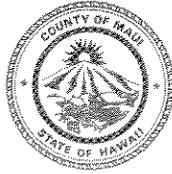


CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
COLLEEN M. SUYAMA
Deputy Director



AUG - 8 2007

COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 17, 2007

Mr. Laurence K. Lau , Interim Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

**RE: Final Environmental Assessment (FEA) for the Duarte Family
Subdivision Located at Maui TMK: 3-5-003:005 & 006, 41 and
425 Iao Valley Road, Island of Maui, Hawaii (EA 2006/0010)**

The Maui Planning Commission (Commission) at its regular meeting on July 10, 2007, accepted the Final Environmental Assessment (FEA) for the subject project, and issued a Finding of No Significant Impact (FONSI). Please publish the FEA in the **August 8, 2007**, Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form and four (4) copies of the FEA. If you have any questions, please call Ms. Robyn Loudermilk, Staff Planner, of our office by email at robyn.loudermilk@mauicounty.gov or by phone at 270-7180.

Sincerely,

JEFFERY S. HUNT, AICP
Planning Director

Attachment
JSH:RLL:bg

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Robyn L. Loudermilk, Staff Planner
Raymond Cabebe, Chris Hart & Partners, Inc.
EA Project File
Project File
General File
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FINAL
HRS CHAPTER 343
ENVIRONMENTAL ASSESSMENT

**DUARTE
FAMILY
SUBDIVISION**

*411 & 425 Iao Valley Road
Wailuku, Maui, Hawaii*

Tax Map Key: (2) 3-5-003:005 & 006

Prepared for:

Thomas W. Duarte
P.O. Box 364
Wailuku, Maui, Hawaii 96793
Phone: (808) 244-0496

Prepared by:

Chris Hart and Partners
Landscape Architecture and Planning
1955 Main Street, Suite 200
Wailuku, Hawaii 96793
Phone: 242-1955
Fax: 242-1956



JUNE 2007

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FIGURES

- Figure No. 1: Regional Location
- Figure No. 2: Tax Map
- Figure No. 3: Aerial Map
- Figure No. 4: State Land Use Map
- Figure No. 5: Community Plan Map
- Figure No. 6: Soils Map
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APPENDICES

- Appendix A: Ownership Documents
- Appendix B: Zoning and Flood Confirmation
- Appendix C: List of Owners of Properties Within 500 Feet
- Appendix D: Survey Map
- Appendix E: Letter to Neighboring Property Owners
- Appendix F: Dept. of Planning Comments & Responses
- Appendix G: Agency Comments & Responses
- Appendix H: Notice of Applications





PROJECT INFORMATION

A. PREFACE

This Final Environmental Assessment (EA) has been prepared in support of State District Boundary Amendment (DBA), Maui County Community Plan Amendment (CPA) and County Change in Zoning (CIZ) applications being filed on behalf of the owners of parcels identified as Tax Map Key 3-5-003:005 & 006, Wailuku, Maui, Hawaii. The Duarte family has owned the subject properties for around 60 years.

B. PURPOSE OF THE REQUEST

The project assessment has been prepared in support of applications for a State Land Use Commission District Boundary Amendment (DBA) from Rural to Urban, a Community Plan Amendment (CPA) from Rural to SF Single Family and a County Change in Zoning (CIZ) from Agricultural to Residential (R-3) on two adjacent parcels, TMK: (2) 3-5-003:005 and (2) 3-5-003:006 in Iao Valley, Wailuku, Maui, Hawaii, 21,375 square feet and 11,845 square feet, respectively. The intent of the owners is to establish consistency and conformity with the County's Wailuku-Kahului Community Plan, and State and County land use designations to allow for future family subdivision/development. This Final Environmental Assessment (EA) has been prepared to describe and analyze the impacts associated with this action and is required since the applicants is seeking to amend the Wailuku-Kahului Community Plan to change the designation of the subject property from Rural to (SF) Single Family. This Final EA has been prepared in compliance with Chapter 343, Hawaii Revised Statutes (HRS), Section 5-6, which states an environmental assessment shall be required for actions which *propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county*; and Chapter 200, Hawaii Administrative Rules, Environmental Impact Statement Rules.

While no specific development is proposed at this time, it is anticipated that the owners will pursue a family subdivision of parcel 5 into two (2) lots at a later time in order to



allow distribution of family assets to family members. The proposed zoning would also allow for the construction of "ohana" accessory dwellings.

C. PROJECT PROFILE

Proposed Project: District Boundary Amendment, Community Plan
Amendment, and Change In Zoning
Lot Size: (2) 3-5-003:005 - 21,375 square feet
(2) 3-5-003:006 - 11,845 square feet
Existing Land Use: Residential
Address: 411 & 425 Iao Valley Road
Wailuku, Maui, Hawaii
Access: Iao Valley Road

D. IDENTIFICATION OF THE APPLICANT

Land Owners:	<u>Parcel 5</u> Allen Duarte Joseph G. Duarte, Jr.	<u>Parcel 6</u> Joseph G. Duarte, Jr. Geraldine Duarte Russell K. Duarte Cara-Ann K. Duarte
Contact:	Allen Duarte	
Address:	P.O. Box 364 Wailuku, Hawaii 96793	
Phone:	(808) 242-0496	

E. ACCEPTING AGENCY

Name: Maui Planning Commission
c/o Department of Planning, County of Maui
Address: 250 South High Street
Wailuku, Hawaii 96793
Phone/Fax: Phone: (808) 270-7180
Fax: (808) 270-1775
Contact: Ms. Robyn Loudermilk



F. CONSULTANT

Land Use Planners: Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Maui, Hawaii 96793-1706
Phone/Fax: Phone: 808-242-1955
Fax: 808-242-1956
Contact: Mr. Christopher L. Hart

G. MAJOR LAND USE, DEVELOPMENT AND CONSTRUCTION APPROVALS

1. Subdivision approval from the Department of Public Works and Environmental Management (DPWEM), County of Maui;
2. Grading/Grubbing Permit approval from the DPWEM;
3. Building, Electrical, and Plumbing Permits for future structures from the DPWEM;
4. Land Use Commission District Boundary Amendment, Community Plan Amendment, Change in Zoning from the Maui Planning Commission, through the Department of Planning.

H. PRE-CONSULTED AGENCIES & PRIVATE INTERESTS

A. County of Maui

1. Department of Planning

B. State of Hawaii

1. State Historic Preservation Division

C. Other

1. Neighboring Property Owners (See: Appendix "E")

I. CONSULTED AGENCIES & PRIVATE INTERESTS

The Maui Planning Commission reviewed and commented on the Draft Environmental Assessment for the Duarte Family Subdivision at its January 9,



2007 regular meeting. The Draft Environmental Assessment for the Duarte Family Subdivision was published on January 8, 2007 by the State Office of Environmental Quality Control (OEQC) in its Environmental Notice bulletin. The publication initiated a 30-day public review period ending on February 7, 2007. The Draft EA was mailed to agencies below. All comment letters and responses are found in Appendix "G", unless noted otherwise.

PUBLIC AGENCIES:

State

1. Department of Health
2. Office of Environmental Quality Control
3. Department of Land and Natural Resources
4. Land Use Commission

County

1. Department of Public Works and Environmental Management
2. Police Department
3. Fire Department
4. Department of Planning
5. Department of Water Supply

PRIVATE INTERESTS:

1. Maui Electric Company

Notice of Applications were mailed to all owners/lessees of record within 500 feet of the subject properties on December 18, 2006 (See: Appendix "H").



II. DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION

A. PROPERTY LOCATION

The subject properties are located in Iao Valley on Iao Valley Road, approximately 3/4 of a mile west of the intersection with West Main Street and South Alu Road Wailuku, Maui, Hawaii; TMK: (2) 3-5-003:005 & 006. (See: Figure No. 1 "Regional Location", No. 2 "Tax Map Key", & No. 3 "Aerial Map").

B. EXISTING LAND USE

Historically, parcels 5 & 6 have been used for urban single family purposes. Parcel 5 was purchased in 1945 by Joseph G. Duarte from the Wailuku Sugar Company. Parcel 5 contains a 1,180 square foot single story residence with a 486 square foot garage both built in 1945. Mr. Duarte purchased Parcel 6 in 1949. Parcel 6 contains a 2,712 square foot two-story residence originally built in 1951 and renovated in 1990 with 732 square feet of decking and a 440 square foot carport (See: Appendix "D").

The existing land use character precludes the parcels being used for a viable agricultural purpose (See: Figure No. 7.1).

C. LAND USE DESIGNATIONS

State Land Use Classification:	Rural District (<u>See</u> : Figure No. 4, "State Land Use")
Wailuku-Kahului Community Plan:	R Rural (<u>See</u> : Figure No. 5, "Community Plan Map")
County Zoning:	Agricultural District
Flood Zone Designation:	C Minimal Flooding
Special Designations:	None



D. DESCRIPTION OF PROPOSED ACTION

The Applicants are requesting a State Land Use District Boundary Amendment from Rural to Urban District, a Community Plan Amendment from Rural to (SF) Single Family and a Change in County Zoning from Agricultural to R-3 Residential District for parcels TMK (2) 3-5-003:005 & 006. While no development is proposed at this time, it is anticipated that the owners of Parcel 5 will pursue a family subdivision into two (2) lots at a later time. R-3 zoning would allow for one (1) main dwelling and one (1) 600 square foot accessory or *ohana* dwelling on each lot for a potential total of six (6) dwellings.

Conclusion: The proposed (SF) Single Family Designation is consistent with three (3) parcels to the west, which are designated (SF) Single Family Wailuku-Kahului Community Plan (See: Figure No. 5).

E. ALTERNATIVES

1. No action

Analysis. As noted previously, the State Land Use Commission District Boundary Map and the Wailuku-Kahului Community Plan’s Land Use Map designate the parcels as Rural, while the County zoning designation for the parcels is Agricultural District.

The “No Action” alternative would maintain the current inconsistency/non-conformity between the State land use and community plan designations and Maui County zoning. This would not permit future subdivision of Parcel 5 in order to allow distribution of family assets to family members. The Agricultural District would allow for farm labor dwellings if two of three conditions are met:

1. Proof of \$35,000 gross sales for two consecutive years;
2. Agricultural water rates from the Department of Water Supply;
3. Preparation of farm plan.

With their current historical uses, lot size and topography, the subject properties would not meet the above for farm labor dwellings.

2. Alternative Zoning/Uses

Analysis. Alternate uses and configurations were considered at the beginning of the project. A summary of these alternatives is presented below:



Rural Zoning. This option would establish a consistency with the existing State Land Use and Wailuku-Kahului Community Plan designations. However, according to Maui County Codes, Title 19, Chapter 19.29, the minimum lot size within the Rural District is 0.5 acres. Parcel 5 has an area of 21,375 square feet and Parcel 6 has an area of 11,845 square feet. Thus, the subject parcels would not meet the Rural zoning minimum lot size requirement and subdivision of Parcel 5 would not be allowable. Rural zoning allows for accessory dwellings; the total potential dwellings would be four (4).

Agricultural Land Use Designation. This option would establish a consistency with the existing County zoning designation. However, according to Maui County Code, Title 19, Chapter 19.30A.030, the minimum lot size within the Agricultural District is two (2) acres. Since Parcel 5 has an area of 21,375 square feet and Parcel 6 has an area of 11,845 square feet, the subject parcels do not conform with the Agricultural zoning minimum lot size requirement. The subject properties are not rated in the Agricultural Lands of Importance in the State of Hawaii (ALISH) inventory. The subject property has a Land Study Bureau rating of "C" on a scale of "A" to "E", with "A" having the highest agricultural potential. The properties are marginal and not suitable for large scale agricultural operations.

III. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Land Use

Existing Conditions. The parcels are located in Iao Valley on Iao Valley Road approximately $\frac{3}{4}$ of a mile from its intersection with West Main Street and South Alu Road in Wailuku. Kepaniwai Park is approximately $\frac{3}{4}$ of a mile to the west. The subject parcels are situated within a cluster of single-family residential uses with an urban character along Iao Valley Road (See: Figures Nos. 1, 2, 4, 5, & 7.1). The immediate area is predominantly in the State Rural District and community planned Rural, with historical residential uses surrounded by State Agricultural and Conservation District lands. As mentioned, neighboring properties along Iao Valley Road, approximately 180 feet to the west, are designated for Single Family uses in the Wailuku-Kahului



Community Plan. Parcels 9, and 10 have areas of 6,971, and 12,602 square feet, respectively.

The following is a description of County zoning and community plan designations, and existing State land uses adjacent to the subject parcels:

- North:**
 - State Land Use: Rural
 - Zoning: Agricultural
 - Community Plan: Rural
 - Existing uses.** Single family residential & agricultural.

- East:**
 - State Land Use: Rural
 - Zoning: Agricultural
 - Community Plan: Rural
 - Existing uses.** Single family residential.

- South:**
 - State Land Use: Agricultural & Conservation
 - Zoning: Agricultural
 - Community Plan: Agricultural
 - Existing uses.** Vacant, forest reserve.

- West:**
 - State Land Use: Rural
 - Zoning: Agricultural
 - Community Plan: Rural
 - Existing uses.** Single family residential.

Potential Impacts and Mitigation Measures. The project site is located in an area of Iao Valley which features historical urban single family residential uses. Lot sizes in the vicinity of the property are consistent with urban/residential standards. The requested urban and single family residential designations would allow for the future proposed family subdivision. Adequate existing urban infrastructure is proximate to the subject parcels and capable of servicing any future improvements.

At the suggestion of the Planning Department, owners of neighboring properties were consulted and given the opportunity to join the application process with the applicant (See: Appendix "E"). One owner decided to participate, however the other opted not to.



2. Topography and Soils

Existing Conditions. The project site is relatively steep at the rear of the property with a more moderate slope towards the Iao Valley Road frontage at the existing house sites. The elevation ranges from approximately 575 feet above mean sea level (MSL) at the northern boundary to approximately 625 feet above MSL at the south boundary.

According to the "Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972)," prepared by the United States Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Stony Alluvial Land (rSM) (See: Figure No. 7, "Soils Map"). Stony Alluvial Land consists of stones, boulders and soil deposited by streams along the bottoms of gulches and on alluvial fans.

Potential Impacts and Mitigation Measures. There will be no grade alterations since there is no development planned at this time. However, minor grading is anticipated for the purpose of constructing the future subdivision improvements. Grading by future lot owners in support of residential home construction will be subject to the County's grading and drainage regulations.

3. Flood and Tsunami Zone

Existing Conditions. According to Panel Number 150003 0170 C of the Flood Insurance Rate Map, June 1, 1981, prepared by the United States Federal Emergency Management Agency, the project site is situated in Flood Zone C. Flood Zone C represents areas of minimal flooding.

Potential Impacts and Mitigation Measures. Based on the elevation of the site, grade alterations would not affect the flood potential of the site. The soil analysis suggests that the proposed land uses are suitable for the site, including roadways and housing.

4. Terrestrial Biota (Flora and Fauna)

Existing Conditions. The project site has been in residential use for at least 50 years. Trees on site include avocado, palm, papaya, plumeria, banyan, juniper, mango and other assorted fruit trees. Other vegetation found on site includes ti, bougainvillea, croton, banana, poinsettia, hibiscus, ferns, other assorted shrubs, and various grasses and weeds. Feral mammals typically found in this area include mongoose, cats, rats, and mice. Avifauna commonly found in this area includes the common mynah, sparrow, dove, chicken, and house finch.



Potential Impacts and Mitigation Measures. There are no known significant habitats of rare, endangered or threatened species of flora and fauna located on the subject property. Therefore rare, endangered, or threatened species of flora and fauna will not be impacted by the proposed action.

5. Air Quality

Existing Conditions. Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of the natural background and emissions from many pollution sources. The impact of land development activities on air quality in a proposed development's locale differs by project phase (site preparation, construction, occupancy) and project type. In general, air quality in the Wailuku area is considered relatively good. Non-point source emissions (automobile) are not significant to generate a high concentration of pollutants. The relatively high quality of air can also be attributed to the region's exposure to wind, which quickly disperses concentrations of emissions. The Wailuku area is currently in attainment of all criteria pollutants established by the Clean Air Act, as well as, the State of Hawaii Air Quality Standards.

Potential Impacts and Mitigation Measures. Since there are no construction activities at this time and no increase in traffic associated with the proposed action, there are no impacts to local air quality. There will be short term impacts to air quality associated with future construction activities, however best management practices (BMPs) will be implemented.

6. Noise Characteristics

Existing Conditions. The noise level is an important indicator of environmental quality. In an rural environment, noise is due primarily to vehicular traffic, small scale agricultural uses, and other residential area activities. Ramifications of various sound levels and types may impact health conditions and an area's aesthetic appeal. Noise levels in the vicinity of the project area are generally low. Traffic noise from Iao Valley Road is the predominant source of background noise in the vicinity of the subject property.

