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2035 MAIN STREET SUITE 1
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February 1, 2023

Attention: South Maui Community Plan Advisory Committee
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793
Email: wearesouthmaui@mauicounty.gov

Subject: Draft Policy 2.45

Dear Committee members:

I am the project manager for Honua'ula Partners, LLC ("HP"). The purpose of this letter is to comment on policy 2.4.5 in the Draft South Maui Community Plan ("SMCP"), which was first discussed at the January 25, 2023 Community Plan Advisory Committee ("CPAC") meeting and is slated for further discussion February 1, 2023.

My work has focused on a proposed master-planned residential community composed of single and multi-family homes, village mixed-uses, preservation and conservation areas and recreation and open space areas ("Project"). The initial phase of the Project consists of significant public infrastructure improvements (i.e., the widening of Pi'ilani Highway). The next phase of the Project would consist of the development of residential workforce housing units. HP is committed to building 288 affordable housing units on site. The subsequent phases of the Project would include a mix of market rate single-family and multi-family units, commercial and office spaces as well as substantial lands dedicated for drainage, open space, archeological preservation and natural resource management and protection.

Policy 2.4.5 in the Draft SMCP currently reads: "Gulches as identified in the map in Figure 3.17 (pg. 106) of this Plan, must remain in open space and no new permanent structures may be developed in or within 100 feet of the top of the bank of identified gulches unless low-impact development strategies are implemented to prevent stormwater runoff." In addition, the Draft SMCP broadly identifies "gulches" as an "Area of Stability" and assigns those areas the Open Space community plan designation, with the stated purpose of "prohibiting development and impervious surfaces in these areas" See page 105 of the Draft SMCP. The specific boundaries of those designations cannot be ascertained by Figure 3.17, giving rise to issues of vagueness and ambiguity. *Id.* at 106 (Figure 3.17). From what can be determined, it is evident that those designations are often inconsistent with the Urban and Rural growth designations in the Island Plan's Directed Growth Maps. *Compare* MIP Directed Growth Maps (C4-C5, S1), *with* Proposed Plan Figure 3.17 at 106. The language regarding "low-impact development strategies" is also vague and fails to provide adequate notice or direction about what development methods will be allowed.

While we certainly agree with the goal of limiting the introduction of soil, debris and contaminants into the water that runs through the gulches, there are other laws and other agencies in place to address those concerns. The sweeping designation of all gulches as Areas

of Stability with Open Space uses along with and the blanket imposition of 100-foot buffers for development is certainly overkill and duplicative. The designation fails to consider the surrounding area, including the extent of current development or planned development, site-specific conditions and our previously approved design guidelines. It also ignores the directives in the Island Plan and the impact of those designations on existing property rights. Our Project has already received final discretionary approval from the Maui Planning Commission for its site plan which, among other things, places large swaths of land as conservation and requires buffers near historical and cultural sites. A conflict between the SMCP and the site plan for the Project would endanger vested property rights and interfere with our ability to develop the Project in accordance with the approved site plan.

Also, we concur with the opinion of Corporation Counsel Keola Whittaker, who recently recommended that CPAC members who are involved with ongoing litigation against landowners affected by the CPAC seek an advisory opinion from the Board of Ethics. For example, the CPAC Chair, Mr. Rob Weltman, is a member of the Sierra Club Maui and intimately involved with ongoing litigation involving our project. In a lawsuit brought by the Sierra Club for breach of a settlement agreement, Mr. Weltman served as the Sierra Club's designated representative. Clearly, it would be inappropriate for Mr. Weltman to participate in any discussion of or voting on matters that might affect HP

Thank you for this opportunity to submit testimony and for your hard work in developing the Draft South Maui Community Plan.



Dean K. Frampton