

DEPARTMENT OF PLANNING
 COUNTY OF MAUI
 One Main Plaza
 2200 Main Street, Suite 315
 Wailuku, Hawaii 96793
 Telephone: (808) 270-7735



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

In the Matter of the Petition of:)	Docket No. A11-790
)	
KULA RIDGE, LLC)	COUNTY OF MAUI, DEPARTMENT OF
)	PLANNING'S POSITION STATEMENT ON
To Amend the Land Use District Boundaries)	LAND USE COMMISSION'S ORDER TO
of Approximately 34.516 Acres of Land)	SHOW CAUSE; CERTIFICATE OF SERVICE
from the Agricultural Land Use District to)	
the Urban Land Use District and)	
Approximately 16.509 Acres of Land from)	
the Agricultural Land Use District to the)	
Rural Land Use District at Kula, Makawao,)	
Maui, Hawaii, Tax Map Key: (2) 2-3-001:023)	
(por.) and 174)	
_____)	

**THE COUNTY OF MAUI DEPARTMENT OF PLANNING'S POSITION STATEMENT ON
 ORDER TO SHOW CAUSE**

In accordance with the Order to show Cause issued by the State Land Use Commission (LUC) on June 3, 2021, the Maui County Planning Department (Department) is not opposed to reversion of the 51.025 acres back to the original classification. The 51.025 acres was reclassified by the LUC on February 21, 2012. Of the 51.025 acres, 34.516 acres was reclassified from 'Agricultural' to 'Urban' and 16.509 acres was reclassified from 'Agricultural' to 'Rural.' The reclassification was sought for the development of a 116-unit residential subdivision, with approximately 70 affordable units (consisting of 36 single-family dwellings and 34 senior duplexes), 46 market-priced lots, a three-acre park with comfort station, and related onsite infrastructure

improvements. The property is situated in Kula, Maui, Hawaii, identified by Tax Map Key (2) 2-3-001:023 (por.) and 174. Because there is now a new property owner who does not intend to develop the property and prefers that the designation be reverted back to Agricultural, the Department is not opposed to the change.

Summary of Support for Reversion/Change in Classification

Condition 20 called for substantial compliance with representations made to the LUC. The condition states that failure to develop the Reclassified Area could result in the reversion of the Reclassified Area to its former classification, or change to a more appropriate classification. The Department notes that most of the conditions of the Decision and Order (D&O) have not been fulfilled, as construction was never initiated. Because there has not been substantial compliance with representations to the LUC, the Department is not opposed to reversion.

In addition to Condition 20, the following conditions have not been fulfilled:

Condition 1 for the Petitioner to design and construct 70 affordable housing units within the Petition Area, 59 of which would have been constructed as set forth in Resolution No. 10-57 and the Residential Workforce Housing Agreement approved by the Maui County Council;

Condition 2 regarding the restriction of ohana or accessory dwelling units allowed within the project area;

Condition 3 regarding the design and installation of individual wastewater systems for all housing units;

Condition 4 regarding the funding, construction and implementation of traffic impact mitigation improvements; it is noted that the Department of Public Works (DPW) has no comments on the change in ownership or the preference for land use reversion (**Exhibit 1**);

Condition 5 regarding the funding and installation of an outdoor warning siren;

Conditions 6 and 7 relating to archaeological monitoring and the cessation of construction if historic properties were found;

Condition 8 regarding the construction and maintenance of storm water and drainage improvements; again, DPW has no comments on the change in ownership or the preference for land use reversion (**Exhibit 1**);

Conditions 9 a. and b. relating to agricultural uses on adjacent agricultural land;

Conditions 10, 11 and 13 relating to the provision of drinking water, storage and transmission, the availability of water and the implementation of water conservation measures. In the Annual Report received in 2020, the Petitioner represented that it has discussed conditions of a water system and supply plan with the Department of Water Supply (DWS); however, DWS had no comment on the new owner's notification of change in property ownership and preference for reversion (**Exhibit 2**);

Condition 12 for the Petitioner to implement Best Management Practices to protect surface and groundwater resources;

Condition 14 for the Petitioner to incorporate energy conservation measures into the Reclassified Area;

Condition 15 to preserve Native Hawaiian access rights for subsistence, cultural and religious practices;

Condition 16 for consultation with the County Department of Environmental Management (DEM) Solid Waste Division regarding program and solid waste management plan conformance; DEM has no comments on the change in ownership or the preference for land use reversion (**Exhibit 3**);

Condition 17 regarding the funding and construction of sidewalks and crosswalks; as previously mentioned, DPW has no comments (**Exhibit 1**);

Condition 18 regarding the construction of infrastructure within 10 years of the effective date of the D&O;

Condition 22 to fully and partially release the conditions to all or any portion of the Petition Area upon timely motion.