Potential Impacts and Mitigation Measures. In the long term, the proposed action will not impact existing noise conditions in the area since no improvements are currently planned for the property. No additional traffic will be generated by the action, however potentially there could be four additional residences generating approximately three peak hour trips. There will be short term noise impacts associated with future construction activities, however these impacts will be mitigated by limiting construction



activities to normal daylight hours and adhering to the State Department of Health's noise regulations for construction equipment.

7. Archaeological/Historical Resources

Existing Conditions. In general, Iao Valley has been considered a sensitive area for cultural deposits and burial sites. During the late 15th century, Iao Valley was designated as an *ali'i* burial area by Kaka'e, the ruler of Maui and O'ahu. The remains of the chiefs were buried in secret hiding places in the valley.

Iao Valley is the site of one of the Hawaii's most famous battles, the battle of *Kepaniwai* ("damming of the waters") in 1790 when King Kamehameha I destroyed the Maui army of Kalanikupule in an effort to unite the Hawaiian Islands. This was one of the first confrontations in the islands with the use of cannon. It is said that the Iao Stream ran red with blood all the way to the ocean and that the number of warriors fallen held back the waters of the river, thus the name given to the battle.

Members of the Duarte family acquired a number of parcels in Iao Valley in the 1940s and 1950s (real property records list seven other parcels in the valley currently owned by Duartes). According to Maui County real property records, the dwelling structure and garage on Parcel 5 were constructed in 1943 and the dwelling on Parcel 6 was constructed in 1951. No archaeological resources are known at the subject property, and no inventory survey has been done on the property.

Potential Impacts and Mitigation Measures. Since there are no plans for development or improvements at this time, the proposed action will not have any impact on archaeological or historical resources. Since the area has been used for residential purposes for more than 60 years, it is unlikely that sub-surface archaeological or cultural resources will be discovered or disturbed during future construction. However, should cultural deposits or burial remains be found during future construction, all work will be stopped in that area and the State Historic Preservation Division will be consulted for proper analysis and treatment.

8. Cultural Resources

Existing Conditions. The subject properties are located across Iao Valley Road from properties that border Iao Stream and have been in residential use for more than 60 years. The properties also abut conservation zoned lands that make up one of the valley walls.



Potential Impacts and Mitigation Measures. The owners have not witnessed any exercise of cultural rights related to gathering, access, or other customary activity occurring on the properties nor are they aware if their properties provide access to lands where traditional or cultural activities are practiced. It is reasonable to conclude that no cultural activities are practiced on the property. The proposed action also does not restrict access to any offsite cultural activities. Therefore, the proposed action will not have an adverse effect on the cultural beliefs, practices, and cultural resources of native Hawaiians or any other ethnic group.

9. Visual Resources

Existing Conditions. The subject parcel provide views of Iao Valley and the West Maui Mountains.

Potential Impacts and Mitigation Measures. No unique public scenic resources or adjacent views will be impacted by proposed action. Therefore the proposed project is not anticipated to significantly impact public view corridors, or the visual character of the site and its immediate environs.

B. SOCIO-ECONOMIC ENVIRONMENT

Existing Conditions. The population of the County of Maui has exhibited relatively strong growth over the past decade with a 2000 population of 128,241, a 27.6% increase over 1990 population of 100,504. The 2000 population of Maui Island was 117,644. (*Maui County Community Plan Update Program: Socio-Economic Forecast*, SMS Research, June 14, 2002). Population growth is projected to continue with the year 2020's resident population projected to reach 175,136.

Wailuku-Kahului District has experienced a growth rate in line with the County's as witnessed by a 26.5% increase in population from 1990 to 2000, with the 2000 resident population reaching 41,503, or 32.4% of Maui Island's population.

There is currently one household per parcel on the subject properties. The future proposed subdivision would create one (1) additional lot. R-3 zoning would allow for one (1) main dwelling and one (1) 600 square foot accessory or ohana dwelling on each lot for a potential total of six (6) dwellings.

Since the future subdivision would result in less than five new lots, the project is not subject to Residential Workforce Housing Policy (Ordinance No. 3418) enacted by the Maui County Council on December 5, 2006.



Potential Impacts and Mitigation Measures. With the addition of four (4) living units, the population may increase by 11.6 persons, using the average household size of 2.91. The proposed action will not cause a significant increase in the population of Wailuku nor will it have a significant long term effect on the economy. Hence, there are no significant impacts on the socio-economic environment.

C. PUBLIC SERVICES

1. Recreational Facilities

Existing Conditions. Wailuku is serviced by several recreational facilities that provide indoor and outdoor activities for the area's residents. These facilities include the War Memorial Sports Complex, Velma Santos Community Center, Wells Park, Kepaniwai Park, Wailuku Gym and Swimming Pool, and the Iao Valley State Park.

Potential Impacts and Mitigation Measures. The potential project should not significantly increase demand for the region's recreational facilities. During the subsequent subdivision application phase, the applicant may be required to comply with the County's Park Dedication Ordinance.

2. Police and Fire Protection

Existing Conditions. The County of Maui's Police Department is headquartered at its Wailuku Station, which provides service to Maui's residents, approximately 2.6 miles away.

Fire prevention, suppression, and protection services are provided by the County Department of Fire Control's Wailuku Fire Station located approximately 1.7 miles away.

Potential Impacts and Mitigation Measures. In the context of the overall projected population growth for the Wailuku-Kahului region, the proposed project will not result in an overall significant increase in population; thus, the proposed project is not anticipated to have an adverse impact upon existing police and fire protection services



3. Schools

Existing Conditions. The Wailuku region is serviced by both private and public schools, which provide education from preschool through high school. Public schools in the region include the Wailuku Elementary School, Waihee Elementary School, Iao Intermediate School, and H.P. Baldwin High School.

Potential Impacts and Mitigation Measures. Using age group per household data in the *Maui County Community Plan Update Program: Socio-Economic Forecast* (SMS Research, June 14, 2002), four additional households would generate less than one student per elementary, intermediate and high schools. Thus, it is anticipated that the proposed project will not significantly impact public education facilities.

4. Medical Facilities

Existing Conditions. The Wailuku based Maui Memorial Medical Center provides centralized medical services for the island and is located approximately 2.6 miles away. Medical and dental offices are also located in Wailuku Town to serve the region's residents.

Potential Impacts and Mitigation Measures. In the context of the overall projected population growth for the Wailuku region, the proposed project will not result in an overall significant increase in population; thus, the proposed project is not anticipated to have an adverse impact upon existing medical facilities.

5. Solid Waste

Existing Conditions. Only two landfills are currently operating on Maui, the Central Maui Landfill in Puunene, and the Hana landfill. Residential solid waste collection is provided by the County and taken to the Central Maui Landfill, which also accepts waste from private refuse collection companies.

Potential Impacts and Mitigation Measures. Based upon figures provided by the County of Maui, Curbside Refuse Collection System Plan, September 2000, the proposed project will generate approximately 1.72 tons per household per year, which is equivalent to 3,440 pounds/year of solid waste. Thus, the project potentially could generate approximately 13,760 pounds/year or 37.7 pounds per day of solid waste. Given the relatively small increase in solid waste to be generated by the future subdivision, there will be no significant impact on solid waste facilities.



D. INFRASTRUCTURE

1. Roadways

Existing Conditions. Iao Valley Road is the primary road in and out of Iao Valley. It begins at the intersection of West Main Street and South Alu Road and ends at the Iao Valley State Park. West Main Street provides a link to Wailuku Town from Wailuku Heights and Iao Valley. Iao Valley Road falls under the jurisdiction of the County of Maui and has a posted speed of 30 miles per hour.

Potential Impacts and Mitigation Measures. Using Institute of Transportation Engineers (ITE) Trip Generation factors, the proposed project potentially could generate three (3) additional peak hour trips with four (4) additional households. Thus, it is anticipated that the level of service would not be significantly affected on Iao Valley Road. The Police Department raised a concern regarding safety during the construction phase. Care will be taken that traffic on Iao Valley Road is not impeded during construction. All construction vehicles will be limited to parking onsite or removed from the area after hours.

Iao Valley Road is approximately 40-feet wide at the subject properties. Therefore, upon the future subdivision of Parcel 5, pursuant to §18.16.060.C, Maui County Code (MCC), "no additional rights-of-way are required".

2. Water

Existing Conditions. The Wailuku region is part of the Central Maui Water System, which services the communities of Waihee and Waiehu to the north, Wailuku, Kahului and Paia to the east, and Maalaea-Kihei-Makena to the south. Within the region, water district sub-areas include Iao Valley, Wailuku Heights, and Wailuku Town.

The Central Maui System water sources are located on the windward slope of the West Maui Mountains. Virtually all of the water to supply the Central Maui System is withdrawn from the Iao Aquifer in the vicinity of Iao Stream and Waiehu Stream. The base perennial flows in Iao and Waiehu Valleys originate as ground water seepage from high-level aquifers in the calderas and dike complex of the West Maui Mountains. The ground water resource occurs in the basal lens extending between Waikapu and Waihee Valleys below and elevation of about 800 feet.

Each of the subject properties is serviced by a 5/8" water meter (account numbers 1008600-1006381 & 1008622-1006383) off of a 12" water line running along Iao Valley



Road from the 3.0 million gallon Iao Tank. The Department of Water Supply confirms the adequacy of the existing distribution system (See: Appendix "G").

Potential Impacts and Mitigation Measures. As part of the future subdivision improvements, water system improvements will be required to provide water service and fire protection to each lot, in accordance with the rules of the Department of Water Supply (DWS). Since there are two existing dwellings on the properties, the proposed action would create a potential of four additional dwellings, or a 2,400 gallon per day increase, based on the DWS system's per unit standards. The required fire flow for a subdivision with the proposed R-3 zoning is 1,000 gallons per minute for 2 hours duration and hydrant spacing of 350 feet. Although the State designated Iao Aquifer is approaching its maximum capacity, currently there are no restriction on obtaining meters. Low flow fixtures, drought tolerant plants, and efficient irrigation, such as drip, will be implemented in order to conserve water.

3. Wastewater

Existing Conditions. Currently, there is no public sewer system serving the Iao Valley area.

Potential Impacts and Mitigation Measures. The proposed project will not produce an impact upon the county sewer system. An individual wastewater system would be constructed for each of the potential four (4) future residences to meet County and State Department of Health standards. The septic systems would be designed to allow for the safe and proper absorption rate using the site's soil percolation properties and the projected wastewater volume to be generated by the each future dwelling.

4. Drainage

Existing Conditions. The project site is relatively steep at the rear of the property with a more moderate slope towards the street frontage at the existing house sites. The elevation ranges from approximately 575 feet above mean sea level (MSL) at the northern boundary to approximately 625 feet above MSL at the south boundary. Drainage is accomplished by percolation or overland runoff in a northerly direction toward Iao Stream. Currently, no evidence of major erosion is present on the parcels. There is no drainage system in the area.

Potential Impacts and Mitigation Measures. Minor grading is anticipated for the purpose of constructing the future subdivision improvements. The subdivision's final grading and erosion control plan will be reviewed during the construction plan review phase of the subdivision application process. The plans will incorporate specific



drainage improvements for the proposed project in compliance with Maui County Code Chapter 20.08 Erosion and Sediment Control. Grading by future lot owners in support of residential home construction will also be subject to the County's grading and drainage regulations.

5. Electrical and Telephone

There are overhead electrical and telephone lines along Iao Valley Road. Service for the proposed project will be from these existing facilities. The installation of electrical, telephone and cable TV systems for the project will be coordinated with Maui Electric Company, Hawaii Telcom, and Oceanic Time Warner Cable.

Potential Impacts and Mitigation Measures. Existing electrical and telephone facilities are adequate to serve the future development. The proposed project is not anticipated to significantly impact electrical and telephone service in the area.

IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE LAW

Chapter 205, Hawaii Revised Statutes, relating to the Land Use Commission, establishes four major land use districts into which all lands in the State are placed. These districts are designated Urban, Rural, Agricultural, and Conservation. The subject property is within the Rural District.

Analysis: The project area is located in an area in Iao Valley in the Wailuku district. Wailuku is one of the major communities of Maui and provides a mix of business, commercial and residential developments, in addition to being the center of State and County government activities. The proposed change in land use designation to Urban District is consistent with historic and current residential uses in the area. Since the land area of the subject parcels is less than fifteen (15) acres, the applicant is petitioning the County of Maui for the change in land use district boundary for land presently in the Rural District.



The proposed land use district boundary change conforms to the standards for determining "U" Urban District boundaries as identified in Chapter 15, Land Use Commission Rules, Subchapter 2:

(1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;

Parcel 7 to the east has an area of .499 acres. Parcels 9 and 10 to the west have areas of 6,971 and 12,602 square feet, respectively. These parcels, in addition to the subject properties, are substandard in size for Rural districts and accordingly have densities that are more "city-like".

(2) It shall take into consideration the following specific factors:

(A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;

The subject property is approximately 1 mile from Wailuku town, a major urban center, which is the county seat of Maui County.

(B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and

Section III.C of this document discusses the availability of public services to for the subject property.

(C) Sufficient reserve areas for foreseeable urban growth;

A number of parcels along Iao Valley Road in the vicinity of the subject property have similar attributes.

(3) It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects;

As discussed in Sections III.A.2 and III.D.4, the proposed action is not expected to impact the existing topography and drainage conditions in the area.

(4) Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;



Neighboring parcels approximately 180 feet to the west are community planned for single family use and lands across Iao Valley Road were at one time County zoned for residential use (currently zoned Agricultural).

(5) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans;

The Wailuku-Kahului Community Plan designation for the subject parcel is Rural, however an amendment to Single Family designation is being concurrently submitted with this application. The proposed Single family designation is consistent with adjacent land uses and parcels approximately 180 feet to the west are designated for single family uses.

(6) It may include lands which do not conform to the standards in paragraphs (1) to (5):

(A) When surrounded by or adjacent to existing urban development; and

(B) Only when those lands represent a minor portion of this district;

As stated previously, properties in the vicinity have similar densities and attributes, and the project area is limited to approximately 0.7 acres, a minor portion of the district.

(7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services; and

As discussed in Section III.D, existing public infrastructure and support services are adequate for the proposed Urban designation.

(8) It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

Portions of the subject property has a general slope greater than twenty percent, however this parcel and other parcels in the area have been in residential use for at least 50 years or more. During the subdivision application process, development plans will be reviewed by County and State agencies for



compliance with all appropriate ordinances, statutes, and rules which protect the public's health, welfare and safety. During construction, the required periodic inspections will ensure adherence to approved designs and plans.

B. GENERAL PLAN OF THE COUNTY

The General Plan of the County of Maui (1990 update) provides long-term goals, objectives, and policies directed toward improving living conditions in the County. The following General Plan Themes, Objectives and Policies are applicable to the proposed project:

I. B. Land Use

Objective No. 1.: To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

Policies:

(b) Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.

Analysis. The proposed action will improve the housing opportunities in the region without changing the unique character of the Iao Valley residential community.

III. Housing and Urban Design

A. HOUSING

Objective No. 1: To provide a choice of attractive, sanitary and affordable homes for all our residents.

Policies:

(b). Encourage the construction of housing in a variety of price ranges and geographic locations.



B. URBAN DESIGN

Objective No. 1: To see that all developments are well designed and are in harmony with their surroundings.

Policies:

(a) Require that all appropriate principles of urban design be observed in the planning of all new developments.

Objective No. 2: To encourage developments which reflect the character and the culture of Maui County's people.

Policies:

(a) Establish urban design guidelines and standards which will reflect the unique traditional architectural values of each community plan area.

(b) Encourage community design which establishes a cohesive identity.

Analysis. The proposed action is primarily for family asset distribution purposes and it is likely that future dwellings would be similar in scale and character to the existing residences .

C. WAILUKU-KAHULUI COMMUNITY PLAN

Nine community plan regions have been established in Maui County. Each region's growth and development is guided by a community plan, which contains objectives and policies in accordance with the Maui County General Plan. The purpose of the community plan is to outline a relatively detailed agenda for carrying out these objectives.

The subject parcels are located within the Wailuku-Kahului Community Plan area which was adopted by Ordinance No. 3061 in 2002. The Wailuku-Kahului Community Plan designation for the subject parcels is currently Rural. The applicants are requesting a Community Plan Amendment to change the designation from Rural to SF Single Family. This Draft Environmental Assessment examines any impacts this amendment might have on the immediate area.

HOUSING



Goal

A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for the broad cross section of residents, including the elderly.

Objectives and Policies

2. Provide sufficient land areas for new residential growth which relax constraints on the housing market and afford variety in type, price, and location of units. Opportunities for the provision of housing are presently constrained by a lack of expansion areas. This condition should be relieved by a choice of housing in a variety of locations, both rural and urban in character.

