BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

DEAN FRAMPTON, on behalf of Honua`ula Partners, LLC

To Obtain Project District Phase II approval for the Honua`ula Project (formerly Wailea 670), a master planned residential community comprised of single and multi-family homes, village mixed-uses, preservation and conservation areas, and recreational/open spaces areas on approximately 670 acres of land at Maui Tax Map Key (2) 2-1-008:056 and 071, Honua`ula, Wailea, Kihei, Maui, Hawai`i

DOCKET NO. PH2 2018-0002

DEAN FRAMPTON, ON BEHALF OF HONUA`ULA PARTNERS, LLC; HONUA`ULA PROJECT DISTRICT (A.Cua)

MAUI COUNTY PLANNING DEPARTMENT’S REPORT
TO THE MAUI PLANNING COMMISSION
FEBRUARY 22, 2022 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

(Project District Phase II)
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STATE OF HAWAII

In the Matter of the Application of

DEAN FRAMPTON, on behalf of Honua ula Partners, LLC

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DESCRIPTION OF THE PROJECT

The applicant proposes to develop the Honua'ula master planned residential community comprised of single and multi-family homes, village mixed-uses, preservation and conservation areas, and recreational/open space areas.

The master planned project includes 1,150 residential units, approximately 40 percent of which will be single-family units and 60 percent of which will be multi-family units. The average density of single-family residential sub-district areas will be 2.5 units per acre or less, with a minimum lot size of 7,500 square feet. The average density of multi-family residential sub-district areas will be 10 units per acre or less, with a minimum lot area of 10,000 square feet. Workforce housing units will account for at least 25 percent, or 288 units, of the market rate units.

Approximately 53 acres is proposed for a Village Mixed Use sub-district comprised of a mix of residential, commercial, office, recreational, and community facilities serving the needs of Honua'ula residents and guests. This sub-district has been expanded to replace the previously planned residential clubhouse and golf course/amenity off of Piilani Highway. The project would also be serviced by private water and wastewater systems.

Approximately 200 acres will be preserved and managed in perpetuity as a conservation easement to conserve native plants and significant cultural sites. Access to the preservation area continues to be provided with approval from the project manager, while a long-term access protocol will be developed in the future. An additional 90 acres are dedicated to parks and open space.
The initial phase of the project would include the widening of Piilani Highway, followed by the development of the residential workforce housing units. Subsequent phases would include a mix of market rate single-family and multi-family units, as well as the commercial and office spaces.

See Exhibit 1, for a location map, Exhibit 2 for site photographs, and Exhibit 3 for a conceptual site plan. It should be noted that the letters on the site plan are lot identification labels.

**BRIEF HISTORY OF APPLICATION**

**Change in Zoning**

Ordinance No. 3553 established Chapter 19.90A Kihei-Makena Project District 9 (Wailea 670) in the Maui County Code (MCC) effective on April 8, 2008. (Exhibit 4a).

Ordinance No. 3554 amended the zoning of the properties from the Agricultural District to Kihei-Makena Project District No. 9 (Wailea 670) subject to 30 conditions effective on April 8, 2008. (Exhibit 4b).

Ordinance No. 4849 amended Condition No. 5 of Ordinance No. 3554 relating to the location of the project’s required workforce housing units. This ordinance became effective on May 7, 2018. The condition was amended in part to include that 250 of the required workforce housing units shall be located either within Project District No. 9, Wailea 670 or at the Kaonoulu Light Industrial Subdivision, or a combination of these locations. (Exhibit 4c).

**Project District Phase II Application**

In 2010, the applicant filed an application for Project District Phase II approval and a Draft Environmental Impact Statement (EIS). The Draft EIS was processed by the Maui Planning Commission (MPC).

The MPC approved the Final EIS for the project on July 24, 2012. The Final EIS was published in the Office of Environmental Quality Control's (OEQC) Environmental Notice on August 8, 2012.

The Sierra Club and Maui Unite filed a timely appeal of the acceptance of the Final EIS. Following the filing of the appeal, the applicant engaged in settlement discussions culminating in a settlement agreement reached on October 14, 2016. The agreement required revisions to the land use plan. Due to the extent of time that had lapsed since the 2010 filing of the Project District Phase II application, the Department of Planning requested withdrawal of the application and filing of a new application with updated technical studies.

In July 2018, a new application for Project District Phase II approval was filed with the Department of Planning. This Maui Planning Department report pertains to the application filed in July 2018.

**DESCRIPTION OF THE PROPERTY**

1. The Property is approximately 670 acres in size and located east of Pi’ilani Highway near the intersection of Pi’ilani Highway and Wailea Ike Drive at Maui Tax Map Key (2)2-1-008:056 and 071, Honua ula, Wailea, Kihei, Maui, Hawai‘i. Refer to (Exhibit 1).
2. Land Use Designations --
   a. State Land Use District -- Urban
   b. Maui Island Plan -- Urban Growth Boundary
   c. Kihei-Makena Community Plan -- Kihei-Makena Project District No. 9
   d. Maui County Zoning -- Kihei-Makena Project District 9

3. Surrounding Uses --
   North -- Maui Meadows Rural Subdivision
   East -- Vacant Agricultural Lands owned by 'Ulupalakua Ranch
   South -- Vacant land part of the Makena Resort
   West -- Pi'ilani Highway and Wailea Resort

4. The subject parcel is undeveloped and vacant, except for two (2) water wells, a 1.0 million gallon water storage tank, and a cellular phone tower in the southwest corner of the property. The property was formerly used for cattle grazing on a limited scale and limited sweet potato cultivation. During World War II, the army used the property for training.

5. There are no Notices of Violation or current open Request for Services associated with the property.

**APPLICABLE REGULATIONS**

**Project District Phase II Approval**

A Project District Phase II Approval is reviewed pursuant to Section 19.45.050, MCC, relating to Project District Processing Procedures. The applicant shall submit a preliminary site plan conforming to the project district ordinance for review and approval by the Maui Planning Commission. Exhibit 3 represents the updated site plan dated January 13, 2022 filed with the Project District Phase II Development application.

Additionally, the applicant has prepared a preliminary phasing plan and roadway site layout plan. (Exhibits 5 and 6).

**PROCEDURAL MATTERS**

1. On January 7, 2022, 45 days prior to the hearing, the Maui County Planning Department mailed a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing.

2. On January 15, 2022, the applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts are on file in the Planning Department.

It is noted that Project District Phase II public hearings are to be held in the project district’s community plan region. However, due to COVID-19 emergency protocols, meetings of the Maui
Planning Commission are held remotely, via the BlueJeans virtual platform. The public hearing for the subject application is being held in accordance with COVID protocols.

3. On January 21, 2022, a notice of hearing on the application was published in the Maui News by the Maui County Planning Department.

4. Pursuant to Chapter 343, Hawaii Revised Statutes (HRS), relating to Environmental Impact Statements, a Final EIS was issued by the MPC and filed with the State of Hawai‘i’s Environmental Review Program (ERP) (formerly known as the Office of Environmental Quality Control or OEQC). The Final EIS was published on August 8, 2012 in the ERP’s Environmental Notice. An appeal was filed by the Sierra Club and Maui Unite. A settlement Agreement was reached between the applicant and the appellants on October 14, 2016.

REVIEWING AGENCIES

The application was circulated to Federal, State, and County agencies for review and comment. A summary of the agency review process is provided in the tables below. The date the comment letter was received is noted next to the agency name. See Exhibit 7.1.a through 7.17.

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<th>Federal Agencies:</th>
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<td>Department of Parks and Recreation on 8/9/18</td>
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<td>Hawaiian Telcom</td>
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ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth.

2. The subject property is located within the State Urban District. The proposed uses are consistent with the Urban designation of the property. Pursuant to Chapter 205, HRS, Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the Urban district is situated. Chapter 19.90A Kihei-Makena Project District 9 (Wailea 670), MCC, establishes the activities and uses permitted. The Honua‘ula Project District, as described in the application, is consistent with Chapter 19.90A, MCC. On September 8, 1994, the State Land Use Commission (SLUC) granted a District Boundary Amendment from the State “Agricultural” District to the State “Urban” District for the project site (Docket No. A-93-689). The approval was subject to 21 conditions. The project is in compliance with the conditions of approval as noted in the attached 2021 Annual Report to the SLUC. (Exhibit 8).

Countywide Policy Plan:

As stated in the Maui County Charter:

“The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.”

The County of Maui 2030 Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County’s future.

The proposed Honua‘ula project is in keeping with the following Countywide Policy Plan goals, objectives, policies, and implementing actions:

THEME: Protect the Natural Environment

GOAL: Maui’s County’s natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.
Objective: Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations.

Policies:

a. Perpetuate native Hawaiian biodiversity by preventing the introduction of invasive species, containing or eliminating existing noxious pests, and protecting critical habitat area.

b. Preserve and reestablish indigenous and endemic species' habitats and their connectivity.

c. Protect the natural state and integrity of unique terrain, valued natural environments, and geological features.

g. Preserve and provide ongoing care for important scenic vistas, view planes, landscapes, and open-space resources.

h. Expand coordination with the State and nonprofit agencies and their volunteers to reduce invasive species, replant indigenous species, and identify critical habitat.

Implementing Actions:

(a) Develop island-wide networks of greenways, watercourses, and habitat corridors.

