

Plantation Estates Lot Owners Association

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December 13, 2019

ATTN: WEST MAUI CPAC
Department of Planning
2200 Main St., Suite 315
Wailuku, HI 96793

By Email to: wearewestmaui@mauicounty.gov

Re: Testimony Regarding Suggested Policies and Actions, Economic Opportunity through Innovation and Collaboration, Agenda Item D

Dear CPAC Members:

On behalf of the Board of Directors of Plantation Estates Lot Owners Association ("Plantation Estates"), I offer this written testimony as supplemental to that submitted to the West Maui Community Plan Advisory Committee ("CPAC") on July 23 and November 1, 2019. In earlier testimony I sought support for designating Plantation Estates as Rural Residential ("RR") in the West Maui Community Plan. This supplemental testimony is offered in support of such designation in connection with Agenda Item D for the meeting on December 17, "Suggested Policies and Actions: Economic Opportunity through Innovation and Collaboration."

Draft Policy 2 states in relevant part:

2. Prohibit conversion of agricultural lands outside of the Maui Island Plan's growth boundaries, and limit conversion of agricultural lands within the growth boundaries to urban and rural designations in West Maui unless it can be demonstrated that:
 - a. conversion is required to accommodate the population or employment projections for the region, or

We recommend adding the following additional language:

- a. for undeveloped areas within the rural growth boundary, conversion is required to accommodate future population or employment projections for the region, and for both developed and undeveloped areas, conversion is consistent with the Maui Island Plan, or

1. Maui County Code and MIP

The Maui County Code and Maui Island Plan (“MIP”) contain detailed provisions on how community plans should make land use designations. The Maui County Code states that community plans must contain “urban and rural growth boundaries and a map delineating urban and rural growth areas, consistent with the general plan;”¹ Community plans and administrative agencies “shall conform to the general plan” and “shall implement the general plan’s vision, principles, goals, and policies.”²

In this regard, Draft Policy 2 should conform and be consistent with MIP Chapters 7 and 8 which set forth extensive land use and Directed Growth Plan policies, procedures, designations, action items and other considerations. These considerations in making such land use determinations relate to, among other things, sense of place, quality of life, livable communities, mixed uses, mobility, infrastructure, sustainability, community values, and protection of open space.

The MIP Directed Growth Plan “is based on sound planning practices and principles” and utilizes information gathered from community outreach events, the General Plan Advisory Committee, technical studies, and various other reports.³

The Directed Growth Plan is the backbone of the Maui Island Plan (MIP). Taking into account population projections, it prescribes and outlines how Maui will grow over the next two decades . . . The Directed Growth Plan accommodates growth in a manner that provides for economic development, yet protects environmental, agricultural, scenic and cultural resources; economizes on infrastructure and public services; meets the needs of residents; and protects community character.⁴

In this regard, MIP Policy 7.1.1.I “[e]ncourages future community plan efforts to identify lands within the County Agricultural zoning district that are primarily being used for large-lot residential or rural use and consider such lands for reclassification to an appropriate County Rural zone.”⁵

¹ Maui County Code, Title 2, Chapter 2.80B.070.E.7

² Maui County Code, Title 2, Chapters 2.80B.030.B and 2.80B.070.A. The Community Planning Process Handbook echoes these provisions, stating that the Maui Island Plan is an overarching values statement and policy document. It provides the framework for the development of the Maui Island Plan and the nine Community Plans, provides policy direction for land uses, and establishes policies to manage change and direct decisions about future land use. County Planning Process Handbook (2017) at 5-6.

³ The MIP considered 20 different technical studies and the Department of Planning conducted numerous regional design workshops and held meetings with State and County agencies, stakeholder groups, and the General Plan Advisory Committee to understand the perspectives of residents from all areas of the island on future growth and protected areas. See MIP at I-3-4, 8-2 to 8.3 and Table 8-2.

⁴ MIP at 8-2.

⁵ MIP at 7-8.

2. Application to Plantation Estates

The MIP designates Plantation Estates within the Rural Growth Boundary.⁶ Only limited residential areas -- not all on West Maui -- were designated by the MIP as within the Rural Growth Boundary.⁷ Likewise, the West Maui Land Use Technical Resource Paper designates Plantation Estates as Rural.⁸ Plantation Estates also is part of the Kapalua Resort. The Maui Island Plan describes resort destination areas as a planning concept used since the 1950s to both promote and limit large scale resort developments at Wailea, Makena, Kapalua, and Kaanapali. A rural designation for Plantation Estates would be consistent with the County's resort destination area goals.⁹

We agree that future population growth and employment projections are important considerations for new development. But as drafted, Draft Policy 2.a ironically would give a preference to new developments over existing neighborhoods and communities. New development directly impacts growth and employment. How can existing neighborhoods meet such a requirement?¹⁰

Without changes, we believe Policy 2.a would be inconsistent with the Committee's responsibility to identify lands within the County Agricultural zoning district that are primarily used for large lot residential or rural use, and consider such lands for reclassification to an appropriate County Rural Zone. The language should be modified regarding existing neighborhoods and communities in West Maui and to recognize other considerations outlined in the MIP. The MIP goes into pages of detail describing various goals, policies, principles, guidelines and other considerations when changing designations. It also describes various state and county legal provisions that should be considered. We believe the MIP considerations are quite thoughtful. For these reasons, we offer these suggested modifications.¹¹

⁶ MIP Maps B-02, B-03, C-02, C-03 and C-04.

⁷ See MIP Chapter 8, Directed Growth Maps W1-W4.

⁸ West Maui Land Use Technical Paper (May 31, 2019), Appendix 2.

⁹ See MIP at 1-11, 4-12, 7-27 and particularly Table 8-2.

¹⁰ The MIP states that existing neighborhoods and communities within the rural growth boundary may already have contributed to population objectives and economic goals: "The Directed Growth Plan is the backbone of the Maui Island Plan (MIP). Taking into account *population projections*, it prescribes and outlines how Maui will grow over the next two decades, including the location and general character of new development. The Directed Growth Plan accommodates growth in a manner that provides for *economic development*, yet protects environmental, agricultural, scenic and cultural resources; economizes on infrastructure and public services; meets the needs of residents; and protects community character. MIP 8-2 (emphasis added).

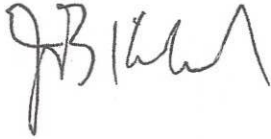
¹¹ The proposed additional language to Draft Policy 2.a would resolve other apparent conflicts between the policy as drafted and the MIP, although Plantation Estates is not affected by those. For example, the County and State reserve the right to use land independently of the policy under various State and County laws, including the County's special or conditional use permit process contained in Title 19, MCC, or the State Land

3. Conclusion

We again commend all of you the for the time and effort you have given to these proceedings. We generally agree with most of the goals that the Committee has so far articulated for West Maui.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB Kindred', written in a cursive style.

Jonathan B. Kindred
President