LAND USE

Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

6. Establish an adequate supply of urban land use designations to meet the needs of the community over the next 20 years.

D. COUNTY ZONING

The applicants are requesting a Change in Zoning from Agricultural to R-3 Residential in order to ultimately allow for the subject properties to be consistent with current use and allow for future subdivision. A request for a "Change in Zoning" must meet the following criteria as found in MCC § 19510.040.4:

1. *The proposed request meets the intent of the general plan and objectives and policies of the community plans of the county;*

Analysis: As described in Section IV, parts B and C, the proposed action meets the intent of the general plan and the objectives and policies of the Wailuku-Kahului Community Plan.



2. *The proposed request is consistent with the applicable community plan land use map of the county;*

Analysis: The Wailuku-Kahului Community Plan, adopted in 2002, identifies the subject parcels as Rural. A Community Plan Amendment requesting to re-designate the subject property as Single Family is submitted concurrently with this rezoning request.

3. *The proposed request meets the intent and purpose of the district being requested;*

Analysis: Pursuant to MCC Section 19.08.010, Residential Districts, "Areas for single-family dwellings are established to provide for harmonious residential neighborhood without the detracting of commercial and industrial activities"

The proposed Change in Zoning accomplishes these objectives and will allow for a land use that is in character with the existing use and that of adjoining properties. Additionally, the proposed zoning conforms with the County General Plan.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.*

Analysis: As described in Section III, items C and D, and primarily due to its limited scope, the proposed Change in Zoning will not impact schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, traffic, or other public infrastructure and services.

5. *The application, if granted would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.*

Analysis: As discussed in Section III, the proposed action will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area;

6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil Conservation Service.*

Analysis: Not Applicable.



V. HRS CHAPTER 343 SIGNIFICANCE CRITERIA

A finding of no significant impact (FONSI) is anticipated and therefore an environmental impact statement will not be required for the proposed action. This determination has been made in accordance with the following significance criteria specified in Section 11-200-12 of the Department of Health rules relating to Environmental Impact Statements:

- A. *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.*

As documented in this report, there are no known existing cultural resources on the properties and natural resources on the properties will be preserved. Thus, the proposed project will not result in the loss or destruction of these resources.

- B. *Curtails the range of beneficial uses of the environment.*

The neighboring properties are in residential use and the proposed project does not introduce a new use to the area. The project will not curtail the range of beneficial uses of the environment in the project vicinity.

- C. *Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.*

The project is being developed in compliance with the state's long term environmental goals. As documented in this report, adequate mitigation measures will be implemented to minimize the potential for negative impacts to the environment.

- D. *Substantially affects the economic or social welfare of the community or state.*

In the short term, the project could result in increased employment and business opportunities. As documented in this report, there will be no significant negative long term impacts to the socio-economic environment.

- E. *Substantially affects public health.*

There are no special or unique aspects of the project which will have an impact on public health.

- F. *Involves substantial secondary impacts, such as population changes or effects on public facilities.*



The proposed project will not lead to a substantial impact on population levels due to its relatively small scale. As documented in this report, the project will not result in a significant negative impact on public facilities.

- G. *Involves a substantial degradation of environmental quality.*

Mitigation measures will be implemented during any future construction to minimize negative short term impacts such as soil erosion and sedimentation. Future drainage systems will minimize degradation of the environmental quality.

- H. *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.*

The project does not involve a commitment for larger actions on behalf of the applicant or any public agency. In terms of cumulative impacts, the project site is situated adjacent to developed residential areas. Infrastructure and utilities are adequate to service the proposed project. Therefore, the project will not result in cumulative negative impacts on the environment.

- I. *Substantially affects a rare, threatened, or endangered species, or its habitat.*

There are no known rare, threatened, or endangered species or habitat at the project site.

- J. *Detrimentially affects air or water quality or ambient noise levels.*

As documented, there will be short term impacts on air and water quality and ambient noise levels during any future construction; however, mitigation measures will be employed to minimize these impacts. Adverse long-term impacts are not anticipated.

- K. *Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters.*

The project site is located within Zone C, an area subject to minimal flooding, and is not in an environmentally sensitive area. Compliance with County grading requirements will be met during any future construction.

- L. *Substantially affects scenic vistas and view planes identified in county or state plans or studies.*

As discussed in Section III.A.8, the proposed project will not negatively affect views along Iao Valley Road nor obstruct major view corridors.



M. *Requires substantial energy consumption.*

Future structures will comply with Chapter 16.26.1300, "Energy Conservation", Maui County Code. Where practical and economically feasible, the future structures will meet or exceed the building efficiency standard for the State of Hawaii.

VI. FINDINGS AND CONCLUSIONS

This Final Environmental Assessment and applications for a Community Plan Amendment (CPA) from Rural to (SF) Single Family, State District Boundary Amendment (DBA) from Rural to Urban and a County Change in Zoning (CIZ) from Agricultural to R-3 Residential District for two parcels identified as Tax Map Keys (2) 3-5-003:005 and (2) 3-5-003:006 (21,375 square feet and 11,845 square feet, respectively) in Iao Valley, Wailuku, Maui, Hawaii, analyzes the environmental and socio-economic impacts associated with the applicants' proposal to establish land use consistency and conformity with the current urban residential land use in order to allow the family subdivision of Parcel 5.

The proposed land use actions are not anticipated to result in environmental impacts to surrounding properties, near shore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area. The analysis shows that public infrastructure and services including roadways, sewer and water systems, medical facilities, police and fire protection, parks, and schools are adequate to serve the property. The proposed actions will not impact public view corridors and will not produce significant adverse impacts upon the visual character of the site and its immediate environs.

The subject parcels are situated within the State's Rural District and are community planned Rural and County zoned Agricultural District. The Applicants' proposal to change the community plan designation from Rural to (SF) Single Family and the County zoning from Agricultural to R-3 Residential District support the existing historical urban residential use of the parcels and the residential character of the immediate area. Rezoning the subject parcels would be consistent with the proposed State Urban land use designation. As such, the proposed action is consistent with the objectives and policies contained within the Wailuku-Kahului Community Plan, as well as, State Land Use Law, and County Zoning.

Based on the foregoing analysis and conclusion, the proposed action will not result in significant impacts to the environment and is consistent with the requirements of HRS Chapter 343, and a Finding of No Significant Impact (FONSI) is anticipated.



VI. REFERENCES

- County of Maui, Department of Planning. 1991. *The General Plan of the County of Maui, 1990 Update*. Wailuku, Hawaii.
- County of Maui, Department of Planning. 2002. *Wailuku-Kahului Community Plan*. Wailuku, Hawaii.
- County of Maui, Office of Economic Development. 2003. *Maui County Data Book*. Wailuku, Hawaii.
- Federal Emergency Management Agency. *Flood Insurance Rate Map*. Community Panel Map Number 150003 0170 B. Revised June 1, 1981.
- U.S. Department of Agriculture, Soil Conservation Service in Cooperation with the University of Hawaii, Agricultural Experiment Station. 1972. *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*. Washington, D.C.

Project
Location

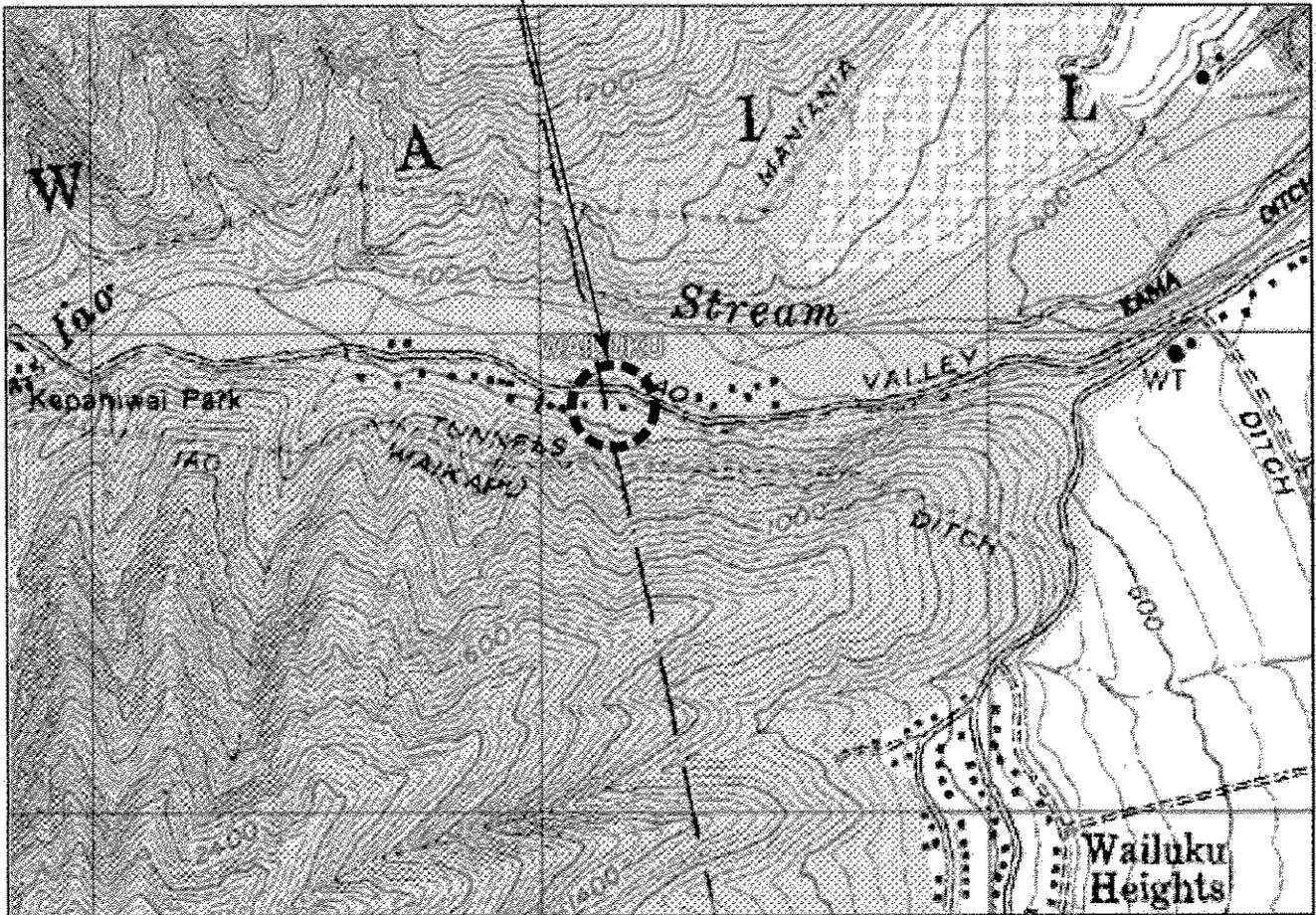
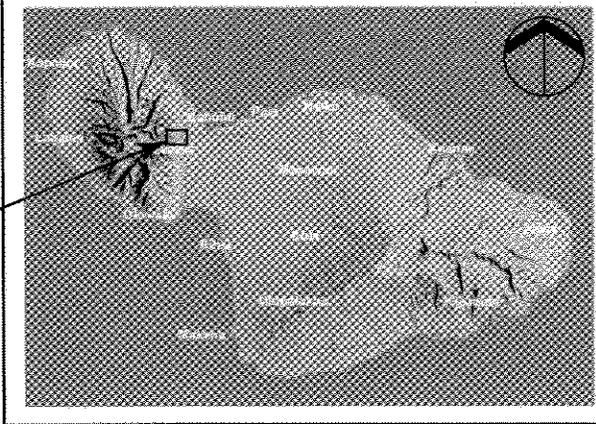
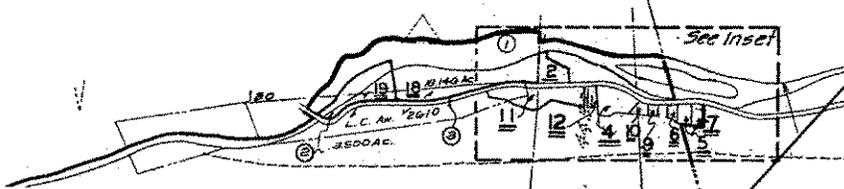
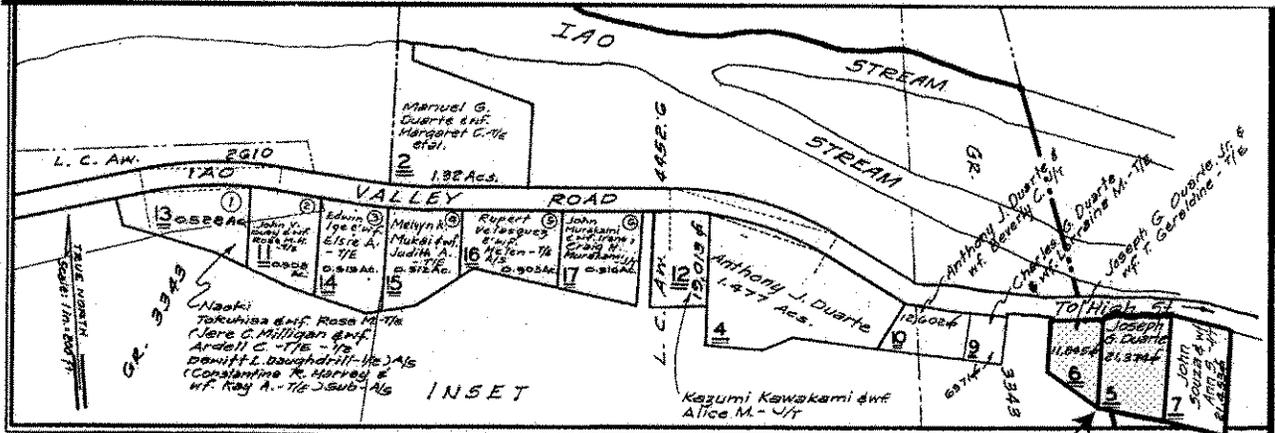


FIGURE 1

Not to Scale	OCTOBER 2006	 CHRIS HART & PARTNERS, INC.
REGIONAL LOCATION Duarte Family Subdivision		