Objective: Improve the quality of environmentally sensitive, locally valued natural resources and native ecology of each island.

Policies:

(a) Improve the connection between urban environments and the natural landscape, and incorporate natural features of the land into urban design.

d. Utilize land-conservation tools to ensure the permanence of valued open spaces.

g. Regulate the use and maintenance of stormwater-treatment systems that incorporate the use of native vegetation and mimic natural systems.

Objective: Improve the stewardship of the natural environment.

Policies:

a. Preserve and protect natural resources with significant scenic, economic, cultural, environmental, or recreational value.

b. Improve communication, coordination, and collaboration among government agencies, nonprofit organizations, communities, individuals, and landowners that work for the protection of the natural environment.

c. Evaluate development to assess potential short-term and long-term impacts on land, air, aquatic, and marine environments.

e. Regulate access to sensitive ecological sites and landscapes.

Implementing Actions:

(a) Document, record, and monitor existing conditions, populations, and
locations of flora and fauna communities.

(c) Establish a baseline inventory of available natural resources and their respective carrying capacities.

THEME: Preserve Local Cultures and Traditions

GOAL: Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective: Perpetuate the Hawaiian culture as a vital force in the lives of residents.

Policies:

a. Protect and preserve access to mountain, ocean, and island resources for traditional Hawaiian cultural practices.

b. Prohibit inappropriate development of cultural lands and sites that are important for traditional Hawaiian cultural practices, and establish mandates for the special protection of these lands in perpetuity.

c. Ensure the protection of Native Hawaiian rights.

Objective: Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

e. Support the perpetuation of Hawaiian arts and culture.

Objective: Preserve and restore significant historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.

Policies:

b. Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place.

c. Identify a sustainable rate of use and set forth specific policies to protect cultural resources.

d. Protect and preserve lands that are culturally or historically significant.

e. Support programs that protect, record, restore, maintain, provide education about, and interpret cultural districts, landscapes, sites, and artifacts in both natural and museum settings.

k. Provide opportunities for public involvement with restoration and enhancement of all types of cultural resources.

l. Foster partnerships to identify and preserve or revitalize historic and cultural sites.

Implementing Actions:

a. Identify, develop, map, and maintain an inventory of locally significant natural, cultural, and historical resources for protection.

b. Prepare, continually update, and implement a cultural-management plan for cultural sites, districts, and landscapes, where appropriate.
THEME: Expand Housing Opportunities for Residents

GOAL: Quality, island-appropriate housing will be available to all residents.

Objective: Reduce the affordable housing deficit for residents.

Policies:

a. Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remain affordable in perpetuity.

k. Ensure residents are given priority to obtain affordable housing units developed in their communities, consistent with all applicable regulations.

m. Develop neighborhoods with a mixture of accessible and integrated community facilities and services.

q. Support the opportunity to age in place by providing accessible and appropriately designed residential units.

Objective: Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County’s rural and small-town character.

Policies:

a. Seek innovative ways to develop ‘ohana cottages and accessory-dwelling units as affordable housing.

b. Design neighborhoods to foster interaction among neighbors.

c. Encourage a mix of social, economic, and age groups within neighborhoods.

e. Encourage the building industry to use environmentally sustainable materials, technologies, and site planning.

f. Develop workforce housing in proximity to job centers and transit facilities.

g. Provide incentives to developers and owners who incorporate green building practices and energy-efficient technologies into their housing developments.

Objective: Increase and maintain the affordable housing inventory.

Policies:

a. Recognize housing as a basic human need, and work to fulfill that need.

b. Prioritize available infrastructure capacity for affordable housing.

h. Encourage long-term residential use of existing and future housing to meet residential needs.

THEME: Improve Parks and Public Facilities

GOAL: A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.
Objective: Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

Policies:
   b. Expand and enhance the network of parks, multi-use paths, and bikeways.
   c. Assist communities in developing recreational facilities that promote physical fitness.
   d. Expand venue options for recreation and performances that enrich the lifestyles of Maui County’s people.
   g. Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities.
   h. Expand affordable access to recreational opportunities that support the local lifestyle.

Objective: Improve the quality and adequacy of community facilities.

Policies:
   a. Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.
   b. Ensure that parks and public facilities are safe and adequately equipped for the needs of all ages and physical abilities to the extent reasonable.
   c. Maintain, enhance, expand, and provide new active and passive recreational facilities in ways that preserve the natural beauty of their locations.

THEME: Improve Physical Infrastructure

GOAL: Maui County’s physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective: Improve water systems to assure access to sustainable, clean, reliable, and affordable sources of water.

Policies:
   a. Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents.
   b. Develop and fund improved water-delivery systems.
   d. Promote the reclamation of gray water, and enable the use of reclaimed, gray, and brackish water for activities that do not require potable water.
   f. Improve the management of water systems so that surface-water and groundwater resources are not degraded by overuse or pollution.
   h. Seek reliable long-term sources of water to serve developments that achieve consistency with the appropriate Community Plans.

Objective: Improve waste-disposal practices and systems to be efficient, safe, and as environmentally sound as possible.
Policies:
   a. Provide sustainable waste-disposal systems and comprehensive, convenient recycling programs to reduce the flow of waste into landfills.
   b. Support innovative and alternative practices in recycling solid waste and wastewater and disposing of hazardous waste.

Implementing Actions:
   a. Establish recycling, trash-separation, and materials recovery programs and facilities to reduce the flow of waste into landfills.

Objective: Significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency.

Policies:
   c. Expand education about energy conservation and self-sufficiency.
   g. Require the incorporation of locally appropriate energy-saving and green building design concepts in all new developments by providing energy efficient urban design guidelines and amendments to the Building Code.
   i. Promote the retrofitting of existing buildings and new development to incorporate energy-saving design concepts and devices.
   j. Encourage green footprint practices.
   l. Support green building practices such as the construction of buildings that aim to minimize carbon dioxide production, produce renewable energy, and recycle water.

Objective: Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

Policies:
   d. Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.
   e. Support catchment systems and on-site wastewater treatment in rural areas and aggregated water and wastewater systems in urban areas if they are appropriately located.

Objective: Improve the planning and management of infrastructure systems.

Policies:
   b. Require new developments to contribute their pro rata share of local and regional infrastructure costs.
   g. Ensure that infrastructure is built concurrent with or prior to development.
   h. Ensure that basic infrastructure needs can be met during a disaster.
   i. Locate public facilities and emergency services in appropriate locations that support the health, safety, and welfare of each community and that minimize delivery inefficiencies.
   j. Promote the undergrounding of utility and other distribution lines for health safety, and aesthetic reasons.

THEME: Promote Sustainable Land Use and Growth Management.
GOAL: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective: Improve land use management and implement a directed growth strategy.

Policies:

b. Direct urban and rural growth to designated areas.

i. Establish and maintain permanent open space between communities to protect each community's identity.

j. Support the dedication of land for public uses.

l. Enable existing and future communities to be self-sufficient through sustainable land use planning and management practices.

Objective: Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

d. Ensure that adequate recreational areas, open spaces, and public-gathering places are provided and maintained in all urban centers and neighborhoods.

f. Use trees and other forms of landscaping along rights-of-way and within parking lots to provide shade, beauty, urban-heat reduction, and separation of pedestrians from automobile traffic in accordance with community desires.

g. Where appropriate, integrate public-transit, equestrian, pedestrian, and bicycle facilities, and public rights-of-way as design elements in new and existing communities.

h. Ensure better connectivity and linkages between land uses.

i. Adequately buffer and mitigate noise and air pollution in mixed-use areas to maintain residential quality of life.

l. Facilitate safe pedestrian access, and create linkages between destinations and within parking areas.

Implementing Action:

a. Establish design guidelines and standards to enhance urban and rural environments.

Objective: Improve and increase efficiency in land use planning and management.

Policies:

a. Assess the cumulative impact of developments on natural ecosystems, natural resources, wildlife habitat, and surrounding uses.

b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.

c. Encourage public and private partnerships to preserve lands of importance, develop housing, and meet the needs of residents.

d. Promote creative subdivision designs that implement best practices in land development, sustainable management of natural and physical resources, increased pedestrian and bicycle functionality and safety, and the principles of livable communities.

e. Coordinate with Federal, State, and County officials in order to ensure that
land use decisions are consistent with County plans and the vision local populations have for their communities.

THEME: Mitigate Climate Change and Work Toward Resilience

GOAL: Minimize the causes and negative effects of climate change.

Objective: Significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency.

Policies:

i. Promote the retrofitting of existing buildings and new development to incorporate energy-saving design concepts and devices.

j. Encourage green footprint practices.

l. Support green building practices such as the construction of buildings that aim to minimize carbon dioxide production, produce renewable energy, and recycle water.

Implementing Action:

b. Adopt a Green Building Code and support green building practices.

3. Maui Island Plan:

The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012. The MIP provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The MIP looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the MIP also identifies and addresses key environmental, housing, and economic development issues relevant to Maui’s current and future generations. The MIP is a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The subject project is in the MIP’s Urban Growth Boundary (UGB). The proposed project is in keeping with the following MIP goals, objective, and policies:

WILDLIFE AND NATURAL AREAS

GOAL: Maui’s natural areas and indigenous flora and fauna will be protected.

