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GOVERNOR



LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

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August 2, 2022

Chris Hart & Partners, Inc.
Attn: Brett Davis, Senior Planner
2200 Main Street, Suite 546
Wailuku, Hawai'i 96793

Dear Mr. Davis,

Re: Request for Comments – Final Environmental Assessment for the Waiehu Residential Community.

Thank you for the opportunity to review and comment on the subject project. The Land Use Commission Staff has reviewed the Final Environmental Impact Assessment (“FEA”) for the Waiehu Residential Community, and has the following comments and recommendations:

The FEA indicates that the proposed project is in Maui County Department of Water Supply (“DWS”) Central Maui Service Area, and that the domestic consumption is expected to be between 367,000 and 490,000 gallons of potable water per day, excluding the fire protection plan. The DWS indicated that the ‘Āao and Waihe'e aquifers are reaching the maximum pumpage recommended by the State Commission on Water Resource Management (“CWRM”), which raises the question of whether sufficient water can be provided to assure that this will be a viable project and will comply with the public trust doctrine. Currently, the proposed project plans to phase the development and build out to reflect the availability of water source capacity. The Land Use Commission (“LUC”) recommends that investigative preliminary studies be conducted prior to the start of construction to ensure adequate water sources are available for the entire proposed project. The LUC also recommends that a detailed phased development plan showing buildout be provided with corresponding water consumption data.

The vehicle volumes in Figure 4.4, appear underestimated for the project size. The project proposes 752 dwelling units, 184 will be multi-family units, 568 will be single-family units, and includes a retail space of an approximately 17,400 square feet. The LUC would like additional information on the data extrapolation process and how the numbers in figure 4.4 were estimated to be so low.

Additionally, the Existing Traffic Volumes section in the Roadways portion of the FEA states that the study used the turning movement counts that were collected in 2016-2019 – prior to the COVID-19 Pandemic. The LUC recognizes why the 2016-2019 data was used, but suggests that updates with more current data be collected and applied to verify and confirm the estimated future projections.

The FEA indicates that the proposed project will require a District Boundary Amendment (“DBA”) to redesignate land within the Agricultural District to the Urban District. Although the FEA mentions it on page 126, it does not clearly identify the small area situated east of the western property boundary that is currently designated State Rural District that will need to be excluded from consideration. A metes and bounds map of the proposed development would better define the pockets of planned development.

3.2 State Land Use

Chapter 205, Hawai'i Revised Statutes, relating to the Land Use Commission (LUC), establishes four (4) major land use districts in which all lands in the state are placed. These districts are designated as *Urban*, *Rural*, *Agricultural*, and *Conservation*. The lands underlying the proposed Waiehu Residential Community are predominantly designated State Agricultural District. **Only a small area situated east of the western property boundary is designated State Rural District.** (See: Figure 6, State Land Use District Map)

The FEA also estimates that the proposed project will begin construction in 2024 and be completed in 2032, however, Hawai'i Administrative Rule (“HAR”) § 15-15-50 (c) (20), states that petitions seeking boundary amendments must indicate that the development will be accomplished “before ten years after the date of commission approval.” It should be noted that although the proposed development will be accomplished within ten years – after the Commission adopts the D&O; it is still subject to Hawai'i Administrative Rule (“HAR”) 15-15-50 (c) (20).

HAR § 15-15-50 (c) (20) reads:

Petitioners submitting petitions for boundary amendment to the urban district shall also represent that development of the subject property in accordance with the demonstrated need therefore will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall also submit a schedule for development of the total of such project in increments together with a map identifying the location of each increment, each such increment to be completed within no more than a ten-year period.

Lastly, we request discussion on which agency will be the accepting authority and which agency will be advising the Governor and why.

If you have any questions please contact me, or staff planner Martina Segura at martina.t.segura@hawaii.gov or (808)587-3825.

Aloha,



Daniel E. Orodener
Executive Officer
Land Use Commission