SECOND DIVISION	
ZONE	SEC. PLAT
3	5 03
CONTAINING PARCELS	

PROJECT SITE

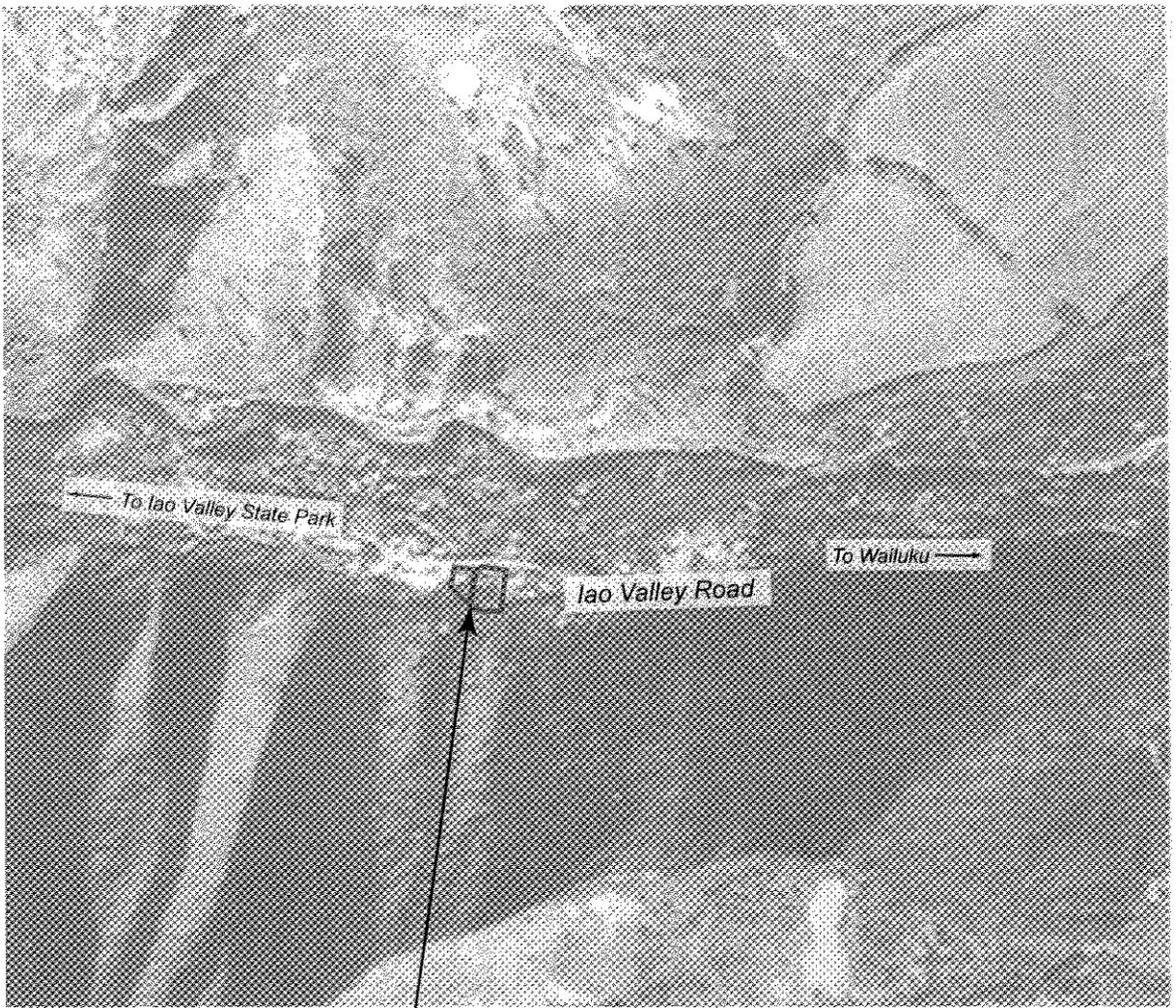
FIGURE 2

Parcel 5
Not to Scale

OCTOBER
2006

TAX MAP
Duarte Family Subdivision

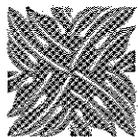


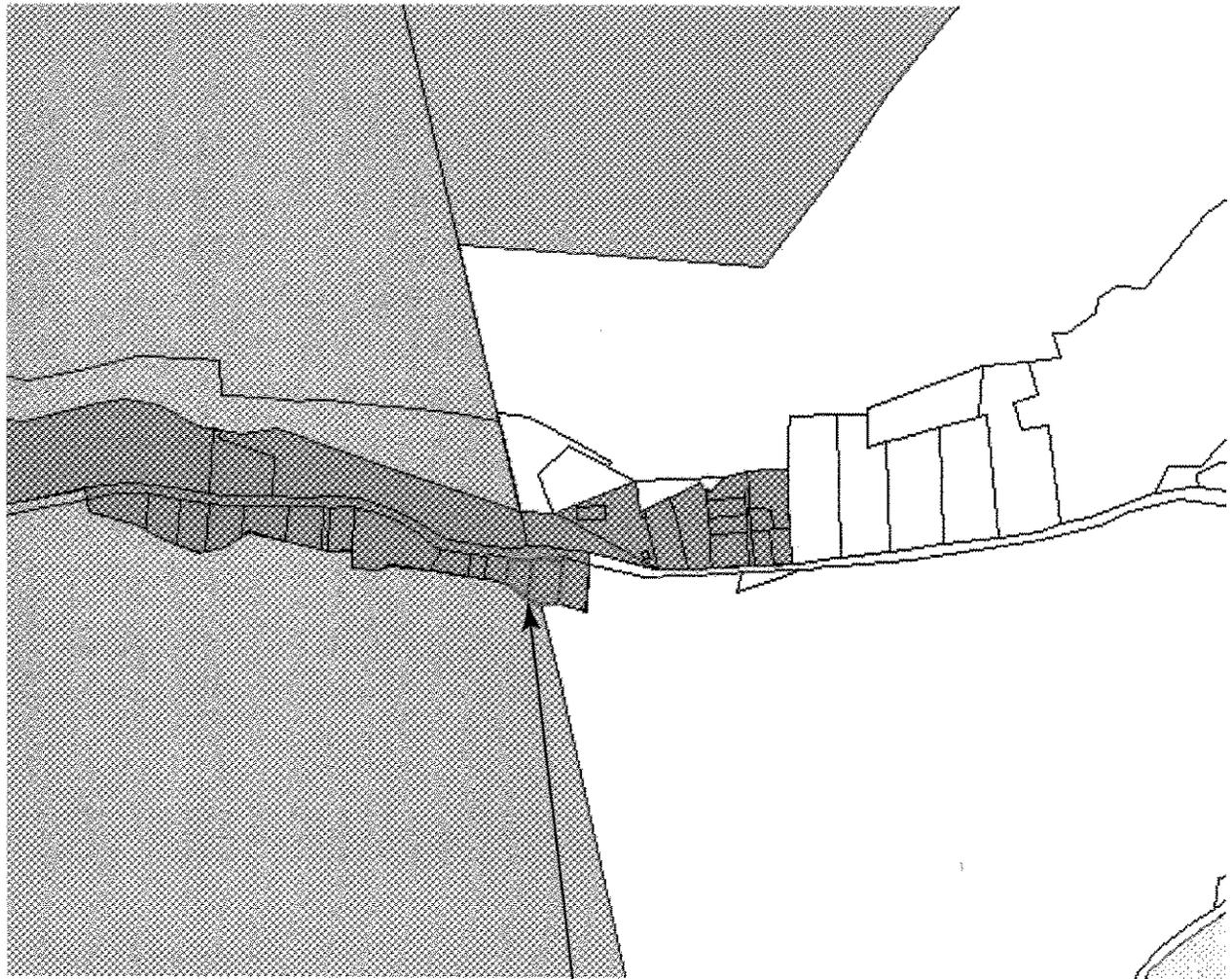


PROJECT SITE



FIGURE 3

Photo taken 1977	OCTOBER 2006	 CHRIS HART & PARTNERS, INC.
AERIAL MAP Duarte Family Subdivision		



-  Agricultural
-  Urban
-  Rural
-  Conservation

PROJECT
SITE



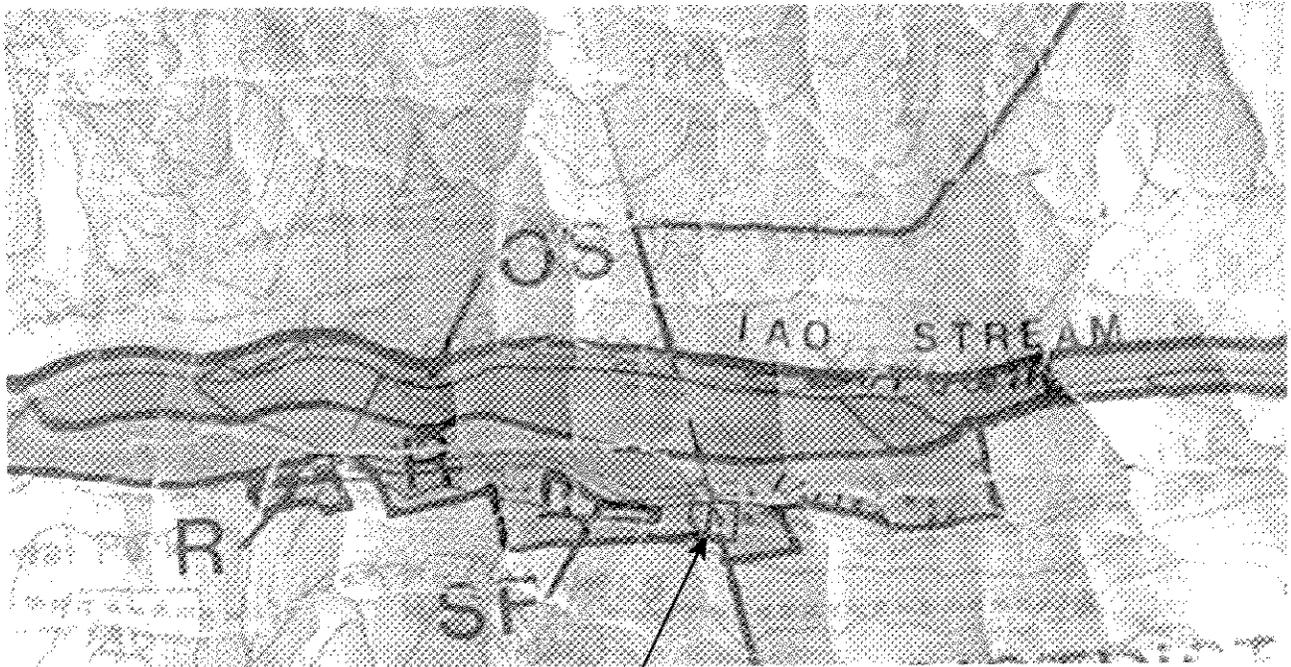
FIGURE 4

Not to scale

OCTOBER
2006

STATE LAND USE MAP
Duarte Family Subdivision





-  OS Open Space
-  SF Single Family
-  R Rural

PROJECT SITE



FIGURE 5

OCTOBER
2006

WAILUKU-KAHULUI COMMUNITY PLAN
Duarte Family Subdivision



PROJECT
SITE

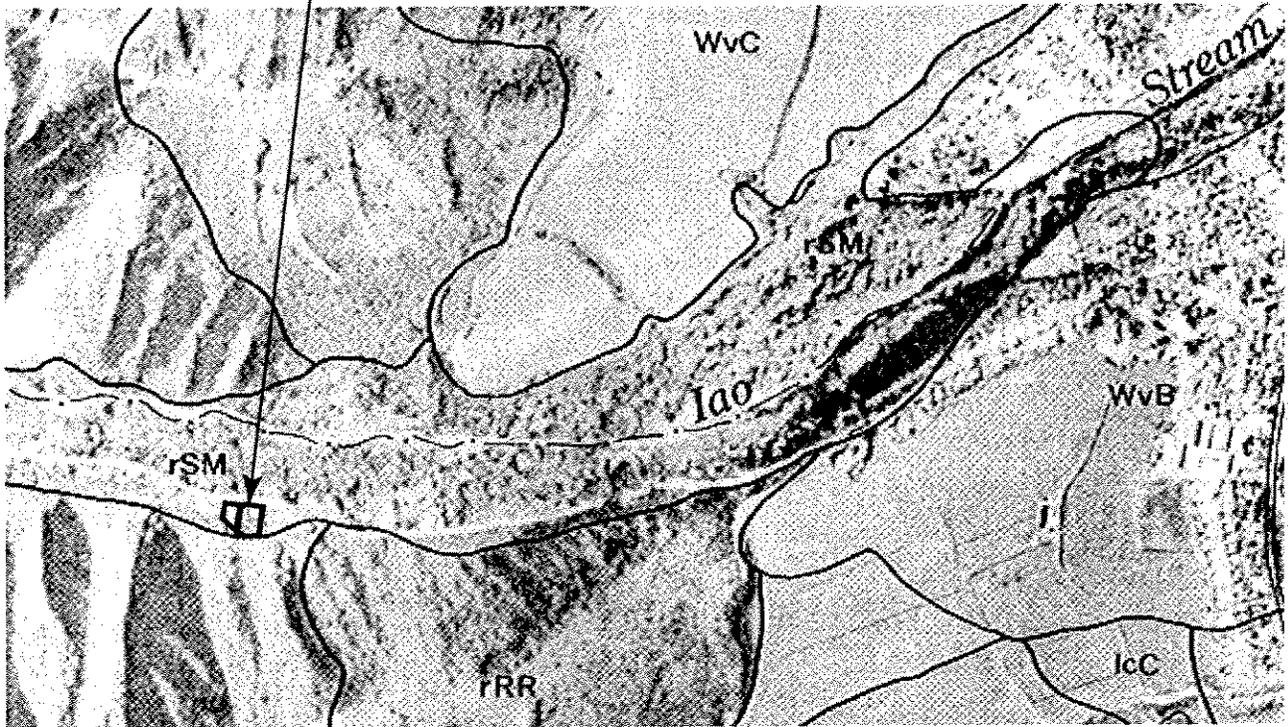


FIGURE 6

Not to Scale

OCTOBER
2006



SOILS MAP
Duarte Family Subdivision

**CHRIS
HART**
& PARTNERS, INC.

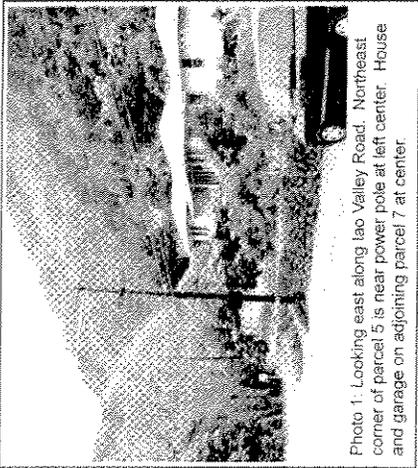


Photo 1: Looking east along lao Valley Road. Northeast corner of parcel 5 is near power pole at left center. House and garage on adjoining parcel 7 at center.

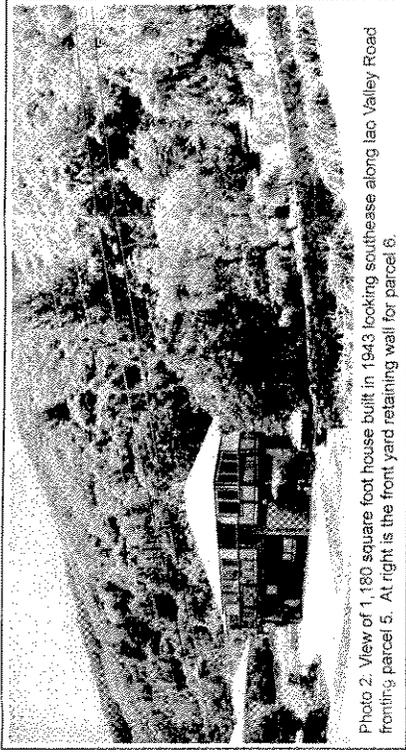


Photo 2: View of 1,180 square foot house built in 1943 looking southeast along lao Valley Road fronting parcel 5. At right is the front yard retaining wall for parcel 6.

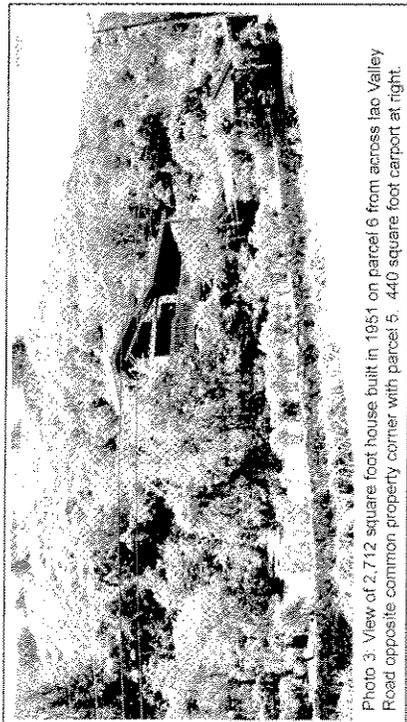


Photo 3: View of 2,712 square foot house built in 1951 on parcel 6 from across lao Valley Road opposite common property corner with parcel 5. 440 square foot carport at right.

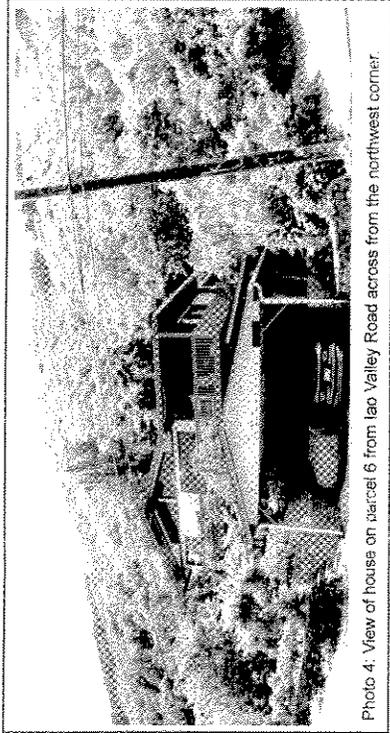


Photo 4: View of houses on parcel 6 from lao Valley Road across from the northwest corner.



Photo 5: Looking west along lao Valley Road.

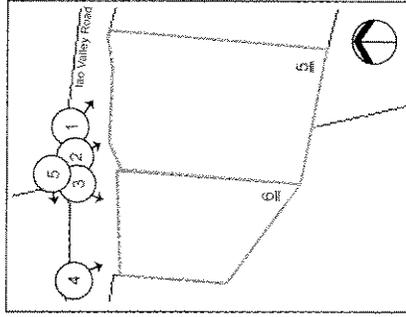


FIGURE 7.1

Photo taken 9/7/2006	OCTOBER 2006	 CHRIS HART ARCHITECTS
PHOTOGRAPHS Duarte Family Subdivision		

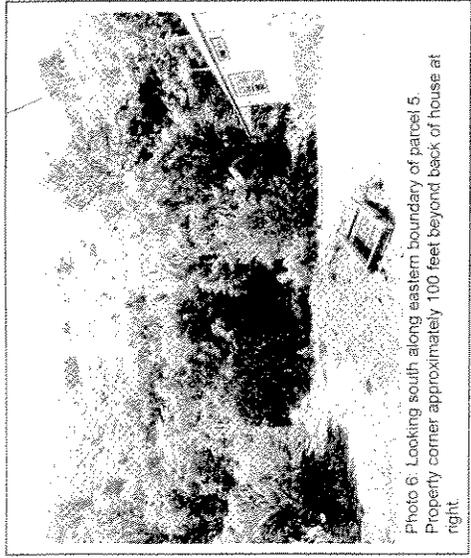


Photo 6: Looking south along eastern boundary of parcel 5. Property corner approximately 100 feet beyond back of house at right.