Objective: A comprehensive management strategy that includes further identification, protection, and restoration of indigenous wildlife habitats.

Policies:

2.4.1.a. Identify and inventory the following:

1. Natural, recreational, and open space resources;

2. Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and

3. Location and extent of invasive species.

2.4.1.b. Require flora and fauna assessment and protection plans for development in areas with concentrations of indigenous flora and fauna.
shall comply with the assessment and protection plan and shall use the avoidance, minimization, and mitigation approach respectively, with an emphasis on avoidance.

Objective: Greater protection of sensitive lands, indigenous habitat, and native flora and fauna.

Policies:
2.4.3.a. Secure an interconnected network of sensitive lands, greenways, watercourses, and habitats.
2.4.3.c. Promote innovative environmental-planning methods and site-planning standards that preserve and re-establish indigenous flora and fauna habitat, to preserve and restore connected habitat corridors and open space.
2.4.3.d. Utilize protection tools such as conservation easements, land trusts, land banks, Purchase of Developments Rights (PDRs), Transfer of Development Rights (TDRs), and other stewardship tools to acquire natural areas
2.4.3.e. Encourage discussions with communities to designate heritage areas that protect recreational and cultural lifestyles and resources.
2.4.3.g. Encourage reforestation efforts that increase native species’ habitat.

HOUSING

GOAL: Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

Objective: More livable communities that provide for a mix of housing types, land uses, income levels, and age.

Policies:
5.1.1.a. Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.
5.1.1.b. Promote planning approaches that provide a mix of multifamily and single-family housing units to expand housing choices.
5.1.1.c. Discourage gated communities.

Objective: Provide infrastructure in a more timely manner to support the development of affordable housing.

Policy:
5.1.4.a Prioritize the development of infrastructure that supports the development of affordable housing.

LAND USE

Urban Areas

GOAL: Maui will have livable human-scale urban communities, an efficient and
sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective: Facilitate and support a more compact, efficient, human-scale urban development pattern.

Policies:
7.3.1.f Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED – ND) standards.
7.3.1.i Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies:
7.3.2.a. When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.
7.3.2.b. Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.
7.3.2.c. Facilitate self-sufficient communities and shorten commutes by:
   (1) Directing residential development to job-rich areas;
   (2) Allowing for appropriate commercial development and community services to shorten commutes; and
   (3) Allowing home occupations or home-based businesses that are compatible with surrounding neighborhoods and lifestyles.

DIRECTED GROWTH PLAN

Urban and Small Town Growth Areas

GOAL: Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies:
8.1.e. New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

As noted previously, the project is located within the MIP’s UGB.


According to the Kihei-Makena Community Plan the property is identified as Project District No. 9 (Maui Waiale 670) and is in keeping with the following Community plan description of the Project District:

“This project district is located mauka and Makai of the proposed Pilani
Highway extension, mauka of Wailea Resort, south of Maui Meadows and north of Seibu Mauka. It should provide a mix of single-family and multi-family housing types for a range of consumer groups with an emphasis on community development consisting of single-family, zero lot line, and multi-family units, complemented with village mix uses and commercial uses primarily serving the residents of the community, all integrated with two 18-hole golf courses and other recreational amenities. Public amenities should include community-oriented parks integrated with pedestrian bicycle recreational ways and buffer zones between residential areas and the proposed piilani Highway extension. A site for future public use should be provided in anticipation of need."

It should be noted that the Project District no longer includes two (2) 18-hole golf courses, as described above. No golf course is planned for the development.

The proposed project is in keeping with the following Kihei-Makena Community Plan goals, objectives, and policies:

**CULTURAL RESOURCES**

Goal: Identification, preservation, enhancement and appropriate use of cultural resources, cultural practice, and historic sites that:

a. provides a sense of history and defines a sense of place for the Kihei-Makena region; and

b. preserves and protects native Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes in accordance with Article XII, Section 7, of the Hawaii State Constitution, and the Hawaii Supreme Court's PASH opinion, 79 Haw. 425 (1995).

**Objectives and Policies:**

a. Identify, preserve, protect and restore significant historical and cultural sites.

b. Foster an awareness of the diversity and importance of cultural and archaeological resources and of the history of Kihei-Makena. Promote distinct cultural resources as an identifying characteristic of the region.

c. Encourage and protect traditional mauka and makai accesses, cultural practices and rural lifestyles.

d. Protect those areas, structures and elements that are a significant and functional part of Hawaii's ethnic and cultural heritage.

e. Encourage community stewardship of historic sites.

f. Preserve and restore historical roads and paths as cultural resources, and require such resources to be available to the public.

g. Recognize and respect family ancestral ties to certain sites.

h. Establish "cultural parks" and heritage corridors for visitation and education.

i. Establish cultural and educational programs to perpetuate Hawaiian and other ethnic heritages.

**HOUSING AND URBAN DESIGN**

Goal: A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the
County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.

Objectives and Policies:

a. Provide an adequate variety of housing choices and range of prices for the needs of Kihei's residents, especially for families earning less than the median income for families within the County, through the project district approach and other related programs. Choices can be increased through public/private sector cooperation and coordinated development of necessary support facilities and services.

b. Require a mix of affordable and market-priced housing in all major residential projects, unless the project is to be developed exclusively as an affordable housing project.

e. Implement landscaped setbacks for future multi-family and commercial areas. Developments shall provide space for landscaped pedestrian ways and bikeways.

f. Incorporate the principles of xeriscaping in all future landscaping.


As noted previously, the property is identified as Project District No. 9 (Maui Wailea 670) and is in keeping with the Kihei-Makena Community Plan plan description of the Project District.

5. Zoning:

The Honua‘ula Project is zoned Kihei-Makena Project District 9 (Wailea 670) through Ordinance No. 3554 and is subject to 30 conditions of zoning. Ordinance No. 4849 amended Condition No. 5 of Ordinance 3554 on May 7, 2018. The amended Condition No. 5 provides that 250 of the required workforce housing units shall be located either within Project District No. 9/Wailea 670 or at the Kaonoulu Light Industrial Subdivision, or a combination of those locations, as determined by the applicant. The project is in compliance with the conditions of approval as reflected in the attached Annual Compliance Report to the Maui County Council. (Exhibit 9).

The conditions of approval which are directly related to the Project District Phase II Process are identified in the following Table.

