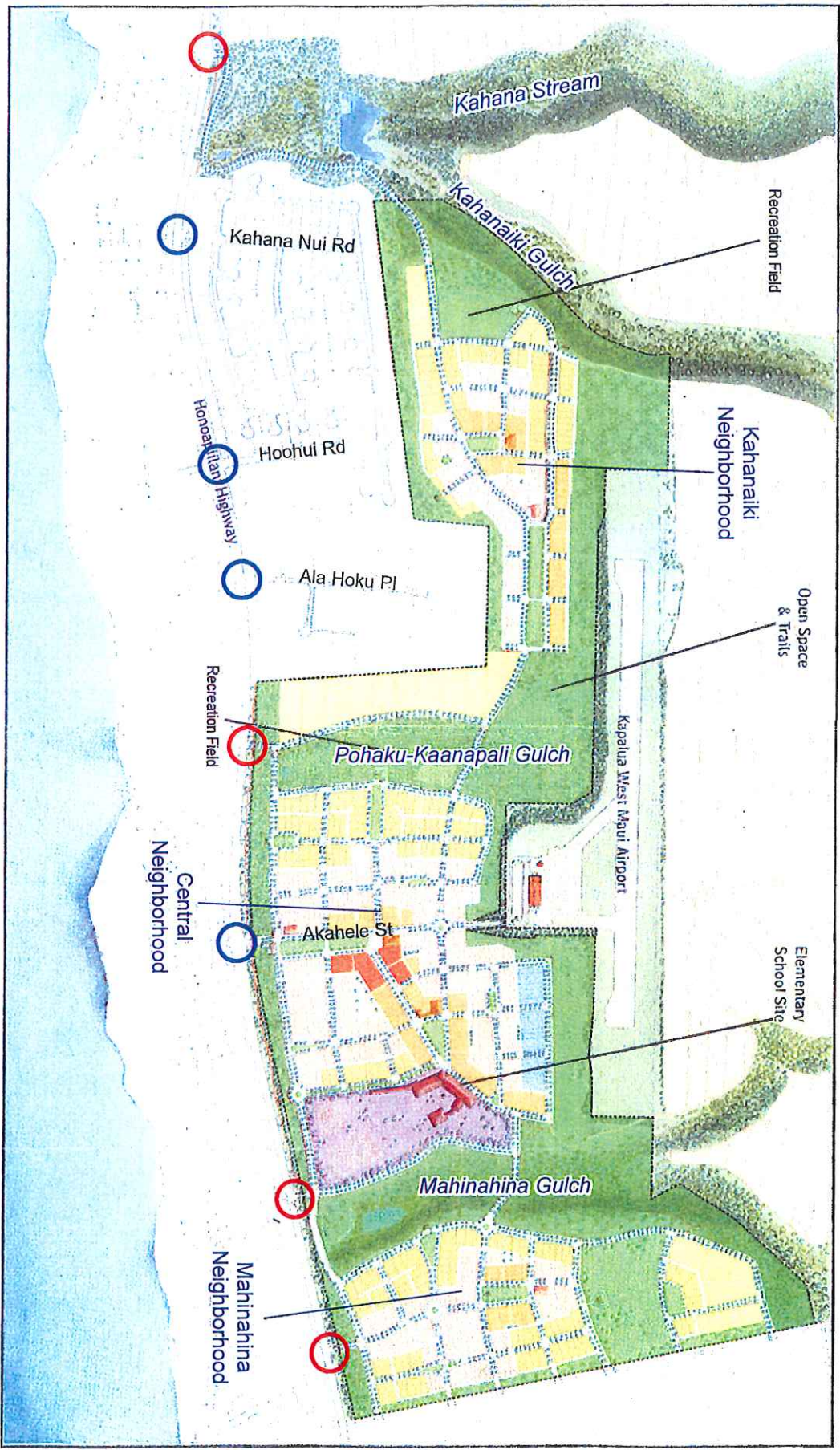
Figure 1
 Illustrative Master Plan

Pulelehua
 MAUI LAND & ENGINEERING COMPANY, INC. Island of Maui
 MODEL UNICAL SCALE FEET

- Proposed Access from Honoapiʻiani Highway
- Existing Access from Honoapiʻiani Highway

- Legend**
- NEIGHBORHOOD CORE (Main Street and Live/Work)
 - NEIGHBORHOOD CENTER (Main Street, Live/Work, and Higher Density Residential)
 - NEIGHBORHOOD GENERAL (Live/Work, Corner Store, and a Mix of Residential Units)
 - NEIGHBORHOOD EDGE (Lower Density Residential)
 - ESTATE EDGE (Estate House Lots)
 - WORKPLACE EDGE (Workshop / Loft Buildings)

Town Plan by:
DOVER, KOHL & PARTNERS
 town planning



Legend

- NEIGHBORHOOD CORE (Main Street and Live/Work)
- NEIGHBORHOOD CENTER (Main Street, Live/Work, and Higher Density Residential)
- NEIGHBORHOOD GENERAL (Live/Work, Corner Store, and a Mix of Residential Units)
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- Proposed Access from Honoapiʻili Highway
- Existing Access from Honoapiʻili Highway

Town Plan by:
DOVER, KOHL & PARTNERS
 town planning

Figure 1
 Illustrative Master Plan
Pulelehua
 HONOLULU
 HAWAII
 HONOLULU, HAWAII
 PBR
 EXHIBIT 4