Photo 7: Looking west along the back of the house on parcel 5.

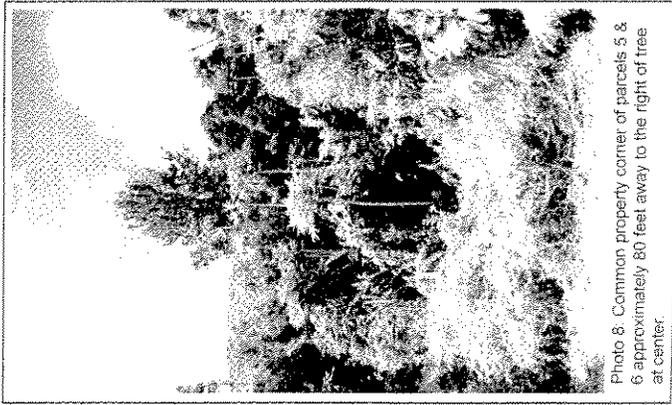


Photo 8: Common property corner of parcels 5 & 6 approximately 80 feet away to the right of tree at center.



Photo 9: Existing garage on parcel 5 (to be demolished)

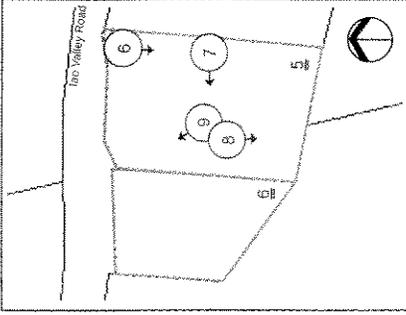


FIGURE 7.2

Photo taken 9/7/2006	OCTOBER 2006	 CHRIS HART <small>SPALTER INC.</small>
PHOTOGRAPHS Duarte Family Subdivision		

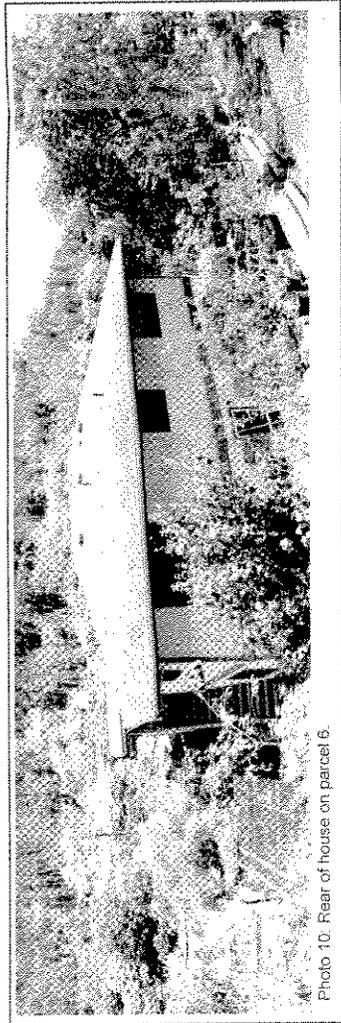


Photo 10: Rear of house on parcel 5.



Photo 12: East side of house on parcel 6.



Photo 11: Southwest property corner of parcel 6 (1/2" pipe).

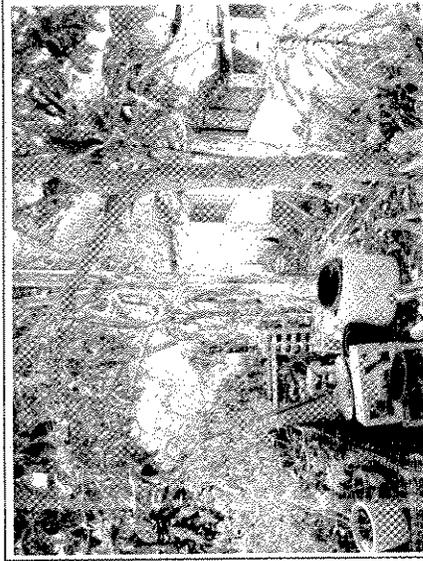


Photo 13: Looking north along common property line of parcels 5 & 6. Garage on parcel 5 at right.

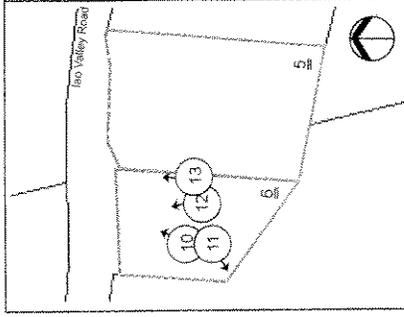


FIGURE 7.3

Photo taken 9/7/2006	OCTOBER 2006	 CHRIS HART <small>SURVEYING</small>
<p align="center">PHOTOGRAPHS Duarte Family Subdivision</p>		

August 9, 2006

Mr. Michael W. Foley
Planning Department
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Foley:

RE: **Letter of Authorization:** Duarte Family Subdivision at
TMK (2) 3-5-003:005 & 006 Wailuku, Maui, Hawaii.

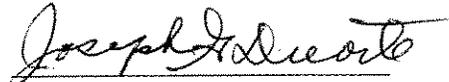
This letter authorizes the firm of Chris Hart & Partners, Inc. (CH&P), on our behalf, to file all necessary governmental permits and approvals, including but not limited to an Environmental Assessment, District Boundary Amendment, Community Plan Amendment, County Change in Zoning, and amendments thereto, and any other permits or variances applicable to this project.

Thank you for your cooperation. If additional clarification is needed, please call.

Respectfully yours,



Allen D. Duarte
P.O. Box 364
Wailuku, Hawaii 96793
TMK: (2) 3-5-003:005



Joseph G. Duarte
P.O. Box 7
Wailuku, Hawaii 96793
TMK: (2) 3-5-003:006

c: Christopher L. Hart, CH&P

Parcel 005

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY MAIL (X) PICKUP () TO:

THOMAS W. DUARTE
PO BOX 364
WAILUKU, HI 96793

Total Pages: 4

TMK: (II) 3-5-3-5

Liber/Page: 15122/450

QUITCLAIM DEED

Grantor: MARY C. DUARTE, Widow;

Grantee: THOMAS W. DUARTE, husband of Phyllis L. Duarte; and
CHARLES G. DUARTE, husband of Lorraine M. Duarte; and
JOSEPH G. DUARTE, JR., husband of T. Geraldine Duarte; and
CATHERINE C. McKENZIE, wife of Garold R. McKenzie

Grantee's Address: c/o P.O. BOX 364, WAILUKU, HI 96793

Grantee's Tenancy: JOINT TENANTS, with rights of survivorship,

Subject Property: an undivided 1/5 interest in that property situate in Iao Valley, Island and County of Maui, State of Hawaii.

THIS QUITCLAIM DEED is made from the party named above and hereinafter referred to as "Grantor," to the parties named above and hereinafter collectively referred to as "Grantee." Grantee's address is as set forth above.

WITNESSETH

Conveyance. Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), and other valuable consideration to Grantor paid by Grantee, the receipt of which is hereby acknowledged, does hereby release, remise and forever quitclaim unto Grantee, in the name and tenancy as set forth above, all of Grantor's right, title and interest, if any, in the property noted above and more completely described in Exhibit "A" attached hereto and by this reference made a part hereof, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith or appurtenant thereto, all reversions, rents, issues and profits therefrom, and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

Grantee's Interest. TO HAVE AND TO HOLD the same unto Grantee, in the tenancy aforesaid, and unto Grantee's heirs, legal representatives, successors and assigns, forever.

Definitions. AT ALL TIMES HEREIN the terms "Grantor" and "Grantee" or any pronouns used in place thereof, shall mean and include, and any and all covenants shall be deemed to be binding upon or inure to the benefit of, the masculine or feminine, singular or plural number, and individuals, firms or corporations, and their and each of their respective heirs, legal representatives, successors and assigns, according to the context thereof.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed this date: JUL 26 2004.

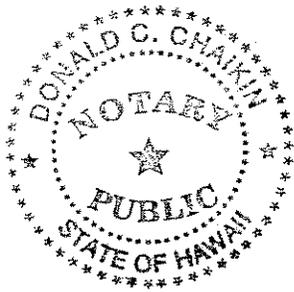
GRANTOR:

MARY C. DUARTE

By: 
THOMAS W. DUARTE
Her Attorney-in-Fact

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this date: JUL 26 2004, before me personally appeared **THOMAS W. DUARTE**, as Attorney-in-Fact for **MARY C. DUARTE**, pursuant to Power of Attorney dated May 16, 1994, to me known to be the person described in and who executed the foregoing instrument, as Attorney-in-Fact for said **MARY C. DUARTE**, and acknowledged that he executed the same as the free act and deed of said **MARY C. DUARTE**.



Donald C Chaikin
Print Name: DONALD C. CHAIKIN
Notary Public, State of Hawaii
My Commission expires: 2/29/08

EXHIBIT "A"

ALL that certain portion of Grant 3343 to Claus Spreckels, situate in Iao Valley, Island and County of Maui, State of Hawaii, described as follows:

BEGINNING at a 3/4-inch pipe in the Northwest corner of this lot on Iao Road and the coordinates of which point referred to "Luke" triangulation station are 744.93 feet North, 9,437.96 feet West, and running by azimuths measured clockwise from true South:

1. 269° 18' 56.0 feet along Iao Road to a 3/4-inch pipe
2. 276° 43' 65.0 feet along Iao Road to a 3/4-inch pipe
3. 4° 00' 186.0 feet along the remaining Wailuku Sugar Company's portion of Grant 3343 to a 3/4-inch pipe
4. 100° 23' 121.5 feet along the same to a 3/4-inch pipe
5. 184° 00' 171.0 feet along the same to the point of beginning and containing an area of 0.50 acres

BEING the same premises conveyed to the Grantor herein by Deed dated October 30, 1980, recorded in the Bureau of Conveyances of the State of Hawaii as Liber 15122, Page 450.

SUBJECT, HOWEVER, to any and all terms, conditions, reservations, covenants, restrictions, easements, encumbrances, and/or other matters affecting title to the said property presently of record and created or agreed to by the Grantor herein.

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:

MR THOMAS DUARTE
PO BOX 364
WAILUKU HI 96793

TG: 200453556
TGE: A4-204-0983
Lynette A. Aipa

Tax Key: (2) 3-5-003-005

Total No. of Pages: _____

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That CATHERINE C. MCKENZIE, wife of Garold R. McKenzie, whose address is 568 Waverly Rd., Dimondale, Michigan 48821-9710, hereinafter called the "Grantor," in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid by THOMAS W. DUARTE, husband of Phyllis L. Duarte, whose address is P. O. Box 364, Wailuku, Maui, Hawaii 96793, hereinafter called the "Grantee," the receipt whereof is hereby acknowledged, does hereby grant and

convey unto the Grantee, as a tenant in severalty, all of Grantor's right, title and interest (being an undivided one-fourth (1/4) interest) in and to the real property described in Exhibit "A" attached hereto and by this reference incorporated herein; subject, however, to all encumbrances noted on said Exhibit "A".

TO HAVE AND TO HOLD the same, together with any improvements thereon and the rights, easements, privileges, and appurtenances thereunto belonging or appertaining unto the Grantee, the heirs, representatives, administrators, successors and assigns of the Grantee, forever.

AND the Grantor covenants with the Grantee that the former is now seised in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances, except the liens and encumbrances hereinbefore mentioned, and except also the liens and encumbrances created or permitted by the Grantee after the date hereof; and that the Grantor will WARRANT and DEFEND the Grantee against the lawful claims and demands of all persons claiming the whole or any part of the above bargained and granted lands and premises.

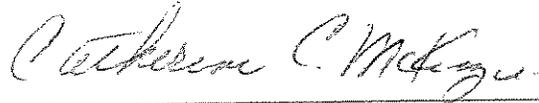
The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and

include the masculine or feminine, or neuter, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives, and permitted assigns, according to the context hereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor has executed these presents on this 27 day of Sept., 2004.

APPROVED AS TO FORM:
MANCINI, WELCH & GEIGER LLP

By Peter A. Horovitz



CATHERINE C. MCKENZIE

Grantor

STATE OF MICHIGAN)
) SS.
COUNTY OF Ingham)

On this 27th day of September, 2004, before me personally appeared CATHERINE C. MCKENZIE, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Betty J. Bosworth
Print Name: _____
Notary Public, in and for said
State and County.

My commission expires: 5-22-2006

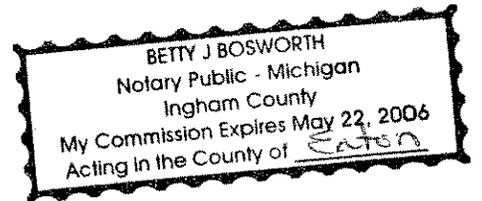


EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Grant No. 3343 to Claus Spreckels) situate, lying and being in Iao Valley, District of Wailuku, State of Hawaii, bearing Tax Key designation (2) 3-5-003-005, and containing an area of 21,374 square feet, more or less.

Said above parcel of land having been acquired by CHARLES C. DUARTE, husband of Lorraine M. Duarte, JOSEPH G. DUARTE, JR., husband of T. Geraldine Duarte, THOMAS W. DUARTE, husband of Phyllis L. Duarte, and CATHERINE C. MCKENZIE, wife of Garold R. McKenzie, as Joint Tenants, by the following Deeds:

1. By Grant Deed of Mary C. Duarte, as appointed guardian of Joseph G. Duarte, dated October 30, 1980, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15122 on Page 450; and

2. By Quitclaim Deed of Mary C. Duarte, widow, dated July 26, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-155481.

SUBJECT, HOWEVER, to the following:

1. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Deed dated November 29, 1945, and recorded in the said Bureau of Conveyances in Liber 1925 on Page 454.

The foregoing includes, but is not limited to, matters relating to reservation unto Wailuku Sugar Company all water rights of any character appurtenant to the land more particularly described herein.

2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

Note: A current survey, with metes and bounds description, should be made of said premises.

END OF EXHIBIT "A"

Tax Key: (2) 3-5-003-005



Parcel 006



89 151281
ORIGINAL

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECEIVED FOR RECORD

1989 OCT -2 AM 10:44
LIBER/PAGE 23719 / 576
ARCHIE K. VIOLA, REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup () To:

ING. KUSHI & ICE ATTORNEYS
Wells Street Professional Center
2145 Wells Street, Suite 204
Wailuku, Maui, HI 96793

TITLE OF DOCUMENT: QUITCLAIM DEED

PARTIES TO DOCUMENT:

Grantor: JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE

Grantee: JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE
RUSSELL KENNETH DUARTE and CARA-ANN K. DUARTE

PROPERTY DESCRIPTION: : LIBER/PAGE: 5599/22
Parcel situated in Iao Valley, :
Wailuku, Maui, Hawaii, being : DOCUMENT NO.:
a portion of Grant 3343 : TRANSFER CERTIFICATE OF
to Claus Spreckels : TITLE NO(S):

1164k/89-385

T.M.K.: (2) 3-5-03-06

THIS INDENTURE, made this 28 day of September,

1989, by and between JOSEPH G. DUARTE, JR. and T. GERALDINE
DUARTE, husband and wife, whose residence address is Iao Valley
Road, Wailuku, Maui, Hawaii 96793, and whose mailing address

CONVEYANCE
TAX...
00.00
STATE OF HAWAII
P.B. 001-289
10/17

9 6 1 8 8 9
CERTIFICATE FILED

is P.O. Box 7, Wailuku, aforesaid, hereinafter referred to as the "GRANTOR", JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE, husband and wife, whose residence address is Iao Valley Road, Wailuku, Maui, Hawaii 96793, and whose mailing address is P.O. Box 7, Wailuku, aforesaid, and RUSSELL KENNETH DUARTE and CARA-ANN K. DUARTE, husband and wife, whose residence address and mailing address is 8 Koki Place, Kihei, Maui, Hawaii 96753, hereinafter referred to as the "GRANTEE".