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<th>Condition No.</th>
<th>Summary of Condition</th>
<th>Action Status</th>
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<td>6</td>
<td>That a Drainage Master Plan and Phasing Plan of improvements shall be submitted for review and approval during Project District Phase II processing. Said plan shall include the recommended drainage improvements as represented in the Preliminary Drainage Report. The County may require periodic updates of the Drainage Master Plan and Phasing Plan.</td>
<td>An updated Preliminary Engineering Report, which analyzed the revised Concept Plan resulting from the Settlement Agreement, was included in the Project District Phase II application. The report was reviewed by the Department of Public Works (DPW) and their comments are reflected in Exhibit 7.14a.</td>
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<td>7</td>
<td>That Honua‘ula Partners, LLC, its successor and permitted assigns, shall prepare an animal management plan that shall be submitted during Project District Phase II processing and approved by the Department of Land and Natural Resources prior to submittal of Project District Phase III processing. Said plan shall include procedures for the management of animal intrusions including, but not limited to, construction of boundary or perimeter fencing, wildlife control permits, and rodent and feral cat control. Honua‘ula Partners, LLC, its successors and assigns, shall implement the approved animal management plan. The Department of Land and Natural Resources may require periodic updates of plan.</td>
<td>The animal management plan was addressed by the Conservation and Stewardship Plan, which is a part of the project's Final EIS document. The Final EIS is appended to the Project District Phase II application.</td>
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<td>9</td>
<td>That Honua‘ula Partners, LLC, its successors and assigns, shall prepare an assessment of the owl (Pueo or Hawaiian short-eared owl) and the Hawaiian Hoary Bat in coordination with the Department of Land and Natural Resources, and, if appropriate, mitigative measures shall be incorporated into Kihei-Makena Project District 9. Said assessment shall be prepared prior to submittal of Project District Phase II processing.</td>
<td>A number of wildlife surveys have been conducted in coordination with DLNR for the project site. These studies address the Pueo and Hawaiian Hoary Bat, and provide recommended mitigative measures. A Natural Resources Preservation Plan (February, 2021) has also been prepared and attached hereto as Exhibit 10.</td>
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<td>10</td>
<td>Not less than $5,000,000 shall be paid to the County upon Project District Phase II approval for the development of the South Maui Community Park. Said amount shall not be credited against future park assessments.</td>
<td>The $5 million fee will be paid to the County upon approval of Phase II application by the MPC.</td>
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<td>13</td>
<td>That Honua‘ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan (&quot;CRPP&quot;), in consultation with: Na Kupuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lanai Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council; Na Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua‘ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that are published weekly. The CRPP shall consider access to specific sites.</td>
<td>The CRPP has been completed in consultation with the groups identified in this condition. The CRPP was submitted to the State Historic Preservation Division (SHPD), Department of Land and Natural Resources (DLNR), and Office of Hawaiian Affairs (OHA) for review and recommendations. SHPD declined to comment on the CRPP because it was not required by their office. On Jan. 29, 2018, OHA issued a letter about the CRPP that focused primarily on issues addressed in other conditions of Ordinance No. 3554. On March 1, 2018, the Commission found that the CRPP meets the requirements established in Condition 13 and adopted it, therefore satisfying this condition. Exhibit 11.</td>
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<td>to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawaii, the Hawaii Revised Statutes, and other laws, in Kihei-Makena Project District 9.</td>
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<td>Upon completion of the CRPP, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval.</td>
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<td>16</td>
<td>That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County of Maui Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.</td>
<td>The Sewage Disposal Analysis has been completed and included in the Project District Phase II Application that was reviewed and commented on by the State Department of Land and Natural Resources, the County of Maui Department of Environmental Management, and the County Department of Water Supply as part of the Project District Phase II application. The analysis was filed with the Maui County Council on January 21, 2011. This condition has been satisfied. Exhibit 12.</td>
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| 18a., 18b., 18d. to 18i. | a. Condition 1 of the Department of Health’s “Twelve Conditions Applicable To All New Golf Course Development” (“12 Conditions”) relating to an approved sampling plan, establishment of the baseline groundwater/vadose zone water quality, and if appropriate, nearshore water quality, has been met to the satisfaction of the Director of Health;  
b. Conditions 2 and 3 of the Department of Health's “12 Conditions” relating to groundwater monitoring have been satisfied by the Director of Health;  
c. Condition 5 of the Department of Health's "12 Conditions" relating to use of effluent has been satisfied; | The project no longer proposes the construction of a new 18-hole golf course and as such, the Department of Health’s (DOH) 12 conditions are no longer applicable. Best Management Practices (BMPs) to ensure consistency with the objectives of environmental protection will be implemented. |
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<td>e.</td>
<td>Condition 6 of the Department of Health's &quot;12 Conditions&quot; relating to golf carts and storage of petroleum has been addressed and incorporated in the design and layout of the buildings;</td>
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<td>f.</td>
<td>Conditions 7, 8, and 11 of the Department of Health's &quot;12 Conditions&quot; relating to fertilizers, biocides, and pesticides and the Integrated Golf Course Management Plan have been reviewed, and comments from the Department of Agriculture and the Department of Health have been incorporated in the design and layout of the golf courses;</td>
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<td>g.</td>
<td>Condition 9 of the Department of Health's &quot;12 Conditions&quot; relating to noise from maintenance facilities has been addressed through the location and design of the maintenance activities and facilities;</td>
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<td>h.</td>
<td>Condition 10 of the Department of Health's &quot;12 Conditions&quot; and the County Department of Environmental Management's concerns and recommendations relating to solid waste disposal management activities and facilities are identified and designed;</td>
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<td>i.</td>
<td>Condition 12 of the Department of Health's &quot;12 Conditions&quot; relating to soil runoff during construction and concerns of the State Department of Transportation; the County Department of Public Works; the State Department of Health; and the Natural Resources Conservation Service of the United States Department of Agriculture relating to drainage are addressed and incorporated in the design and layout of the plans, and a preliminary erosion control and drainage report is included in the application;</td>
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<td>18c.</td>
<td>Condition 4 relating to the preliminary proposal of the individual treatment system meets the requirements of the Department of Health, and final design shall be approved at the time of Project District Phase III.</td>
<td>The May 2017 Preliminary Engineering Report identifies two (2) alternatives: 1) transporting wastewater to the existing privately-operated Makena Wastewater Reclamation Facility and 2) an onsite wastewater reclamation facility at the southern end of the project site. A copy of the Preliminary Engineering Report is included in the Project District Phase II application. Final design will be submitted to the DOH for approval at the time of Project District Phase III.</td>
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<td>18j.</td>
<td>Confirmation from Maui Electric Company, Ltd. (&quot;MECO&quot;) that the proposal to relocate and/ or landscape MECO facilities is incorporated in the application and site plan.</td>
<td>Coordination has been undertaken with Maui Electric Company to discuss the modifications to Maui Electric's Wailea Substation. Coordination will continue with Maui Electric as the design process continues. In the meantime, the applicant has initiated communication with Maui Electric regarding landscaping guidelines. Exhibit 7.17.a. and Exhibit 7.17.b.</td>
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<td>18k.</td>
<td>Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.</td>
<td>Draft agreements have been prepared and signed by the State Department of Transportation and Department of Public Works. Exhibit 13 and Exhibit 14.</td>
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<td>26</td>
<td>That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a preservation / mitigation plan pursuant to Chapter 6E, Hawaii Revised Statutes, that has been approved by the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs prior to Project District Phase II approval.</td>
<td>The applicant has prepared a Historic Resource Preservation Plan (HRPP) per the provisions of HRS 6E. The report was transmitted to both SHPD and OHA on August 30, 2021 for review and approval. Exhibit 15.</td>
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<td>SHPD provided an acceptance letter on October 14, 2021 and OHA provided an acceptance letter on October 11, 2021. Exhibits 16 and 17.</td>
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<td>27</td>
<td>That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report &quot;Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.&quot;, along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval. Such plan shall include a minimum preservation standard as follows: That Honua'ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement (the &quot;Easement&quot;), entitled &quot;Native Plant Preservation Area&quot;, for the conservation of native Hawaiian plants and significant cultural sites in Kihei-Makena Project District 9 as shown on the attached map. The Easement shall comprise the portion of the property south of latitude 20°40'15.00&quot; N, excluding any portions that the State Department of Land and Natural Resources,</td>
<td>The &quot;Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.&quot; report along with the Conservation and Stewardship Plan were provided to the DLNR, USFWS, and U.S. Corps of Engineers for review and recommendations as part of the EIS. The two reports evolved into a Habitat Conservation Plan (HCP), which was submitted to DLNR/DOFAW and USFWS, and approved by the MPC on July 24, 2016. Exhibit 18. The updated HCP titled, &quot;Honua'ula Natural Resources Preservation Plan,&quot; is included in this report as Exhibit 10. It is noted that the U.S. Fish and Wildlife Service determined that an incidental take permit was not required due to the absence of endangered species on the property and acknowledged the applicant's withdrawal of the incidental intake permit application. Exhibit 19. Additionally, the State Department of Land and Natural Resources determined that an incidental take license was not required and also acknowledged the applicant's withdrawal of the incidental take license application. Exhibit 20.</td>
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<td>the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres.</td>
<td>A permanent conservation easement is established in the Natural Resources Preservation Plan (NRPP) and will be conveyed to the Hawaiian Islands Land Trust (HILT). HILT will enforce the terms of the conservation easement and ensure compliance with this plan. <strong>Exhibit 10.</strong></td>
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<td>The scope of the Easement shall be set forth in an agreement between Honua‘ula Partners, LLC and the County that shall include:</td>
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<td>a. A commitment from Honua‘ula Partners, LLC, its successors and permitted assigns, to protect and preserve the Easement for the protection of native Hawaiian plants and significant cultural sites worthy of preservation, restoration, and interpretation for public education and enrichment consistent with a Conservation Plan for the Easement developed by Honua‘ula Partners, LLC and approved by the State Department of Land and Natural Resources, the United States Geological Survey, and the United States Fish and Wildlife Service; and with a Cultural Resource Preservation Plan, which includes the management and maintenance of the Easement, developed by Honua‘ula Partners, LLC and approved by the State Department of Land and Natural Resources (collectively, the “Conservation/ Preservation Plans”).</td>
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<td>b. That Honua‘ula Partners, LLC, its successors and permitted assigns, shall agree to confine use of the Easement to activities consistent with the purpose and intent of the Easement.</td>
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<td>c. That Honua‘ula Partners, LLC, its successors and permitted assigns, shall be prohibited from development in the Easement other than erecting fences, enhancing trails, and constructing structures for the maintenance needed for the area, in accordance with the Conservation/ Preservation Plans.</td>
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<td>d. That title to the Easement shall be held by Honua‘ula Partners, LLC, its successors and permitted assigns, or conveyed to a land trust that holds other conservation easements. Access to the Easement shall be</td>
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<td>permitted pursuant to an established schedule specified in the Conservation/Preservation Plans to organizations on Maui dedicated to the preservation of native plants, to help restore and perpetuate native species and to engage in needed research activities. These organizations may enter the Easement at reasonable times for cultural and educational purposes only.</td>
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<td>e. Honua'ula Partners, LLC, its successors and permitted assigns, shall be allowed to receive all tax benefits allowable under tax laws applicable to the Easement at the time that said Easement is established in Kihei-Makena Project District 9, which will be evidenced by the recordation of the Easement in the Bureau of Conveyances, State of Hawaii.</td>
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<td>28</td>
<td>That, prior to the commencement of any construction activity, Honua'ula Partners, LLC, its successors and permitted assigns, shall develop and submit a Transportation Management Plan (&quot;TMP&quot;), to be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation. The purpose of the TMP shall be to reduce traffic generated by construction activity related to the Kaonoulu Light Industrial Subdivision and Kihei-Makena Project District 9, including traffic generated by the improvements to Piilani Highway between Kilohana Drive and Wailea Ike Drive. The TMP shall provide for programs such as park and ride, shuttles, and/or restrictions on worker access to ongoing construction activity during peak hour traffic. Upon approval, project contractors shall implement the TMP during construction activities. Honua'ula Partners, LLC, its successors and permitted assigns, shall submit an annual report to the State Department of Transportation, the County Department of Public Works, the County Department of Transportation, and the Maui County Council to document the success of the TMP in meeting its benchmarks of reducing traffic during project construction. That as part of the Project District Phase II application, Honua'ula Partners, LLC, its successors and permitted assigns, shall</td>
<td>A TMP has been completed and approved by the State Department of Transportation (DOT), Department of Public Works (DPW), and County Department of Transportation. Exhibits 21, 22, and 23.</td>
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Page 24
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<td>submit a TMP to reduce the dependency on individual vehicular transportation modes. The TMP shall be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation prior to Project District Phase II approval.</td>
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6. The subject property is located outside the Special Management Area (SMA) of the Island of Maui. However, the proposed development meets the goals and objectives of Chapter 205A, HRS as follows:

**Recreational Resources:** The proposed development is located mauka of Pi'ilani Highway and is not expected to adversely impact coastal recreational resources such as access to the shoreline. Conditions of zoning require park contributions consisting of six acres of privately-maintained parks within the project, a cash contribution of $5,000,000 for the South Maui Community Park, and in-lieu cash contribution to meet park assessment requirements for the project. As such, the project is not anticipated to adversely impact recreational resources.