The Department notes that Conditions 23 and 24 relating to the imposition of conditions and recordation with the Bureau of Conveyances have been met, as stated in the Annual Reports. Because the majority of the conditions have not yet been satisfied, and because the current owner has stated that it does not intend to comply with the conditions, the Department is not opposed to reversion of the 51.025 acres to Agricultural.

The Department notes the project area's underlying County entitlements, without the HRS 201H fast-track affordable housing approval. The project is zoned Interim District, has Makawao-Pukalani-Kula Community Plan designations of Single-Family (approximately ¼ of the project area) and Rural (approximately ¾ of the project area), and is situated in the Maui Island Plan's Rural Growth Boundary. Therefore, a rural development pattern is what is envisioned in existing long-term plans. It should be noted, though, that the Makawao-Pukalani-Kula Community Plan was adopted 25 years ago in 1996, and is scheduled to begin an update in 2023, which would be the appropriate process to establish the community's preference for this site.

The Department notes that one of the key challenges for development of the project area is water availability, and the development of a new water source must be explored in the context of the existing Upcountry Priority List, which is updated each year. The January 1, 2021 list shows 1,508 parcels awaiting a water meter, with approximately 80 properties being offered one each year.

In conclusion, despite existing long-range plans that designate some of the project area for rural growth, and due to limited water availability, the Department is not opposed to reversion of the entire Reclassified Area to its former Agricultural District designation.

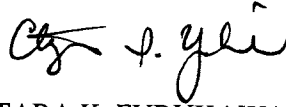
DATED: Wailuku, Hawaii, June 23, 2021.


MICHELE CHOUREAU MCLEAN, AICP
Planning Director
Department of Planning

April 29, 2021

Page 2

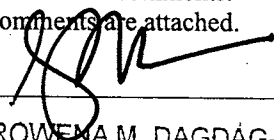
Sincerely,



for TARA K. FURUKAWA
Staff Planner

Agency: Dept. of Public Works

- We have no objections.
 We have no comments.
 Comments are attached.

Signed: 

Print: ROWENA M. DAGDAG-ANDAYA

Email Address: Rowena.Dagdag-Andaya@co.maui.hi.us

Date: JUN 07 2021

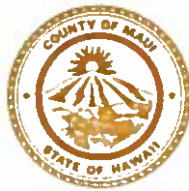
Attachments:

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Project File

CIY:TKF;rma

K:\WP_DOCS\Planning\A\2011\11-790_Kula Ridge\AgencyTransmittal_042321.docx

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

TRANSMITTAL

April 29, 2021

COUNTY AGENCIES	
<input checked="" type="checkbox"/>	Dept. of Environmental Management
<input checked="" type="checkbox"/>	Dept. of Housing & Human Concerns
<input checked="" type="checkbox"/>	Dept. of Parks & Recreation
<input checked="" type="checkbox"/>	Dept. Public Works
<input checked="" type="checkbox"/>	Dept. of Water Supply

PROJECT NAME:	Kula Ridge
APPLICANT:	Clayton Nishikawa, Kula Ridge, LLC
PROJECT ADDRESS:	Mauka of Kula Community Center, Kula, Maui, Hawaii
PROJECT DESCRIPTION:	To amend the State Land Use District Boundary designation for 34.516 acres from Agricultural to Urban and for 16.509 acres from Agricultural to Rural for the development of a 116 unit residential subdivision (70 affordable units, 46 market-priced lots) and related improvements, including a three-acre park
TMK:	(2) 2-3-001:023 (por.), 174
APPLICATION NO.:	A11-790