W I T N E S S E T H

That the Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00), to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, and for the love and affection which the Grantor bears toward the Grantee, does hereby remise, release, and forever quitclaim unto the Grantee, as Tenants in Common, forever, as follows: (a) an undivided one-half (1/2) interest to JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE, husband and wife, as Tenants by the Entirety, and (b) the remaining undivided one-half (1/2) interest to RUSSELL KENNETH DUARTE and CARA-ANN K. DUARTE, husband and wife, as Tenants by the Entirety, the property described in Exhibit "A" attached hereto and made a part hereof.

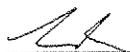
AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances thereon or thereunto belonging or appertaining or held and enjoyed therewith, unto the said Grantee as aforesaid, forever.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the undersigned executed these presents the day and year first above written.

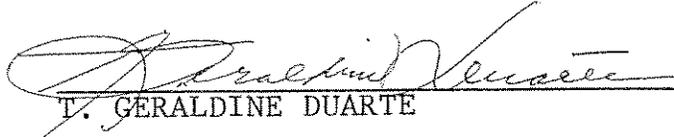
APPROVED AS TO FORM:



 ING, KUSHI & IGE



 JOSEPH G. DUARTE, JR.



 T. GERALDINE DUARTE

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 28 day of September, 1989, before me personally appeared JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.



Notary Public, in and for said
County and State.

My commission expires: 5/12/93

EXHIBIT "A"

All that certain parcel or lot of land situate in Iao Valley, Wailuku, Island and County of Maui, State of Hawaii, being a portion of Grant 3343 to Claus Spreckels, and being described as follows:

Beginning at a 3/4" pipe set in concrete at the Northwest corner of this lot, on the Southerly side of the Iao Valley Road, the coordinates of which point referred to Government Survey Triangulation Station "Luke" being 743.78 feet North and 9532.45 feet West and running by azimuths measured clockwise from the true South:

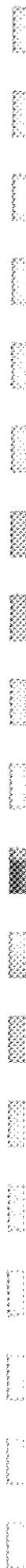
1. 269° 18' 00" 95.0 feet along the Southerly side of the Iao Valley Road to a 3/4" pipe; thence
2. 4° 00' 00" 171.0 along Joe Duarte's lot to a 3/4" pipe set in concrete; thence
3. 126° 30' 00" 92.1 feet along Wailuku Sugar Company's remaining land to a 3/4" pipe set in concrete; thence
4. 175° 30' 00" 115.0 feet along the same to the point of beginning, and containing an area of 12,092 square feet.

LESS 247 square feet conveyed to the State of Hawaii by Deed dated December 30, 1959, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 3769 on Page 420;

LEAVING A NET AREA of 11,845 square feet.

RESERVING THEREFROM, HOWEVER, unto Wailuku Sugar Company, any and all water rights of any nature belonging or appurtenant to the hereinabove described property.

Being the same premises conveyed to Grantor by Deed dated March 1, 1967, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 5599 at Page 22.



415 Iao Valley Rd.



R-463

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
APR 14, 2003 08:01 AM

Doc No(s) 2003-068055



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

20 2/3 Z2

CONVEYANCE TAX: \$0.00

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY MAIL (X) PICKUP () TO:

MR & MRS JOSEPH G. DUARTE, JR.
P.O. BOX 7
WAILUKU MAUI HAWAII 96793

T619 326413-C
R/S

Total Pages: 5

TMK: (II) 3-5-03-06

LIBER/PAGE: 23719/576

DEED INTO TRUSTS

Grantors: JOSEPH G. DUARTE, JR. and T. GERALDINE DUARTE,
husband and wife

Grantees: JOSEPH G. DUARTE, JR., Trustee under THE JOSEPH G.
DUARTE, JR. TRUST dated FEB 12 2003; and

T. GERALDINE DUARTE, Trustee under THE T. GERALDINE
DUARTE TRUST dated FEB 12 2003

*which Trustees are each empowered to hold, develop, lease, assign,
convey, sell, encumber and/or otherwise deal with real property
pursuant to those certain trust powers more particularly set forth in
each respective Trust*

Grantees' Address: P. O. Box 7
Wailuku, Maui, Hawaii 96793

DEED into Trust.Iao Valley.(HW2T).wpd

WAILUKU EXECUTIVE CENTER
24 North Church Street, Suite 207
Wailuku, Maui, Hawaii 96793

DWIGHT K. MURAOKA
ATTORNEY AT LAW, LLLC

E-Mail: dmuraoka@mauitrustlaw.com
Telephone: (808) 242-0799
Facsimile: (808) 242-0012

Grantees' Tenancy: TENANTS IN COMMON, in equal shares

Subject Property: Portion of Grant 3343, situate at Iao Valley, Wailuku, Island and County of Maui, State of Hawaii

THIS DEED is made from the parties named above and hereinafter collectively referred to as "Grantors," to the parties named above and hereinafter collectively referred to as "Grantees." Grantees' address is as set forth above.

W I T N E S S E T H

Conveyance. Grantors, for and in consideration of the sum of ONE DOLLAR (\$1.00), to Grantors paid by Grantees, the receipt of which is hereby acknowledged, do hereby grant, transfer and convey unto Grantees, in the name and tenancy as set forth above, in fee simple, all of Grantors' interest in and to the property referred to above and more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith or appurtenant thereto, all reversions, rents, issues and profits therefrom, and all of the estate, right, title and interest of Grantors, both at law and in equity, therein and thereto.

Grantees' Interest. TO HAVE AND TO HOLD the same unto Grantees, in the tenancy aforesaid, and unto Grantees' heirs, legal representatives, successors and assigns, forever.

Grantors' Covenants. AND Grantors do hereby covenant and agree with Grantees, Grantees' heirs, legal representatives, successors and assigns, that Grantors are lawfully seised in fee simple of the premises hereby conveyed, that Grantors have good right to sell and convey the same as aforesaid, that the same are free and clear from all encumbrances, except non-delinquent real property taxes and any encumbrances, easements, restrictions and reservations described in Exhibit "A."

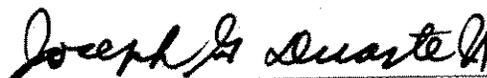
AND GRANTORS will, and Grantors' heirs, legal representatives, successors and assigns shall, forever WARRANT AND DEFEND the title to the land hereby conveyed against the lawful claims and demands of all persons, except as noted herein.

Definitions. AT ALL TIMES HEREIN the terms "Grantors" and "Grantees," or any pronouns used in place thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals or entities, and their and each of their respective heirs, legal representatives, successors and assigns, according to the context thereof. The

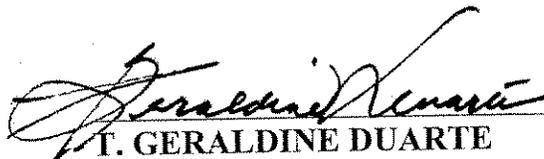
rights and obligations of Grantors and Grantees shall be binding upon and inure to the benefit of their respective estates, heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Grantors have caused this Deed to be executed this date: 2-12-03

GRANTORS:



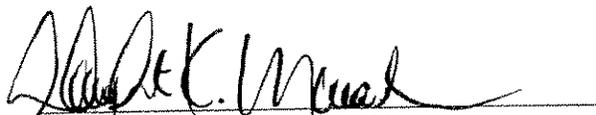
JOSEPH G. DUARTE, JR.



T. GERALDINE DUARTE

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this date: FEB 12 2003, before me personally appeared **JOSEPH G. DUARTE, JR.** and **T. GERALDINE DUARTE**, in their individual capacities, as Grantors, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.



DWIGHT K. MURAOKA
Notary Public, State of Hawaii
My Commission expires: 2/24/2006

EXHIBIT "A"

All that certain parcel or lot of land situate in Iao Valley, Wailuku, Island and County of Maui, State of Hawaii, being a portion of Grant 3343 to Claus Spreckels, and being described as follows:

Beginning at a 3/4" pipe set in concrete at the Northwest corner of this lot, on the Southerly side of the Iao Valley Road, the coordinates of which point referred to Government Survey Triangulation Station "Luke" being 743.78 feet North and 9532.45 feet West and running by azimuths measured clockwise from the true South:

1. 269° 18' 00" 95.0 feet along the Southerly side of the Iao Valley Road to a 3/4" pipe; thence
2. 4° 00' 00" 171.0 along Joe Duarte's lot to a 3/4" pipe set in concrete; thence
3. 126° 30' 00" 92.1 feet along Wailuku Sugar Company's remaining land to a 3/4" pipe set in concrete; thence
4. 175° 30' 00" 115.0 feet along the same to the point of beginning, and containing an area of 12,092 square feet.

Less 247 square feet conveyed to the State of Hawaii by Deed dated December 30, 1959, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 3769 on Page 420;

LEAVING A NET AREA of 11,845 square feet.

Being the same premises conveyed to Grantors by Deed dated September 28, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 23719, Page 576.

TOGETHER WITH any and all right, title or interest of the Grantors under any lease, agreement of sale, or other document or agreement related to the said property.

SUBJECT, HOWEVER, to any and all terms, conditions, reservations, covenants, restrictions, easements, encumbrances, and/or other matters affecting title to the said property presently of record.

END OF EXHIBIT "A"



COUNTY OF MAUI
DEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: Chris Hart & Partners, Inc. PHONE NO.: 242-1955
ADDRESS: _____
PROJECT NAME: Duarte Family
ADDRESS AND/OR LOCATION: Iao Valley Road, Wailuku, Maui, Hawaii
TMK NUMBER(S): (2) 3-5-003:005

ZONING INFORMATION

STATE LAND USE Rural COMMUNITY PLAN Rural
COUNTY ZONING Agriculture SPECIAL DISTRICT N/A
OTHER _____

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE C
BASE FLOOD ELEVATION NA mean sea level, 1929 National
Geodetic Vertical Datum or for Flood Zone A0, FLOOD DEPTH NA feet.

FLOODWAY [] Yes or [✓] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [] Yes or [✓] No

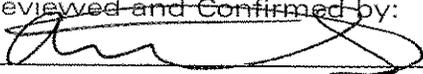
* For flood hazard area zones B or C; a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS: _____

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

Reviewed and Confirmed by:



Signature

12 / 28 / 04

Date

Zoning Administration and Enforcement Division 5/03

For: **AARON SHINMOTO**
Planning Program Administrator

COUNTY OF MAUI
DEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: Chris Hart & Partners, Inc. PHONE NO.: 242-1955
ADDRESS: _____
PROJECT NAME: _____
ADDRESS AND/OR LOCATION: 425 Iao Valley Road, Wailuku, Maui, Hawaii
TMK NUMBER(S): (2) 3-5-003:006

ZONING INFORMATION

STATE LAND USE Rural COMMUNITY PLAN Rural
COUNTY ZONING Agricultural SPECIAL DISTRICT _____
OTHER _____

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE C
BASE FLOOD ELEVATION _____ mean sea level, 1929 National
Geodetic Vertical Datum or for Flood Zone A0, FLOOD DEPTH _____ feet.

FLOODWAY [] Yes or [] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [] Yes or [] No

* For flood hazard area zones B or C; a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

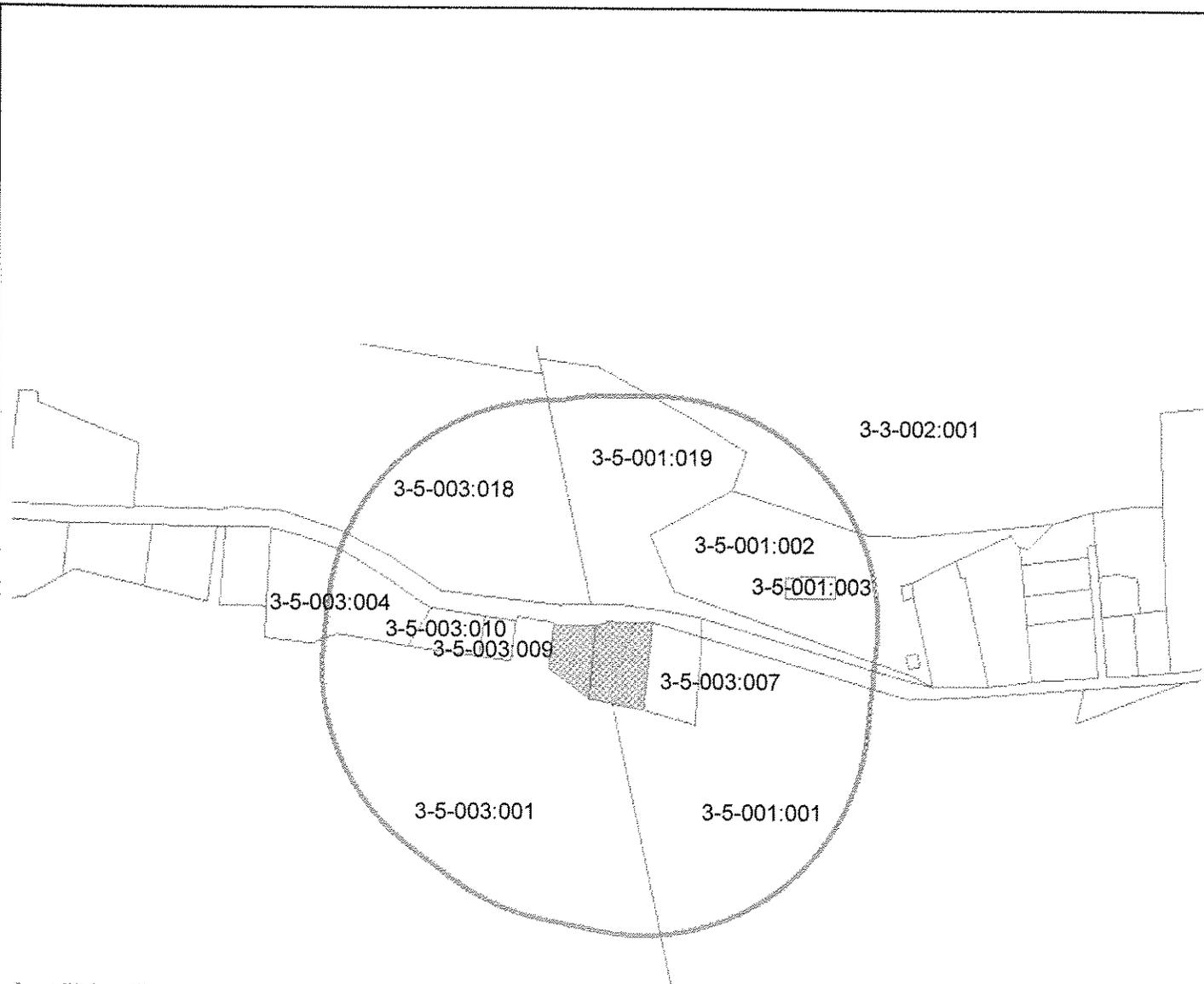
REMARKS/COMMENTS: _____

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

Reviewed and Confirmed by:

Signature

Date



Copyright 2004, County of Maui



MAP SHOWING PARCELS
 WITHIN 500 FEET OF
 TMKs: (2) 3-5-003:005 & 006
 411 & 425 Iao Valley Road
 Wailuku, Maui, Hawaii

PARCEL OWNERS WITHIN 500 FEET OF
TMK: 3-5-003:005

2330020010000 WAHI HO'OMALU LIMITED PARTNERSHIP C/O JOHN A RUSSELL P O BOX 351 KULA HI 96790	2350010010000 LEDERMAN BROTHERS C/O MR RARAZ DANESHGAR 433 N CAMDEN DR STE 900 BEVERLY HILLS CA 90210
2350010020000 KAIHE, JOHANNA 178 EAST WHITLOCK AVE SALT LAKE CITY UT 84115 0000	2350010020000 ORNELLAS, FRANCIS ALLAN P O BOX 1104 WAILUKU HI 96793
2350010030000 ORNELLAS, FRANCIS ALLAN P O BOX 1104 WAILUKU HI 96793	2350010190000 TING, DONNA P TRUSTEE C/O TING, DONNA P/ALLEN YOUNG III 1962 WELLS ST WAILUKU HI 96793
2350030040000 DUARTE, ANTHONY J/CHARLOTTE 45 526 HALEKOU RD KANE OHE HI 96744	2350030010000 WAILUKU AGRIBUSINESS CO 255 E WAIKO RD WAILUKU HI 96793
2350030060000 DUARTE, CARA-ANN K RR1 BOX 533 WAILUKU HI 96793	2350030060000 DUARTE, JOSEPH G TRUST P O BOX 7 WAILUKU HI 96793
2350030070000 SOUZA, ANN S C/O SOUZA, MANUEL 504 POHAKU ST WAILUKU HI 96793	2350030090000 DUARTE, COLIN DALE 445 IAO VALLEY RD WAILUKU HI 96793
2350030100000 DUARTE, LINDA RUTH 449 IAO VALLEY RD WAILUKU HI 96793	2350030180000 HO'OULULAHUI LLC 575 A IAO VALLEY RD WAILUKU HI 96793 3007

744.93 FT. NORTH
9,437.96 FT. WEST
REF. TO "LUKE" ▲

← TO IAO
NEEDLE

IAO VALLEY ROAD

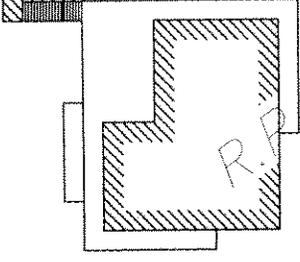
TO HIGH
STREET →

269°18'00" → 95.00

269°18'00" → 56.00

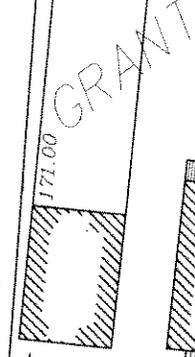
276°43'00" → 65.00

175°30'00"
115.00



T.M.K.(2)3-5-03:06
AREA=0.272 ACRES

3343



T.M.K.(2)3-5-03:05
AREA=0.4907 ACRES

SPRECKELS

4°00'00"

184°00'00"

92.10

100°23'00"

121.50

186.00

4°00'00"
T.M.K.(2)3-5-03:07

TRUE NORTH

T.M.K.(2)3-5-03:01

SKETCH SHOWING

PROPERTY BOUNDARY LINES

FOR A PORTION OF R.P. GRANT 3343 TO CLAUS SPRECKELS

SCALE: 1" = 30'



May 26, 2005

Mr. Thomas Duarte
P.O. Box 364
Wailuku, Hawaii 96793

Dear Mr. Duarte,

Re: State District Boundary Amendment, Community Plan Amendment, Change in Zoning for
TMK: (2) 3-5-003:005, Iao Valley, Wailuku, Maui, Hawaii.