**Historic Resources:** Approximately 200 acres will be preserved and managed in perpetuity as a conservation easement to conserve native plants and significant cultural sites. The easement will have a full-time natural resources manager, who will be hired under the parameters of the NRPP, advised by a Cultural Advisory Committee (CAC) and collaborate with educators, researchers, and Native Hawaiian cultural practitioners. Access through a surrounding eight-foot-high deer fence shall be provided for cultural and educational purposes, and survey work will occur when determining the alignment of future walkways or trails to assure appropriate buffers around historic properties and features.

**Scenic and Open Space Resources:** The Honua‘ula Project District is located mauka of Pi‘ilani Highway with the developed Wailea Resort located downslope, to the west. The area makai of the highway is developed with existing structures and development of Honua‘ula Project District is not expected to adversely impact coastal scenic or open space resources.

**Coastal Ecosystems:** Runoff generated by the development will be accommodated onsite and appropriate BMPs will be implemented to minimize impacts on water quality. As such, adverse impacts on coastal ecosystems are not anticipated.

**Economic Uses:** As noted in the April 2017 Market Study, Economic Impact Analysis and Public Fiscal Assessment, the project will support short-term construction and construction-related jobs. In the long term the project will create employment and business opportunities and increased revenues to the State of Hawaii and County of Maui.

**Coastal Hazards:** The project is located outside of the coastal areas and is not subject to hazards associated with flooding or tsunami.
Managing Development: Through the Project District process, agency coordination and public participation has and will continue to occur.

Public Participation: The land use amendment (Change of Zoning) and EIS processes included public participation. The Project District Phase II process also allows public participation in the form of testimony during the Maui Planning Commission’s public hearing. Community engagement continues on an ongoing basis by the applicant to support the SMA process's public participation goal and objectives. An overview of public consultation and meetings held as part of the project is further described in a separate section later in this report.

Beach Protection: The proposed development is not located on a shoreline property and is not expected to impact beach processes.

Marine Resources: Drainage improvements and BMPs will be implemented as approved by the Department of Public Works. Adverse impacts on ocean resources are, therefore, anticipated to be mitigated.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

1. Archaeology
Several archaeological investigations have been performed within the project site; 40 historic properties (with 59 features) were found prior to the most recent Archaeological Inventory Survey (AIS), completed by Perzinski et al. (2015). This survey documented 199 historic properties with more than 3,000 features. The AIS was approved by SHPD on December 17, 2015 (Log No:2015.03291; Doc No: 1512MD25). Exhibit 24. The AIS is available at the following link. https://tinyurl.com/HonuaulaPhase2

2. Historic Resources Preservation Plan:
The HRPP underwent several internal and SHPD-requested revisions, before version (v.) 17 was accepted by SHPD in 2017. OHA began reviewing the HRPP and requested further revisions, and more consultations with their beneficiaries and other interested parties. The applicant worked with OHA and SHPD from 2018 through 2021 in the drafting of v. 20, to learn about and respond to the agencies’ and other stakeholders’ interests, concerns and significance and mitigation requests in good faith. Under a collaborated review protocol, both OHA and SHPD accepted v. 21 of the HRPP. The HRPP is available at the following links.

3. **Preservation:**

All 199 SHPD-recorded historic sites in the project area were assessed for their integrity and significance, and recommendations as to preservation were made for each. Of those 199 historic properties, only 42 SHPD-recorded historic sites are not designated for preservation. These 42 sites are located north of the Site 200 wall and outside of the Honua‘ula Cultural Landscape (HCL), which was established and registered with SHPD. No preserved sites or their associated features will be located on house lots, and the preservation of all of these 157 preserved sites and their associated features will take the form of avoidance and protection (conservation), which is the most protective of the options provided by the rules. This protective status does not preclude appropriate cultural access to all sites and features. Every preserved historic property will include a five-meter buffer zone around its outer edges that will also be preserved.

4. **Consultation:**

Consultation has occurred over 13 years and informed the landowner’s decisions about the historic properties’ preservation, significance and mitigation by providing insight into the Native Hawaiian and community values placed on the property and the historic and cultural resources therein. A table of the consultation efforts is part of the HRPP v. 20. Consultation with current and future stakeholders will not end after the regulatory requirements are deemed fulfilled. Multiple groups, individuals and organizations were consulted during preparation of the approved AIS and the HRPP in accordance with HRS Chapter 6E. Input received through these consultations has been incorporated throughout the HRPP, including expanding the Native Plant and Historic Preserve Area (NPPA) beyond its original parameters, adding sites to be preserved, choosing the most protective treatment for all historic properties, adding cultural monitoring, creating the aforementioned Cultural Advisory Committee (CAC), defining all buffers around historic properties as extending at least five meters from the outer edges of each historic property, creation of the HCL and assuring cultural access to the NPPA and all other protected historic properties.

5. **Native Plant and Historic Preserve Area, Condition 27:**

Per Condition 27 and subsequent agreements, approximately 137 acres will be preserved and managed in perpetuity as a conservation easement to conserve native plants and significant cultural sites. The easement will have a full-time natural resources manager, who will be hired under the parameters of the NRPP, be advised by the CAC and collaborate with educators, researchers, and Native Hawaiian cultural practitioners. Access through a surrounding eight-foot-high deer fence shall be provided for cultural and educational purposes, and survey work will occur when determining the alignment of future walkways or trails to assure appropriate buffers around historic properties and features. The fence will maintain the five-meter buffer around each preserved site along the perimeter of the NPPA, and a three-meter buffer will be provided around each site within the conservation easement that may have a path or interpretive sign near it. The NPPA comprises the bulk of the HCL and contains the greatest density and types of historic properties and botanic diversity in the project area as well as many of the best archaeological and botanical resources. It has more than doubled in size over the years as input from multiple parties led to a greater understanding by the applicant about the natural and cultural significance of the area. Additionally, the north preserve area is approximately 28 acres.
6. **Honua'ula Cultural Landscape:**

Established and registered with SHPD in 2021, this cultural landscape is the first or one of the first landscapes registered with SHPD on private land. Approximately 191 acres in size, it encompasses all portions of the project area south of the Site-200 wall, including the NPPA and that portion of an exclusion parcel owned by Ulupalakua Ranch, which has provided the applicant with a roadway easement over the parcel. The southern portion of the project area warrants designation as a cultural landscape because the entire area's significance includes integrity as a collective historic property, inclusive of all of the significant historic properties within the landscape. This landscape designation for all areas south of the Site-200 wall respects the history of the area and meets a request of consulted Native Hawaiians and other interested community members.

7. **Cultural Advisory Committee:**

According to the NRPP and the HRPP, the CAC will be established upon the approval of Phase II of the development project. It will be comprised of nine members, including Native Hawaiians, kūpuna and cultural practitioners, with three-year renewable terms. The CAC will assist the NPPA's natural resources manager in the management of, and access to, historic properties and areas of cultural concern and use within the NPPA and the other preservation areas throughout the project. One of their first responsibilities will be the alignment of the NPPA's deer fence. The natural resources manager and the applicant will seek their advice on cultural issues, and the CAC will be able to commission an ethnographic study. At no point will an inability to establish the CAC delay any work for which their participation is anticipated, and the applicant or its designee will take responsibility for the functions of the CAC if, for any reason, it cannot be formed or fails in its functions.

8. **Access:**

Access prior to ground disturbing activities occurring onsite will continue to require a prior request of the project manager, and access approval will not be unreasonably denied if made within 14 days of intended access, with a list of participants, the date, times and location of access (for safety reasons) and a liability waiver. The applicant and OHA created a protocol for providing a cultural practitioner with a key to the property for cultural accesses and offered the responsibility to a few people. To date, no one has accepted the kuleana, but the offer remains.

The process for gaining access after ground disturbing activities commence will be similar, but the reasonableness of access will be tempered by increased safety concerns within ground disturbance areas. Communication shall remain open and respectful.

