

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on May 21, 2013, makes reference to the following:

1. County Communication 12-80, from former Council Chair Danny A. Mateo, transmitting correspondence dated April 13, 2012, from Charles Jencks, Honua`ula Partners, LLC, transmitting an annual compliance report pursuant to Condition 29 of Ordinance 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning) for approximately 670 acres situated at Paeahu, Palauea, Keauhou, Hawaii; and
2. County Communication 13-156, from Council Chair Gladys C. Baisa, transmitting correspondence dated April 11, 2013, from Charles Jencks, Honua`ula Partners, LLC, transmitting an annual compliance report pursuant to Condition 29 of Ordinance 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning) for approximately 670 acres situated at Paeahu, Palauea, Keauhou, Hawaii.

Your Committee notes Ordinance 3554 (2008) established Kihei-Makena Project District 9 (Wailea 670) Conditional Zoning for two parcels, collectively comprising the entire 670-acre project district in Wailea, also known as "Honua`ula". The project district will incorporate single-family residential, multi-family residential, recreation and open space/utility, and village mixed-use sub-districts, and one golf course. To mitigate the impacts of the project district, the Council imposed 30 conditions. These conditions addressed issues relating to infrastructure improvements, transportation management, parks, the public golf course, wastewater, contributions by the Department of Education, civil defense measures, police and fire control, resource management, and other development issues.

Because of concerns that these conditions be regularly monitored for compliance, Condition 29 of Ordinance 3554 (2008) provides that "Honua`ula Partners, LLC, its

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

Page 2

Committee
Report No. _____

successors and permitted assigns, shall provide annual compliance reports to the Department of Planning and the Maui County Council on the status of the project and progress in complying with the conditions imposed, commencing within one year of the effective date of the ordinance.”

Your Committee notes Honua`ula Partners, LLC, has been and is currently involved in several legal proceedings. Charles Jencks, authorized representative of Honua`ula Partners, LLC, summarized legal filings, responses, decisions by the court, and the status of the legal challenges. He stated that the legal proceedings continue to affect Honua`ula Partners, LLC’s project commitments, which has delayed development and infrastructure improvements.

Mr. Jencks stated that the most recent State Land Use Commission Decision found Honua`ula Partners, LLC, in violation of the State Land Use Commission Decision and Order issued in 1995. This decision has further delayed the project and affected its ability to satisfy Condition 5.

Condition 5 requires that affordable housing units be built on another site, the Kaonoulu Light Industrial Subdivision, which has been designated by the Kihei-Makena Community Plan as Light Industrial.

According to a Deputy Corporation Counsel, apartments are permitted on lands designated as Light Industrial in the community plan. He informed your Committee the State Land Use Commission recently found Honua`ula Partners, LLC, was not in compliance with the conditions of their 1995 State Land Use Commission approval to reclassify the project from Agricultural to Urban. He said the State Land Use Commission has not issued its Decision and Order; therefore, the specifics of their decision have yet to be disclosed.

The Deputy Corporation Counsel advised your Committee that the State Land Use Commission does not have the authority to interpret and enforce the community plan.

Your Committee voted 5-0 to recommend filing of the communications. Committee Chair Couch, and members Cochran, Crivello, Guzman, and White voted “aye”. Committee Vice-Chair Victorino and member Baisa were excused.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

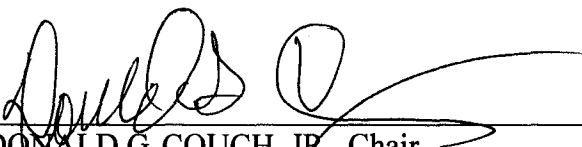
Page 3

**Committee
Report No.** _____

Your Planning Committee RECOMMENDS the following:

1. That County Communication 12-80 be FILED; and
2. That County Communication 13-156 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



DONALD G. COUCH, JR., Chair

pc:cr:13034aa:srg