In our recent meeting with the Planning Department, it was suggested that you contact your neighbors to see if they would like to join in your change in zoning application process. In order for your neighbors to better understand the consequences of joining your application process, we have prepared the following information and analysis.

We have enclosed maps of the existing State Land Use District, County Zoning and the County's Wailuku-Kahului Community Plan for TMK parcels 3-5-003:005, 006 & 007. As summarized in the table below, the existing land use designations are not consistent. The State Land Use and County Community Plan designations are Rural whereas the County Zoning is Agricultural. Zoning and development standards are based on the most restrictive requirements, which in this case would be the County's Agricultural District. In addition, the parcel sizes (.4907 acre [21,375 s.f.], .27 acre [11,845 s.f.] and .4925 acre [21,453 s.f.], respectively) do not conform to the minimum lot sizes of the respective districts.

	Existing Designation	Existing Min. Lot Size	Proposed Designation	Proposed Min. Lot Size
State Land Use:	Rural	.5 acre	Urban	10,000 sq. ft.
Community Plan:	Rural	.5 acre	Single Family	10,000 sq. ft.
County Zoning:	Agricultural	2 acres	R-3 Residential	10,000 sq. ft.

In brief, the proposed designations which would be obtained through the Change in Zoning entitlement process would establish consistency between the various land use designations. More importantly, this would allow the construction or replacement of new single family dwellings without being restricted by the County's Agricultural Zoning Ordinance and would also create additional development potential, either the additional construction of an Ohana unit or a two lot family subdivision (see discussion below.)

Agricultural Zoning Farm Dwelling Requirements. Strictly speaking, new dwellings in the County's Agricultural district are only allowed as "Farm Dwellings". In order to qualify as a Farm Dwelling, a property owner must show proof of a primary agricultural use occurring on the property (raising crops or livestock, etc.) Thus, while any existing structures would be allowed to be repaired or maintained, any new or replacement structure would be required to conform to the Farm Dwelling requirement. While there is some flexibility in interpreting this requirement, it could prove troublesome when applying for a building permit for any new structure. This is in contrast to the Residential zoning districts in which single family dwellings are allowed with no agricultural use requirement.

Minimum Lot Size/Future Subdivision Potential. Through the establishment of Residential zoning, the new minimum lot size would be 10,000 square feet. Thus, for properties over 20,000 square feet, there would be a potential to create an additional lot through the subdivision process.

Ohana Dwelling. Establishment of Residential Zoning would also allow for the construction of one accessory dwelling per lot (commonly referred to as an Ohana unit.) For lots with a minimum size of 10,000 square feet, a 600 square foot Ohana unit would be legally permitted, in addition to a standard single family dwelling with no size restriction.

Property tax implications. Property tax assessments are based on recent sales prices of properties with similar characteristics. Thus, the existing parcels would be compared to other properties with similar land use designations. Under current conditions, the properties would be compared to substandard Agricultural lots with restricted development potential. After the proposed zoning designations are established, the properties would then be compared to similarly sized residentially zoned parcels. It is fair to say that assessment values after the zoning changes should be higher than existing, since the parcels would be classified as standard residential lots with additional development potential, hence being more valuable on the open market. It is difficult to estimate how much the assessment will increase since values are based on market conditions.

Expense of Re-Zoning Process and Consolidated Costs. Unfortunately, the Change in Zoning process has become quite cumbersome and costly, even for the simplest of cases. In order to process just one parcel, we have estimated our total fees at approximately \$15,000. The inclusion of additional parcels into a consolidated application would only increase costs by an extra \$1,000 to 2,000 per parcel. Thus, if two or three neighbors were to process their application jointly, there would be considerable cost savings, as compared to the costs of processing one parcel at a time through separate applications. (For example if it were to cost \$15,000 to process one parcel separately, two parcels processed together would cost a total of \$17,000 or \$8,500 per property owner.)

Chances of Successful Application. Where possible the County prefers to have consistent land use designations for adjacent properties. A consolidated application involving three adjacent properties would be received more favorably than an application involving only one parcel.

Mr. Thomas Duarte
May 26, 2005
Page 3

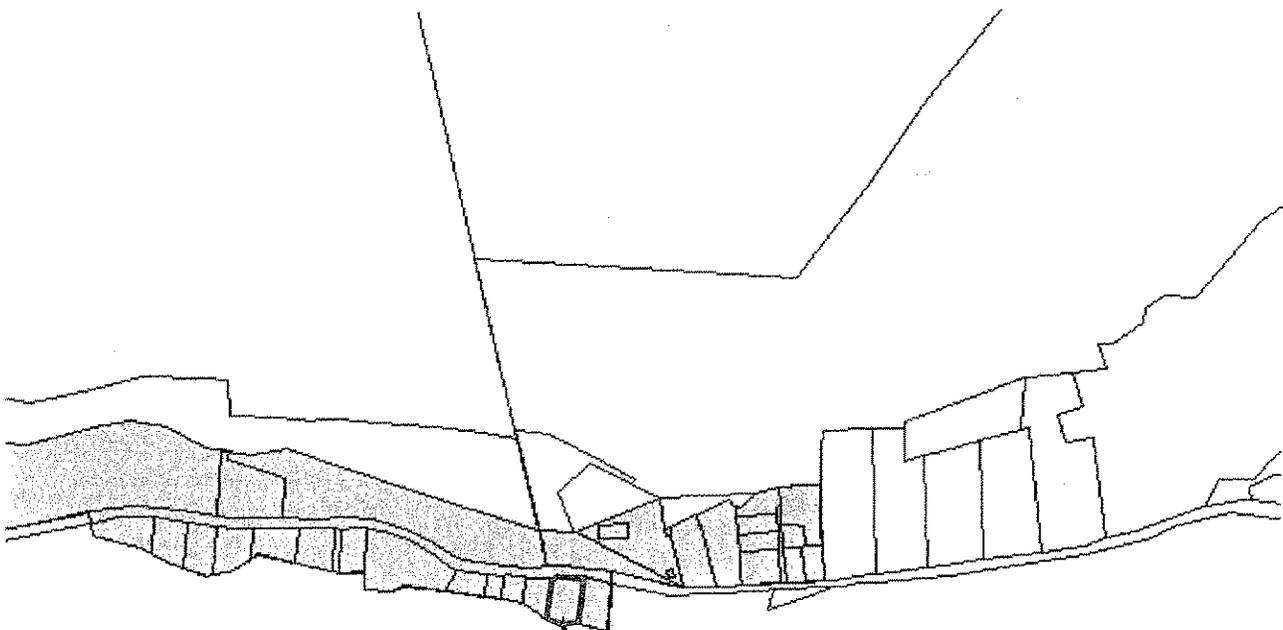
While chances of a successful application process with only one parcel are good, questions will arise as to why only one parcel is being processed when the neighboring parcels are in the same situation. This question did surface in our preliminary meeting with the Planning Department Director and his staff and is the primary reason for this letter. If neighboring property owners choose not to join in your application process, then they will have made the decision with an understanding of the issues involved and our response to the Planning Department will be that the neighbors were presented with an opportunity to participate, however, based on their unique circumstances they opted not to.

As noted above, the purpose of this letter was to present a brief summary of the consequences of re-zoning parcels which are adjacent to your parcel on Iao Valley Road. Please feel free to share this letter with your neighbors. I hope that the information is useful, if there is a need for additional clarification, please do not hesitate to contact me at 242-1955. I am also available to speak with your neighbors as well.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rory Frampton".

Rory Frampton
Senior Planner



-  Agricultural
-  Urban
-  Rural
-  Conservation

PROJECT
SITE

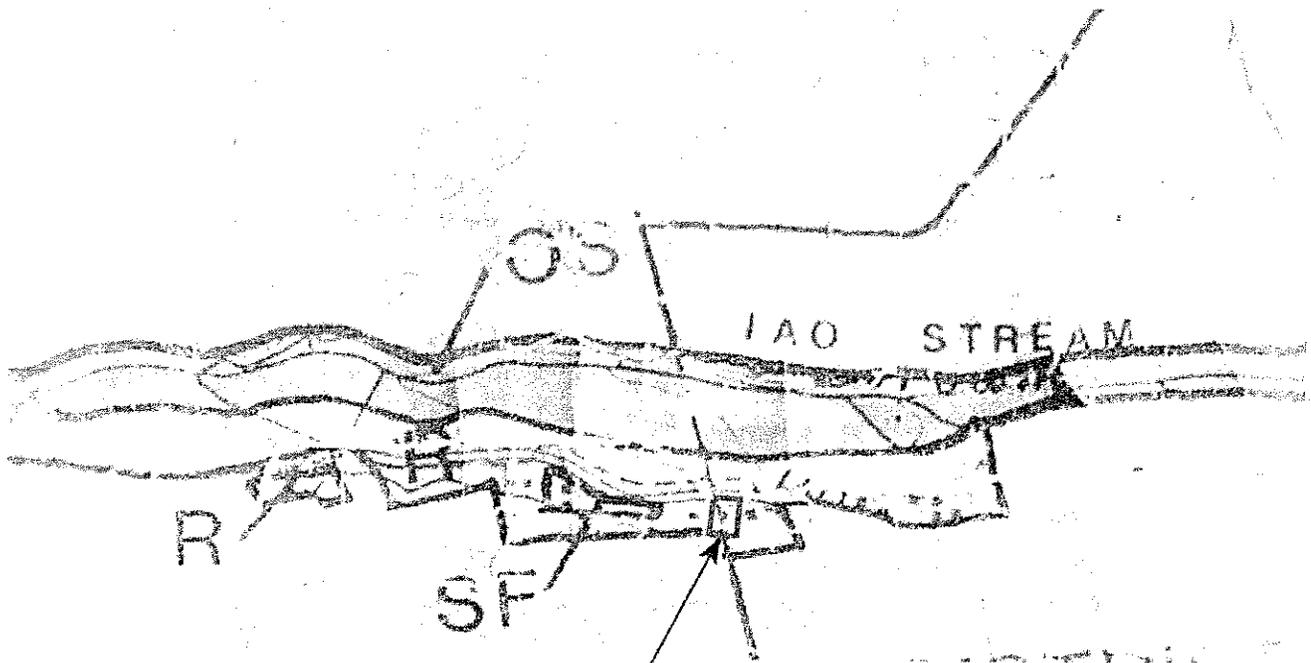


Not to scale

MAY
2005

STATE LAND USE MAP
Duarte Family Subdivision





-  OS Open Space
-  SF Single Family
-  R Rural

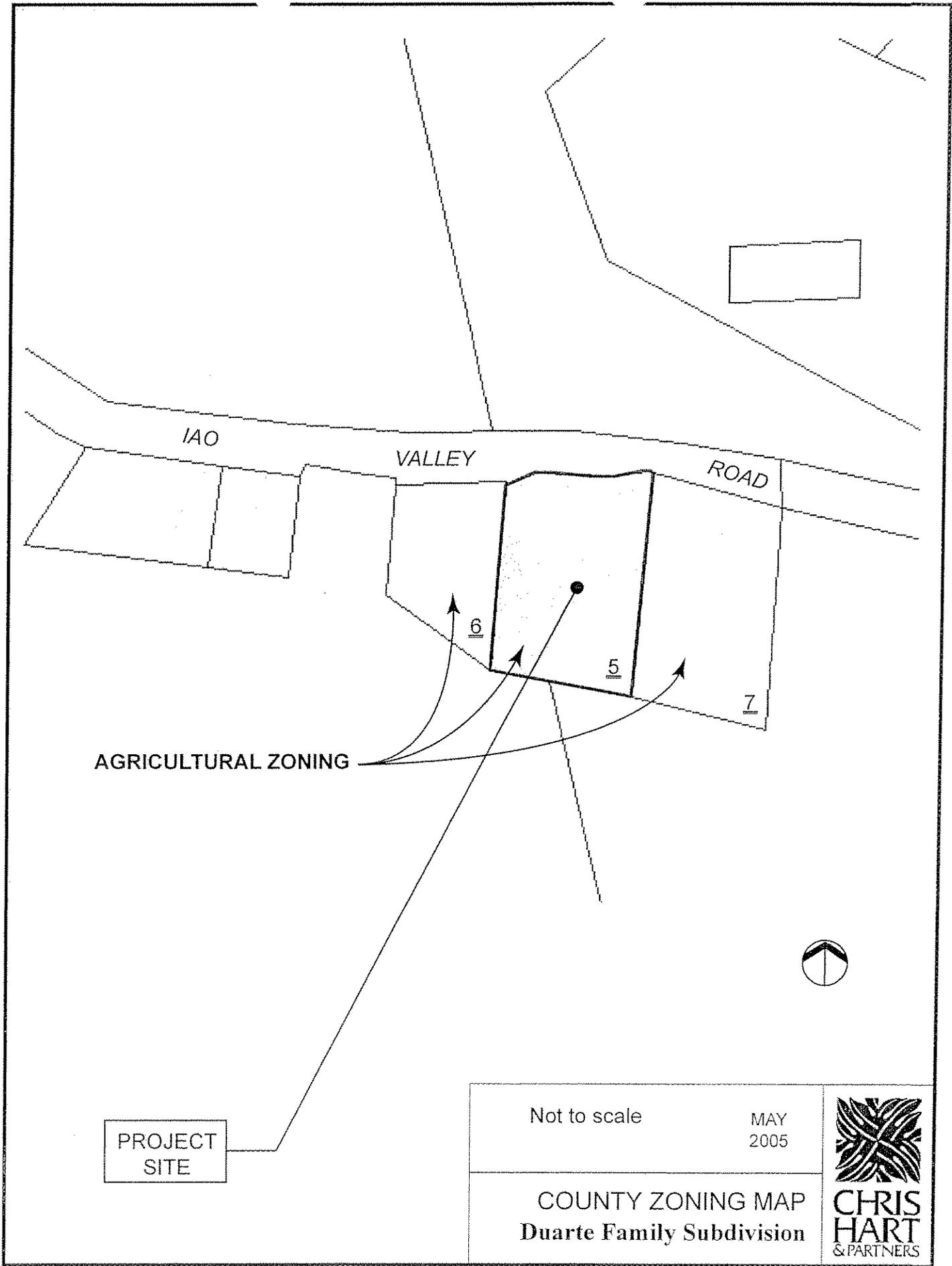
PROJECT
SITE



MAY
2005

WAILUKU-KAHULUI COMMUNITY PLAN
Duarte Family Subdivision





PROJECT
SITE

Not to scale

MAY
2005



COUNTY ZONING MAP
Duarte Family Subdivision

CHRIS
HART
& PARTNERS



June 21, 2007

Mr. Jeffrey S. Hunt, Director
Department of Planning
250 South High Street
Wailuku, HI 96793
Attention: Ms. Robyn Loudermilk, Staff Planner

Dear Mr. Hunt:

Re: Final Environmental Assessment for the Proposed Duarte Family
Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006
Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA
2006/0003, CIZ 2006/0004)

In response your January 10, 2007 letter regarding the Maui Planning
Commission review of the Draft Environmental Assessment for the subject
project, we are submitting one copy of the Final Environmental Assessment
and offer the following as enumerated in your letter:

1. The discussion of the public water system in the vicinity of the
proposed project has been expanded (See: III.D.2). The Department of
Water Supply has provided comments (See: Appendix "G") and
attests to adequacy of the existing distribution system.