Once the deer fence around the NPPA has been installed and after the creation of the CAC, that committee will discuss and prepare a long-term access protocol. Until that protocol is established the above process shall remain in place, but the natural resources manager will provide permission for any access to the NPPA. Recognizing and honoring traditional and current cultural practices must be reconciled with state regulations for the conservation of protected plant and animal species.
9. **Monitoring:**

After Phase II approval, an Archaeological Monitoring Plan (AMP) will be submitted to SHPD for review and acceptance, prior to the initiation of any ground disturbing work within the project area. The AMP will include an onsite, pre-construction briefing of the construction firm(s) and the placement of historic property avoidance instructions on construction plans and specifications. In response to requests during consultation, the AMP will specify that the applicant will begin archaeological and cultural monitoring during the boundary survey process, before any possible ground disturbance. At that time, preserved historic properties and their buffer zones will continually be re-verified, using technological advancements in GPS. This has already occurred in the project area north of the Site-200 wall and for all historic properties in the developable area south of the Site-200 wall. This work will inform the subdivision process to further ensure that all preserved historic properties and their buffer zones are located in common areas and not on development lots.

**INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES**

1. **Water** -- The subject property is currently not serviced by the County of Maui Department of Water Supply (DWS). A private water system will be developed and operated for potable and non-potable water for the project. The potable system will provide source and supply for all domestic needs through a series of wells, delivery system, reverse osmosis (RO) water treatment plant, and storage tanks. The non-potable water system will utilize water from wells, reclaimed water from the wastewater treatment facility (WWTF), as well as water/brine byproduct from the RO treatment facility. The following private water systems will be developed:

   a. A non-potable system supplied by brackish wells will provide water for irrigation of common areas and within development parcels;
   b. A potable system supplied by RO treated water, using brackish groundwater as the feedwater supply, will provide drinking water and other potable uses within buildings; and

The DWS also commented that the private water system shall be built to Water System Standards, Hawaii, 2002. The DWS also requested that upon completion, the system be offered to the County with respect to their right to purchase the project water system at the cost of development of such system.

The DWS also recommended the following BMPs:

**Construction BMPs in order to protect ground water resources and coastal areas**

- Remove all construction debris and toxic substances daily;
- Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed offsite;
- Properly install and maintain erosion control barriers such as silt fencing or straw bales;
- Disturb the smallest area possible
Conservation BMPs

Indoor

- Use Environmental Protection Agency WaterSense labeled plumbing fixtures;
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible;
- Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less;
- Install showerheads with a flow rate of 1.5 gallons per minute (GPM) at 60 pounds per square inch (psi);
- Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi;
- Laundry facilities and/or individual unit machines should use Energy Star labeled washers.

Outdoor

- Use Smart Approved WaterMark Irrigation products;
- After plants are established, avoid fertilizing and pruning to stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible;
- Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.

2. Sewers -- The subject property is currently not serviced by the County of Maui. Honua‘ula Partners LLC proposes two (2) wastewater alternatives, as follows:

Recommended Alternative – Mākena WWRF: Connect to the Makena WWRF for treatment. Wastewater would be conveyed to Mākena via a pump station and force main. R-1 recycled water would be pumped back to Honua‘ula for use. Connection of the Mākena WWRF was identified as the recommended alternative in the Project District Phase II application’s Preliminary Engineering Report. This alternative may require expansion of certain portions of the Mākena WWRF to provide additional capacity for the Honua‘ula project.

Secondary Alternative - Onsite Treatment Facility: Construct a facility to handle treatment to R-1 standards at the southwest corner of the project site. The wastewater reclamation facility (WWRF) would first screen the wastewater for debris, then go through an equalization basin, next through a membrane bioreactor (MBR), and finally be disinfected using ultraviolet (UV) light. The recycled water would be utilized by the applicant for non-potable uses, including landscaping along roadways, common areas and parks, and delivered to other suitable users for irrigation reuse. RO concentrate from an onsite desalination facility would be blended with the R-1 water.

Collection System: The proposed wastewater collection improvements consist of a gravity system to collect flows from varying areas within the development. Pump stations will be utilized where the topography requires flows to travel upslope. The onsite
wastewater collection system will essentially follow the proposed roadway system.

The Department of Environmental Management has requested the final as-built plans on all wastewater facilities constructed for the project be filed with their Wastewater Reclamation Division.

3. Drainage -- The future development consists of about 687 acres of onsite drainage areas that include a portion of Pi'ilani Highway extending into the site and the NPPA to the south. Roughly 3,375 acres of offsite drainage area will remain unchanged under the existing and future conditions. Storm runoff discharge from the upper mauka Haleakala slopes will not be affected by the proposed development at the lower slopes. Onsite development, however, including roadways, residential lots, and commercial areas, will cause an increase in storm runoff due to the increase in impervious surfaces. However, the proposed drainage concepts will maintain or reduce the rate of runoff discharged downstream to equal or less than pre-development rates, in compliance with county standards. In addition, the proposed retention basins, debris basins, and natural swales or channels will provide storage and quality management of the stormwater prior to exiting the project site. Exhibit 25.

Development of the Honua'ula project will increase the storm water runoff volume. The proposed drainage improvements will be designed to retain this increase on-site. The increased volume of runoff will require an equivalent retention basin capacity to provide storage to maintain existing conditions. The Area-Duration method was used with a 100 year, 24-hour storm event to determine the required capacity of the retention basins. From a conceptual perspective, approximately 46 retention basins throughout the site will be provided to handle this increase. This increase in runoff volume is due to the increase of impervious areas throughout the site. The retention basins will keep the increase in runoff due to post-development on-site so as to not adversely affect properties downstream to the west.

Runoff from the residential and commercial built-up urbanized areas, including roads and other paved areas, will be collected and piped through a system of drain lines in the roadways or easements throughout the project site. These drain lines will be laid out to allow runoff to comply with existing flow patterns or to be kept on-site by the drainage flows to the retention basins. The Rational Method was used to determine the peak runoff rates for the 50-year, 1-hour storm event. Peak runoff rates were used to determine the sizes of the drain pipes and structures throughout the project. At a conceptual level, minimum drain line size will be 18-inch in diameter. In the final design, further analysis on inlet and outlet structures, junction-structures, slope of pipes, and open channel sections will be performed. The drainage pipe system will be constructed within their respective phases.

Open channels or interception ditches will be provided at the upper limits of the project site to collect mauka off-site runoff entering the project site and divert drainage improvements throughout the project site. Other open drainage channels will be planned where applicable and appropriate throughout the site to divert runoff to the drainage improvements and eventually the retention basins. These channels will remain natural, lined or unlined, and blend into the landscape of the project. Open channel plans will be finalized during the final design of the project.
4. **Roadways, Curbs, Gutters and Sidewalks** -- Access to the project site is from Pi'ilani Highway. The main access to the project will be at the intersection of Pi'ilani Highway and Wailea Ike Drive with a secondary access connection to Kaukahi Street once the Pi'ilani Highway is extended south of its terminus with Wailea Ike Drive.

Ordinance No. 3554 includes specific traffic improvements required for the Honua'ula project. Condition No. 2 requires the following improvements:

a. Upgrade Pi'ilani Highway, from Kilohana Drive to Wailea Ike Drive, to four (4) lanes of traffic. The improvements shall be completed prior to the commencement of any construction on the site, with the exception of grading.

b. Extend Pi'ilani Highway for two (2) lanes of traffic from Wailea Ike Drive to Kaukahi Street. The improvement shall be constructed at or prior to the completion of 50 percent of the project. Said improvement shall be maintained by Honua'ula Partners, LLC, its successors and permitted assigns.

c. Signalize the Pi'ilani Highway/Okolani Drive/Mikis Place intersection and provide an exclusive left-turn lane on Okolani Drive prior to occupancy of the first unit in Kihei-Makena Project District 9.

d. Modify the Pi'ilani Highway/Wailea Ike Drive intersection into a signalized intersection and provide a free right-turn lane from Pi'ilani Highway to Wailea Ike Drive and a second right-turn lane from Wailea Ike Drive to northbound Pi'ilani Highway prior to occupancy of the first unit in Kihei-Makena Project District 9.

e. Modify the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two (2) left-turn lanes for southbound traffic from Wailea Ike Drive prior to occupancy of the first unit in Kihei-Makena Project District 9.

f. Modify the Pi'ilani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pi'ilani Highway approach to provide an exclusive right-turn lane into Mapu Place prior to occupancy of the first unit in Kihei-Makena Project District 9.

g. Signalize the Wailea Ike Drive/Kalai Waa Street intersection in coordination with Wailea Resort and Makena Resort when warranted.

h. Signalize the Wailea Alanui/Kaukahi Drive/Kaukahi Street intersection in coordination with Wailea Resort and Makena Resort when warranted.

An Environmental Assessment was prepared for the widening of Pi'ilani Highway from Kilohana Drive to Wailea Ike Drive, with the Finding of No Significant Impact issued by the State Department of Transportation (HDOT) on April 26, 2012.

A Supplemental Traffic Assessment dated October 2021 has also been prepared for the project. **Exhibit 26.** The analysis was accepted by HDOT and DPW. **Exhibits 27 and 28.**
The supplemental report determined that all study intersections along Piilani Highway will operate acceptably at an overall LOS C or better. All through movements will operate at LOS D or better and all individual movements will operate below capacity. Some mainline left-turn movements and side street movements will operate at LOS E, but will operate below capacity. Therefore, the four-lane Piilani Highway plans as currently designed are still valid and will mitigate regional traffic generated by the project. Exhibit 26.

