OFFICE OF PLANNING’S STATEMENT OF POSITION ON THE LAND USE COMMISSION’S ORDER TO SHOW CAUSE

The Office of Planning (“OP”) has no position at this time on the Order To Show Cause (“OSC”) from the Land Use Commission (“LUC” or “Commission”) dated June 3, 2021.

I. BACKGROUND

On February 21, 2012, the Commission granted Petitioner Kula Ridge, LLC (“Petitioner”) a district boundary amendment from the State Agricultural District to the Urban and Rural Districts for the development of a 236-unit residential subdivision (“Project”) on approximately 51.025 acres of land at Kula, Makawao, Maui, Hawaii, identified as Tax Map Key: 2-3-01: por. 23 and 174 (“Petition Area”). The Project consists of 70 affordable units and 46 market-priced lots, with onsite infrastructure improvements. Of the 70 affordable units, 36 were proposed to be single-family units and 34 were to be senior duplexes, which would have been made available to purchasers 55 years of age or older. The Petition Area’s Rural lots were
permitted to be developed with one main dwelling and one accessory dwelling each, which would result in a total maximum of 120 dwelling units.

Condition 18 of the Findings of Fact, Conclusions of Law and Decision and Order ("D&O") dated February 21, 2012 requires that the proposed backbone infrastructure be completed within 10 years of the D&O.

The LUC conducted a status hearing on this matter on April 14, 2021. The Petitioner provided background on the project status and requested that the land use designation for the Petition Area be reverted from the Urban and Rural Land Use Districts to the Agricultural District. The Petitioner indicated that they had difficulty in obtaining appropriate infrastructure approvals for water and sewer from the County of Maui.

II. STATE AGENCY COMMENTS PENDING

OP has no position on the LUC’s reversion of the Petition Area to its former Agricultural District classification at this time. OP has requested comments from four State agencies, including the Department of Defense, Department of Transportation, Department of Health, and the Hawaii Housing Finance & Development Corporation. Pending the receipt of comments from these agencies, OP reserves the right to modify its position and to submit additional information on whether the Petitioner has fulfilled any of the conditions.

DATED: Honolulu, Hawaii, June 18, 2021.

OFFICE OF PLANNING
STATE OF HAWAII

Mary Alice Evans
MARY ALICE EVANS
DIRECTOR
### LIST OF EXHIBITS

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<tr>
<th>EXHIBIT NUMBER</th>
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<td>State Department of Housing Finance and Development Corporation Letter</td>
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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

KULA RIDGE, LLC

DOCKET NO. A11-790

OFFICE OF PLANNING’S STATEMENT
OF POSITION TO THE ORDER TO
SHOW CAUSE, OP LIST OF EXHIBITS

To Amend the Land Use District Boundaries
Of Approximately 34.516 Acres Of Land
From The Agricultural Land Use District
Into the Urban Land Use District And
Approximately 16.509 Acres Of Land From
The Agricultural Land Use District Into The
Rural Land Use District At Kula, Makawao,
Maui, Hawaii, Tax Map Key: 2-3-01: Por.
23 And 174

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.

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DATED: Honolulu, Hawaii, June 18, 2021.

OFFICE OF PLANNING  
STATE OF HAWAII

Mary Alice Evans  
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