TRANSMITTED TO YOU ARE THE FOLLOWING:

<input checked="" type="checkbox"/>	Letter Dated February 4, 2021 from Landowner's Attorney, Thomas Welch of Mancini, Welch & Geiger LLP
<input checked="" type="checkbox"/>	Location Map
<input checked="" type="checkbox"/>	Most Recent Annual Report Submitted to the Land Use Commission Dated February 10, 2020

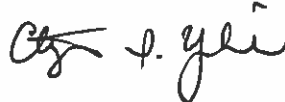
TRANSMITTAL REQUEST:

<input checked="" type="checkbox"/>	Requesting your comment and recommendation on the proposed project.
-------------------------------------	---

Transmitted for your review and comment is a link to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **May 17, 2021** via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at tara.furukawa@mauicounty.gov or at (808) 270-8205.

Exhibit 2

Sincerely,



for TARA K. FURUKAWA
Staff Planner

Agency: Department of Water Supply

- () We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: _____

Print: Jeffrey T. Pearson, P.E., Director

Email Address: jeff.pearson@co.maui.hi.us

Date: _____

Attachments:

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)

Tara K. Furukawa, Staff Planner (PDF)

Project File

CIY:TKF;rma

K:\WP_DOCS\Planning\A\2011\11-790_Kula Ridge\AgencyTransmittal_042321.docx

From: Eric Nakagawa
To: Jordan Molina; Michele McLean; Rowena Dagdag-Andaya; Shayne Agawa
CC: Jordan Hart; Tara Furukawa; Ann Cua; Clayton Yoshida
Date: 6/3/2021 8:59 AM
Subject: Re: Kula Ridge -- need your comments please!

Good Morning Michele,

DEM has no comments.

Thanks,
Eric Nakagawa, P.E.
Director

County of Maui
Department of Environmental Management
2050 Main Street, Suite 2B
Wailuku, Maui, HI 96793
Office: (808) 270-8230

>>> Michele McLean 6/2/2021 4:38 PM >>>
Hi DPW and DEM,

Would you be able to provide your comments on the Kula Ridge project to us soon?

The LUC will likely take this up later this month or in July, and we need to be prepared. In brief, the owner is asking the LUC to consider reverting the property back to its prior state land use designation of Ag since the Kula Ridge 201H project is not moving forward.

Even if you have "no comment" please let us know your comments as soon as possible.

Mahalo,
Michele.

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

In the Matter of the Petition of:)	Docket No. A11-790
)	
KULA RIDGE, LLC)	CERTIFICATE OF SERVICE
)	
To Amend the Land Use District Boundaries)	
of Approximately 34.516 Acres of Land)	
from the Agricultural Land Use District to)	
the Urban Land Use District and)	
Approximately 16.509 Acres of Land from)	
the Agricultural Land Use District to the)	
Rural Land Use District at Kula, Makawao,)	
Maui, Hawaii, Tax Map Key: (2) 2-3-001:023)	
(por.) and 174)	
<hr/>		

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

DANIEL E. ORODENKER
Executive Director
State of Hawaii Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804-2359

By Certified Mail No.:
7019 2970 0001 1970 5804
(Return Receipt Requested)

Digital Copy to State Land Use Commission, luc@dbedt.hawaii.gov

MARY ALICE EVANS
Director
Office of Planning
Post Office Box 2359
Honolulu, Hawaii 96804-2359

Electronic Mail:
maryalice.evans@hawaii.gov

ALICE KATO, ESQ.
State of Hawaii
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

By Certified Mail No.:
7019 2970 0001 1970 5811
(Return Receipt Requested)

JEFF UEOKA, ESQ.
Mancini, Welch & Geiger LLP
305 East Wakea Avenue, Suite 200
Kahului, Hawaii 96732
(Attorneys for Landowner)

Electronic Mail:
jueoka@mrwlaw.com

MICHAEL HOPPER
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Electronic Mail
Michael.Hopper@co.maui.hi.us

DATED: Wailuku, Hawaii, June 24, 2021.



MICHELE MCLEAN, AICP
Planning Director
Department of Planning

K:\WP_DOCS\Planning\A\2011\11-790_Kula Ridge\CertificateOfService_2021.doc