At HDOT’s request, consideration for roundabouts at the three study intersections along Piilani Highway were analyzed and assessed. This additional analysis was included as an appendix in the supplemental assessment. Exhibit 26. Single-lane roundabouts are not considered to be an adequate intersection control measure to accommodate future traffic increases over the 20-year horizon and are deemed infeasible. Multi-lane roundabouts are infeasible at the Okolani Drive intersection, but may be feasible at the Kilohana Drive intersection and Wailea Ike Drive intersection with some operational and geometric considerations.

In addition to the foregoing improvements, Condition No. 3 of Ordinance No. 3554 requires contribution of $5,000 per unit for traffic improvements. A traffic impact fee agreement will be established with the County Department of Public Works to satisfy Condition No. 3, as part of Project District Phase III approval. Condition No. 18k requires a proposed agreement for the roadway improvements (as detailed in Condition No. 2) to be transmitted to the HDOT and DPW, as part of Project District Phase II approval. A proposed agreement letter has been accepted by both agencies. Exhibit 13 and Exhibit 14. Condition No. 28 of Ordinance No. 3554 requires implementation of a Transportation Management Plan (TMP) reviewed by HDOT, DPW and the County Department of Transportation. The TMP has been approved by the foregoing agencies. Exhibits 21, 22, and 23.

The HDOT reviewed the Project District Phase II application filed by Honua‘ula Partners, LLC. The HDOT acknowledged the project has been modified to include the 250 workforce housing units within the Project District and the reduction of total allowed units from 1,400 residential units to 1,150 units, which includes any workforce units built in the Project District.

5. Electrical and Telephone -- Services are currently not provided to the project site. Maui Electric Company Ltd. (MECO) anticipates additional transformer units or new substation development may be necessary. The updated site plan includes an area for the expansion of the substation. In addition to the substation improvements, the project proposes to underground existing overhead power lines that run through the property in the mauka-makai (east-west) direction and along the makai boundary.

Condition No. 18j of Ordinance No. 3554 requires confirmation from MECO that the proposal to relocate and/or landscape MECO facilities is incorporated in the application and site plan. The site plan identifies the expansion area adjacent to the existing substation. Landscaping around the substation will follow MECO’s guidelines for landscaping. Exhibit 7.17.a.

Communication services from Hawaiian Telcom and Spectrum will be coordinated with the service providers. Impacts to these services are not anticipated as a result of this project.
6. **Parks** -- There are several parks in the Kihei-Makena region that provide recreational opportunities to the community. In addition to six acres of privately owned and maintained parks that will be open to the public within the project, the applicant is required by Ordinance No. 3554 to provide the following park contributions:

   a. Not less than $5,000,000 shall be paid to the County upon Project District Phase II approval for the development of the South Maui Community Park.
   b. Park assessment requirements under Section 18.16.320, MCC, to be satisfied with an in-lieu cash contribution for the entire project.

   With the foregoing contributions, adverse impact on recreational resources are not anticipated.

   The Parks Department had no comments to offer on the application. **Exhibit 7.15.**

7. **Schools** -- The Kihei-Makena region is served by Kihei Elementary School and Kamalii School (Elementary), Lokelani Intermediate School and Maui High School and Kihei Charter School. Additionally, the new Kihei High School is expected to be completed by August 2022. The Department of Education (DOE) estimates that approximately 432 students will reside in the project. Condition No. 22 of Ordinance No. 3554 requires a school contribution of $3,000 per unit. However, since the condition was established, the Central Maui Impact Fee District for schools was enacted. The applicant will comply with impact fee requirements of the DOE.

8. **Solid Waste** -- The nearest landfill site is the Central Maui Sanitary Landfill in Puunene, which currently has capacity to accommodate the project. No adverse impacts on solid waste resources are not anticipated.

9. **Public Services** -- Fire protection is from the Wailea Fire Station located on Kilohana Drive, which is supplemented by the Kihei Fire Station adjacent to Kalama Park. Police services are provided by the Kihei Police Station. The Kihei Public Library is also located near Kalama Park. The nearest hospital is Maui Memorial Medical Center located in Wailuku and provides acute, general, and emergency care services from its 212-bed facility.

   Condition No. 24 of Ordinance No. 3554 required the applicant to provide a two-acre site with direct access to the Pilihi Highway extension for a new fire station site and contribution of $550,000 for development of the Kihei Police Station. The two-acre site is included in the Conceptual Master Plan.

   The Department of Fire and Public Safety (Fire) also commented that the area is prone to wildland fires and recommended the development of preventive measures such as the creation of defensible space along the project's borders to protect the project from the threat of fire involving adjacent undeveloped lands. **Exhibit 7.12.a.** Honua'ula Partners, LLC will coordinate with the Department to address implementation of preventive measures.

   Maui Emergency Management Agency commented that emergency outdoor warning sirens be installed. **Exhibit 7.13.a.** Honua'ula Partners, LLC will install warning sirens in accordance with the requirements of the State of Hawai'i Department of Defense.
Contribution to public services are expected to minimize adverse impacts associated with the proposed project.

The Police Department has no comments on the project. **Exhibit 7.16.**

**HOUSING**

The master planned project includes 1,150 residential units, approximately 40 percent of which will be single-family units and 60 percent of which will be multi-family units. The average density of single-family residential sub-district areas will be 2.5 units per acre or less, with a minimum lot size of 7,500 square feet. The average density of multi-family residential sub-district areas will be 10 units per acre or less, with a minimum lot area of 10,000 square feet.

Workforce housing units will account for at least 25 percent, or 288 units, of the market rate units. Infrastructural improvements for the project, except as otherwise provided by more specific conditions of zoning, shall be constructed and completed prior to issuance of any certificate of occupancy or final subdivision approval. All workforce housing units will be constructed before any market rate units are developed. Each workforce housing unit shall have a certificate of occupancy prior to the sale of any market-rate unit, and at least 125 of the workforce housing units shall be ownership units, and at least 125 of the workforce housing units shall be rental units. A draft Workforce Housing Agreement will also be executed with the Department of Housing and Human Concerns (DHHC) as part of the Project District Phase III approval process.

**DESIGN GUIDELINES**

Design Guidelines were prepared for the project by PBR Hawaii and Associates, Inc. **Exhibit 29.** The design guidelines were reviewed and approved by the Urban Design Review Board at its meeting on June 1, 2010. The Department inadvertently did not issue an approval letter from the Board and, as such, has attached the meeting agenda and portions of the meeting minutes where the board approved the design guidelines and summarized their comments. **Exhibit 29a** The Board provided the following four recommendations in its approval, which will be implemented by the applicant:

1. That consideration be given to incorporating sidewalks within project cul-de-sacs and making bike paths and sidewalks more consistent from area to area;
2. That existing rock walls and stepping stone trails within the project site be incorporated in the project’s design;
3. That consideration be given to incorporating recreational courts within the project; and
4. That the multi-family area closest to Maui Meadows on the northern boundary (i.e. southern boundary of Maui Meadows) of the site be limited to 30 feet in height. (The Planning Department notes that the allowable height for the Multi-Family subdistrict is four stories or 50 feet.)

**SOCIO-ECONOMIC IMPACTS**

On a short-term basis, the project will support construction and construction-related employment and have a beneficial impact on the local economy during the period of construction. From the long-term perspective, the proposed project will create employment and stimulate business opportunities, attract new capital investment, and increase tax revenues to the State of Hawai‘i and County of Maui.
ENVIRONMENTAL IMPACTS

There will be short-term noise and air quality impacts during the construction phases of the project. Best management practices will be incorporated into the project in accordance with Federal, State and County standards. In addition, environmental mitigation measure, as required by Ordinance 3554 will be implemented.

OTHER GOVERNMENTAL APPROVALS

The Maui County Council granted Ordinance No. 3553 (Project District Phase I), which established the zoning standards in Title 19, MCC for the Project District; Ordinance No. 3554 (Change of Zoning) zoned the property Project District No. 9; and Ordinance No. 4849 (Amended Condition No. 5) amended the zoning conditions for the property to allow the Workforce Housing to be constructed within Project District No. 9.

PUBLIC CONSULTATION/MEETINGS

Since 2013, the applicant has been engaged in discussions and consultations with Maui stakeholders, descendants and community members. The following is a list of consultations and community participatory events, primarily toward HRS, Chapter 6E (Historic Preservation) compliance.

- September through October 2013 – Thirteen archaeological fieldwork events in collaboration with community members
- September 27, 2013 – Community meeting about archaeological site identifications and significance assessments
- October 4, 2013 – Community meeting about archaeological site identifications and significance assessments
- October 11, 2013 – Community meeting about archaeological site identifications and significance assessments
- October 18, 2013 – Community meeting about archaeological site identifications and significance assessments
- November 8, 2013 – Community meeting about archaeological site identifications and significance assessments
- December 8, 2013 – Community meeting about archaeological site identifications and significance assessments
- December 11, 2013 – Community meeting about archaeological site identifications, significance assessments and mitigation opportunities
- January 22, 2014 – Consultation with community stakeholders, descendants and representatives from OHA about the cultural history of the project area
- January 25, 2014 – Site tour with community stakeholders and descendants to discuss site preservation and mitigation.
- January 29, 2014 – Consultation with community stakeholders and descendants to discuss cultural information and preservation plans
- February 7, 2014 – Site tour with community stakeholders and descendants to discuss site significance and cultural meaning.
- July 21-23, 2018 – Three consultations with community stakeholders about the HRPP and NRPP.
- August 14, 2018 – Community meeting/consultation with community stakeholders,
descendants and representatives from OHA about cultural access and site significance.

- August 31, 2018 – Meeting with OHA representatives about HRPP and NRPP.
- September 21, 2018 – Community meeting/consultation with community stakeholders, descendants and representatives from OHA about cultural access, Cultural Advisory Committee, site significance and HRPP.
- 2019 – Several site surveys with community stakeholders and descendants for site identification, significance and mitigation purposes.
- May through November 2020 – Six Zoom video conferences with OHA representatives about the HRPP, access protocols and community relationship building.
- February 11, 2021 – Zoom video conference with OHA and SHPD representatives about HRPP ver. 19.

After the previous project manager retired, a new one was hired in early 2021. He continued ongoing consultations, including phone calls, text messages, video conferences, sit-down meetings, access to the project area, site evaluations, survey and GPS work with community members and representatives from State and County agencies.

The following is a list of notable public meetings and community consultation that has occurred as part of the Project District Phase II Approval process:

- February 25, 2021 – Community meeting via Zoom to receive comments on HRPP version 19 with community stakeholders, descendants and representatives from OHA and SHPD.
- March 6, 2021 – Site survey with community stakeholders, descendants and a SHPD representative.
- March and April 2021 – Four Zoom video conferences with OHA representatives about community consultations, field work, cultural landscapes and site significance assessments.
- May 7, 2021 – Zoom video conferences with OHA and SHPD representatives about community consultations, field work, cultural landscape and site significance assessments.
- May 10, 2021 – Site survey with community stakeholders and descendants for site identification, significance assessments and mitigation discussions.
- July 2, 2021 – Site survey with SHPD representative for site identification, significance assessments and mitigation purposes.
- July 27, 2021 – Zoom video conference with OHA and SHPD representatives about community consultations, cultural landscape and site significance assessments.
- October 27, 2021 – Meeting with Wailea Community Association President, Treasurer and Executive Director to discuss project updates and receive comments.
- November 9, 2021 – Meeting with Kihei Community Association Design Committee to discuss project updates and receive comments.
- December 9, 2021 – Community meeting with community stakeholders and descendants to discuss the Final HRPP (version 21) and discuss future collaborative opportunities.

**TESTIMONY**

As of February 2, 2022, the Planning Department has received one letter in opposition to the project. Exhibit 30.
ALTERNATIVES

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.

2. Approve With No Conditions. The Commission may take action to approve the permit request without imposing any conditions.

3. Approve With Conditions. The Commission may take action to approve the permit request with conditions.

4. Denial. The Commission may take action to deny the permit requests.

CONCLUSIONS OF LAW

The subject Application complies with the applicable standards for a Project District Phase II Development Approval and Chapter 19.45, “Project District Processing Regulations” of the MCC as follows:

Project District Processing Regulations

The purpose of Project District Processing Regulations pursuant to Chapter 19.45 is to implement the findings and recommendations for tracts of land designated as project districts by the adopted community.

The intent of a project district development is to provide for a flexible and creative planning approach rather than specific land use designations, for quality developments. The planning approach would establish a continuity in land uses and designs while providing for a comprehensive network of infrastructural facilities and systems. A variety of uses as well as open space, parks, and other project uses are intended in accord with each individual project district objective.

Pursuant to Section 19.45.050.B, Project District Phase II approval requires that the preliminary site plan include the following:

a. Proposals for drainage, streets, parking, utilities, grading, landscaping, architectural design concepts and guidelines, building elevations, building sections, construction phasing, open spaces, land uses, and signage;

b. Proposals for recreational and community facilities;

c. Proposals for floor area ratios, lot coverages, net buildable areas, open space ratios, impervious ratios, and density factors; and

d. Potential environmental, socioeconomic, and aesthetic impacts.

The Planning Department, based on the facts presented in the Department’s Report and Recommendation, finds that the proposed action meets the project district processing requirements of Chapter 19.45 and the standards of Chapter 19.90, MCC relating to the Kihei-Makena Project District 9 (Wailea 670). Additionally, the proposed project will not have a significant adverse environmental or ecological effect, provided that appropriate mitigation measures are incorporated into the project; and that the proposed action meets the objectives, policies and guidelines of the Countywide Policy Plan, the Maui Island Plan,
the Kihei-Makena Community Plan, and the Kihei-Makena Project District 9 (Wailea 670) zoning, Chapter 19.90, MCC.

RECOMMENDATION

The Planning Department recommends approval to the Maui Planning Commission of the Project District Phase II Development, subject to the following conditions:

1. That to the satisfaction of the Department of Planning (Department), construction of the project shall be initiated by **February 28, 2027**. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occur first. Failure to comply within this five-year period will automatically terminate this Project District Phase II approval unless a time extension is requested within 90 days prior to the expiration of said five-year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

2. That to the satisfaction of the Department, construction of the project shall be completed within 20 years after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Failure to complete construction of this project will automatically terminate the subject Project District Phase II approval, unless a time extension request is filed with the Department. A time extension shall be requested within 90 days prior to the completion deadline. The Planning Director shall review and approve the time-extension request but may forward said request to the Planning Commission for review and approval.

3. That the Project District Phase II Approval shall not be transferred without the prior written approval of the Planning Director.

4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Project District Phase II Approval and shall procure at its own cost and expense, and shall maintain during the entire period of this Project District Phase II Approval, a policy or policies of comprehensive liability insurance in the minimum amount of **ONE MILLION AND NO/100 DOLLARS (1,000,000.00)** naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The insurance policy shall remain in full force and effect until the permitted work has been completed and accepted by the County.

5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the applicant shall submit applications for Project District Phase III Approvals to the Planning Department for review and decision.

7. That the applicant shall develop the property in substantial compliance with the conceptual site plan, phasing plan and roadway site layout plans dated January 13, 2022, and representations made to the Commission in obtaining the Project District Phase II Approval and shall submit to the Department a report addressing its compliance with the conditions established with the subject Project District Phase II Approval prior to issuance of Phase III approvals for each phase of the development. Failure to so develop the property may result in the revocation of the permit.

8. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

9. That in the event historic resources, including human skeletal remains, are identified during routine construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division, Maui Section, shall be contacted immediately.

10. That the applicant shall prepare and submit for State Historic Preservation Division (SHPD) approval an archaeological monitoring plan (AMP) prior to any construction or ground-altering activities, and shall implement the approved plan during all construction and ground-altering activities. Upon completion of the project, an archaeological monitoring report (AMR) shall be submitted to SHPD and a copy of the AMR shall be sent to the Planning Department.

Project Specific Conditions

11. That the project shall incorporate construction phase and post-construction stormwater Best Management Practices to protect downstream channels and water bodies. Verification of the measures incorporated into the project shall be documented in the project’s compliance reports.

12. That water conservation measures shall be incorporated in the project’s design and construction. Verification of the measures incorporated into the project shall be documented in the project’s compliance reports.

13. That the project shall be developed in accordance with the approved Design Guidelines dated March 2010.

14. That full compliance with the August 2021 Historic Resources Preservation Plan, Version 21 as accepted by SHPD and OHA shall be rendered.

15. That fire prevention measures shall be incorporated into the project, such as the creation of defensible space along the project’s borders to protect the project from the treat of fire involving undeveloped lands. (Recommended by the Fire Department)

16. That the applicant shall install a Hawaii Public Safety Outdoor Warning Siren to provide public warning for hazards as recommended by the Maui Emergency Management Agency (MEMA). The applicant shall coordinate the installation of the siren with the
State of Hawaii Department of Defense. The siren shall be installed prior to occupancy of the first dwelling unit.

17. That a residential workforce housing agreement, pursuant to Chapter 2.96, shall be executed with the Department of Housing and Human Concerns prior to issuance of building permits for the project.

18. That the applicant shall work with the Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) regarding conservation of native species and implement conservation measures as recommended by DOFAW.

19. That sidewalks be incorporated within project cul-de-sacs and bike paths and sidewalks be made more consistent from area to area as recommended by the UDRB.

20. That existing rock walls and stepping stone trails within the project site be incorporated in the project's design as recommended by the UDRB.

21. That consideration be given to incorporating recreational courts within the project as recommended by the UDRB.

22. That the multi-family area closest to Maui Meadows on the northern boundary (i.e. southern boundary of Maui Meadows) of the site be limited to 30 feet in height as recommended by the UDRB.

23. That no transient vacation rentals or time shares shall be allowed within the project.

24. The applicant, to the satisfaction of the State Department of Transportation (HDOT), shall provide a detailed feasibility analysis of constructing roundabouts at the Mapu Place and Wailea Ike intersections in lieu of signalized intersections. The feasibility analysis shall consider cost and timing considerations. Should the alternative design(s) not materially increase the cost or construction time and should HDOT require roundabouts, roundabouts shall be construction at one or both intersections.

The conditions of the Project District Phase II Development Approval shall be enforced pursuant to Project District Standards.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the February 22, 2022, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order and to authorize the Director of Planning to transmit said written Decision and Order on behalf of the Planning Commission.

APPROVED:

[Signature]

MICHELE MCLEAN, AICP
Planning Director