Thank you for your support of the applications. If the document is
acceptable, please prepare the necessary forms for transmittal to the Office of
Environmental Quality Control and we will provide the necessary copies. If
you have any questions regarding the above, please do not hesitate to contact
Raymond Cabebe at our office.

Respectfully submitted,

for Christopher L. Hart, ASLA
Landscape Architect - Planner

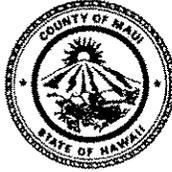
attachments

c: Mr. Tommy Duarte
Mr. Allen Duarte
Ms. Geraldine Duarte

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING

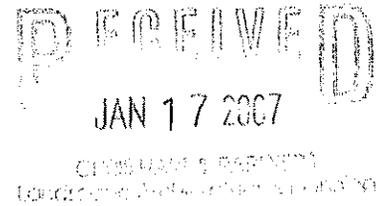
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE 808-242-1955 • FAX: 808-242-1956

CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
COLLEEN M. SUYAMA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 10, 2007



04128 cc: Raymond

Mr. Christopher L. Hart, ASLA
Chris Hart & Partners
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

Dear Mr. Hart:

RE: Draft Environmental Assessment for the Duarte Family Subdivision Located at Maui TMK:3-5-003:005 & 006, 411 and 425 Iao Valley Road, Island of Maui, Hawaii (EA 2006/0010)

At the regular meeting of January 9, 2007, the Maui Planning Commission (Commission) reviewed the above-referenced document and provided the following comments:

1. That the Final Environmental Assessment (FEA) include a thorough discussion of the adequacy of the Maui County Department of Water Supply distribution system providing water to the property. This should include comments by the Maui County Department of Water Supply; and
2. That the applicant is to be commended for initiating these land use changes to reflect the current, residential uses of the property.

Thank you for your cooperation. Should you require further clarification, please contact Ms. Robyn Loudermilk, Staff Planner of this office, by email at robyn.loudermilk@co.maui.hi.us or 270-7180.

Sincerely,

A handwritten signature in black ink that reads "Jeffery S. Hunt".

JEFFERY S. HUNT
Planning Director

Mr. Christopher L. Hart, ASLA

January 10, 2007

Page 2

JSH:RLL:sls

c: Colleen M. Suyama, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Robyn L. Loudermilk, Staff Planner
EA Project File
General File
K:\WP_DOCS\PLANNING\EA\2006\0010_DuarteSubdivision\MPC-DEAComments.wpd



'06 NOV -6 P2:10

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

November 6, 2006

Mr. Michael Foley, Director
Department of Planning
250 South High Street
Wailuku, HI 96793
Attention: Ms. Robyn Loudermilk, Staff Planner

Dear Mr. Foley:

Re: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

In response your May 31, 2006 letter regarding the Draft Environmental Assessment for the subject project, we are submitting one copy of the revised applications and offer the following as enumerated in your letter:

1. The owners of the adjoining Parcel 6 have decided to participate in the subject applications and the document is revised accordingly.
2. Owners of the other properties continue to support the subject applications.
3. The owners acknowledge that the subject properties are located in a unique area of Iao Valley.

Attached are the following:

<u>Application</u>	<u>Description</u>
State Land Use Boundary Amendment	Public Hearing Notice
Community Plan Amendment	Notice of Filing Public Hearing Notice
Change in Zoning	Notice of Filing Public Hearing Notice
All Applications	Location Map Location Map for Publication

Thank you for your support of the applications. If the document is acceptable, please inform us of the number of copies required for agency

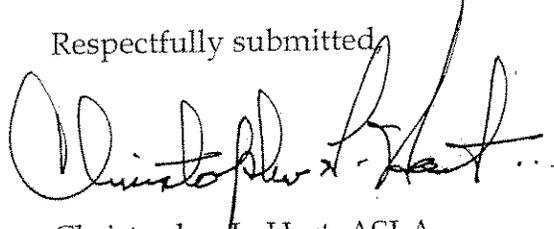
LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 · WAILUKU, MAUI, HAWAII 96793-1706 · PHONE: 808-242-1955 · FAX: 808-242-1956

Mr. Michael Foley, Planning Director
RE: Duarte Family Subdivision
November 6, 2006
Page 2

review. If you have any questions regarding the above, please do not hesitate to contact me at 242-1955.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher L. Hart". The signature is fluid and cursive, with a large initial "C" and "H".

Christopher L. Hart, ASLA
Landscape Architect - Planner

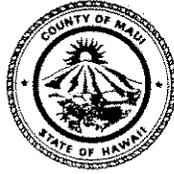
attachments

c: Mr. Tommy Duarte
Mr. Allen Duarte
Ms. Gerri Duarte

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

Don Couch
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 31, 2006

RECEIVED
JUN - 6 2006
CHRIS HART & PARTNERS, INC.
1955 MAIN STREET, SUITE 200
WAILUKU, HAWAII 96793
cc: Chris, Raymond
04/128

Mr. Christopher L. Hart, ASLA
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

Dear Mr. Hart:

RE: **AMENDED** - Preconsultation Comments in Preparation of a Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements Located at TMK: 3-5-003:005, 411 lao Valley Road, Wailuku, Maui, Hawaii (EA 2006/0010)

On May 26, 2006, Director Mike Foley and Staff Planner Robyn Loudermilk of the Maui Planning Department (Department) met with you, Mr. Duarte, and Raymond Cabebe to discuss the May 2, 2006 letter from the Department on the above-referenced project. Specifically, that the Department would not support the required land uses changes to allow for the subdivision on the property as it would constitute "spot" zoning.

At this meeting, the Department indicated that it would now support the land use changes based upon the following information:

1. The applicant made a diligent effort to have the surrounding property owners be part of the proposed land use changes;
2. Though the surrounding property owners chose not to be part of this proposed project, they have indicated support for the required land use changes should Mr. Duarte proceed; and
3. Lastly, the property is located in the unique geographic area of lao Valley; thus greatly minimizing the amount of development that would be allowed.

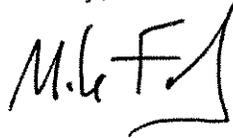
Please include in the Draft Environmental Assessment the community outreach efforts identified above.

Lastly, there is a possibility that the adjoining property may be included in this proposed project. Should this occur, please amend all documents accordingly.

Mr. Christopher L. Hart, ASLA
May 31, 2006
Page 2

Thank you for your cooperation. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, or Ms. Robyn Loudermilk, Staff Planner, at 270-7735.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is stylized with a large, sweeping "F" and a checkmark-like flourish at the end.

MICHAEL W. FOLEY
Planning Director

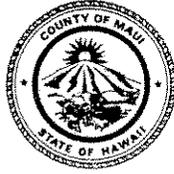
MWF:KAC:RLL:bv

c: Don Couch, Deputy Planning Director
Clayton I Yoshida, AICP, Planning Program Administrator
Kivette A. Caigoy, Environmental Planner
Robyn L. Loudermilk, Staff Planner
EA Project File
General File
K:\WP_DOCS\PLANNING\EA\2006\0010_DuarteSubdivision\preconsultation2.wpd

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 2, 2006

RECEIVED
MAY 05 2006

CHRIS HART & PARTNERS
Landscape Architecture & Planning
cc: Raymond + Chris
04/128

Mr. Chris Hart
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793

Dear Mr. Hart;

RE: Preconsultation Comments in Preparation of a Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements located at TMK: 3-5-003: 005, 411 Iao Valley Road, Wailuku, Island of Maui, Hawaii (EA 2006/0010)

The Maui Planning Department (Department) has reviewed the above-referenced project and understands the proposed action includes:

- The subject property measures 0.4907 acres (21,375 s.f.).
- Land Use Amendments as follows: State Land Use District Boundary Amendment (DBA) from Rural to Urban; Community Plan Amendment (CPA) from Rural to Single Family; and a Change in Zoning (CIZ) from Agricultural to R-3, Residential District.
- Although no development is proposed at this time, the Applicant anticipates pursuing a two (2) lot subdivision.

Please be advised that the Department will not support the Land Use Commission District Boundary Amendment, Community Plan Amendment, and Change in Zoning. These proposed actions are not consistent with the Wailuku-Kahului Community Plan Map and will constitute "spot" zoning in an area designated for rural and agricultural uses.

However, should the Applicant wish to continue processing the Draft Environmental Assessment (EA) and land use applications, the Department provides the following comments as pre-consultation:

1. The analysis throughout the EA should be expanded to include a discussion of potential impacts of full build-out potential assuming the proposed land use amendments are granted.

Mr. Chris Hart
May 3, 2006
Page 2

For the R-3, Residential Zoning District, this allows for two (2) lots, and each lot could build one (1) main dwelling and one (1) ohana for a total of four (4) potential dwellings.

2. Include the DBA, CPA, and CIZ approvals in Section I.G.
3. The description of the proposed land use amendments is inconsistent in Sections I.B, II.D, II.C, and II.E.1.
4. Include a discussion of the total number of dwellings that would be permitted for the Rural and Agricultural Zoning Districts.
5. Provide a discussion of cultural impacts.
6. Section IV, Relationship to Governmental Plans, Policies, and Controls

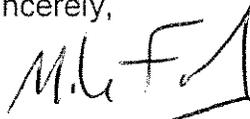
The surrounding area of the proposed project is designated rural or conservation. Amending the subject property to urban would constitute spot zoning. Further expand the analysis within this section to provide detailed rationale justifying the proposed land use amendments.

7. Provide a discussion of the significance criteria of 11-200, HAR.

Upon resolution of the foregoing, please submit one (1) copy of the Draft EA to the Department for further review. Please note that the Department requires a copy 10 calendar days prior to anticipated OEQC Submission Deadlines.

Thank you for your cooperation. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735, or Robyn Loudermilk, Staff Planner at 270-7180.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:KAC:RLL:sec

c: Wayne Boteilho, Deputy Planning Director
Clayton I Yoshida, Planning Program Administrator
Kivette Caigoy, Environmental Planner
Robyn Loudermilk, Staff Planner
EA Project File
General File
K:\WP_DOCS\PLANNING\EA\2006\0010_DuarteSubdivision\preconsultation.wpd

AGENCIES:

State

1. Department of Health
2. Office of Environmental Quality Control
3. Department of Land and Natural Resources
4. Land Use Commission

County

1. Department of Public Works and Environmental Management
2. Department of Water Supply
3. Department of Fire and Public Safety
4. Police Department

Other

1. Maui Electric Company

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

February 14, 2007

'07 FEB 15 10:12

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Jeffrey S. Hunt
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Attention: Robyn L. Loudermilk

Dear Mr. Hunt:

Subject: **Duarte Family Subdivision**
TMK: (2) 3-5-003: 005 & 006
EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ
2006/0004

Thank you for the opportunity to comment on the proposed Duarte Family Subdivision. We have no objections to the proposed subdivision of Parcel 5 provided the following conditions can be met:

1. Each resulting lot is at least 10,000 square feet in size;
2. The existing individual wastewater disposal system is located on the same lot as the dwelling it serves and it meets the spacing requirements of Hawaii Administrative Rules, Chapter 11-62, after the new boundary lines are set.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

Herbert S. Matsubayashi
District Environmental Health Program Chief

c: Roland Tejano



March 1, 2007

Mr. Herbert S. Matsubayashi
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

Dear Mr. Matsubayashi:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 14, 2007 letter in response to the Draft Environmental Assessment in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project. We offer the following responses to your comments:

1. The applicant is seeking a Change in Zoning from Agricultural to R-3 Residential District. The minimum lot size for R-3 zoning is 10,000 square feet.
2. It is anticipated that the existing individual wastewater disposal system will remain on the same lot as the existing dwelling it serves. Any redefinition of property boundary lines will be established to meet the setback/spacing requirements of Hawaii Administrative Rules, Chapter 11-62.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 70P
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4188
E-mail: oeqc@health.state.hi.us

07 FEB -8 AM 58

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 2, 2007

Mr. Jeffery Hunt, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

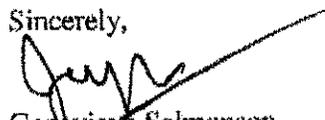
Dear Mr. Foley:

Subject: Draft EA for the Duarte Family Subdivision

Thank you for the opportunity to review the subject document. We have no comments.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,


Genevieve Salmonson
Director



March 1, 2007

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
Attention: Mr. Jeyan Thirugnanam

Dear Ms. Salmonson:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your "no comments" letter dated February 2, 2007 in response to the Draft Environmental Assessment (EA) in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

LINDA LINGLEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 31, 2007

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

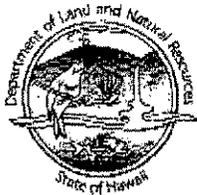
ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND GLEAM RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCES MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENJOYMENT
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLEWAI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

07 FEB -2 P2:43

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED



County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Attention: Robyn L. Loudermilk

Gentlemen:

Subject: Duarte Family Subdivision, Wailuku, Maui, Tax Map Key: (2) 3-5-3:5 and
6

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources has no comment to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji
Administrator

Cc: Central Files



March 1, 2007

Mr. Russell Y. Tsuji, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Tsuji:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your "no comment to offer" letter dated January 31, 2007 in response to the Draft Environmental Assessment in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

LINDA LINGLE
GOVERNORANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, Hawaii 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

07 MAR -8 12:18

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 20, 2007

Mr. Jeff Hunt, Planning Director
County of Maui Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Hunt:

Subject: Duarte Family Subdivision
TMK: (2) 3-5-003:005 & 006
Applicant: Thomas W. Duarte
EA 2006/0010; DBA 2006/0001; CPA 2006/0003; CIZ 2006/0004

We acknowledge receipt of your transmittal dated January 25, 2007, regarding the above subject project.

Given the location, scope, and nature of the proposed activity, the State Land Use Commission defers to the judgment of the County of Maui in this matter. We have no comments to offer at this time.

Thank you for the opportunity to comment on the subject project. Please feel free to contact me at 587-3822, should you require clarification or any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Anthony J. H. Ching". The signature is fluid and cursive, with the first and last names being the most prominent.

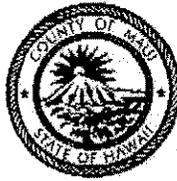
ANTHONY J. H. CHING
Executive Officer

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT**

200 SOUTH HIGH STREET, ROOM 322
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

February 12, 2007

07 FEB 13 P 1 55

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMO TO: JEFFREY S. HUNT, A.I.C.P., PLANNING DIRECTOR

FROM: *Milton M. Arakawa* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT

SUBJECT: APPLICATION FOR DRAFT ENVIRONMENTAL ASSESSMENT,
DISTRICT BOUNDARY AMENDMENT, COUNTY COMMUNITY PLAN
AMENDMENT, AND CHANGE IN ZONING
FOR DUARTE FAMILY SUBDIVISION
TMK: (2)3-5-003:005&006
EA 2006/0010; DBA 2006/0001; CPA 2006/0003; CIZ 2006/0004

We reviewed the subject application and have the following comments:

1. A road-widening lot shall be provided for the adjoining half of Iao Valley Road to provide for future 50 foot wide right-of-way and improved to County standards and may include, but not be limited to pavement widening, construction of curb, gutter and sidewalk, street lights and relocation of utilities underground. Said lot shall be dedicated to the County upon completion of the improvements.
2. All structures such as walls, trees, etc., shall be removed or relocated from the road-widening strip. The rear boundaries of the road-widening strip shall be clearly marked to determine if said structures have been properly removed and relocated.
3. A verification shall be provided by a Registered Civil Engineer that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.

Memo to Jeffrey S. Hunt, A.I.C.P., Planning Director
February 12, 2007
Page 2

4. A detailed and final drainage report and a Best Management Practices (BMP) Plan shall be submitted with the grading plans for review and approval prior to issuance of grading permits. The drainage report shall include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. It must comply with the provisions of the "Rules and Design of Storm Drainage Facilities in the County of Maui" and must provide verification that the grading and runoff water generated by the project will not have an adverse effect on adjacent and downstream properties. The BMP plan shall show the location and details of structural and non-structural measures to control erosion and sedimentation to the maximum extent practicable.
5. All existing features such as structures, driveways, drainage ways, edge of the pavement, etc. shall be shown on the project plat plan.
6. A site plan and a sight distance report to determine required sight distance and available sight distance at existing and proposed driveways shall be provided for our review and approval.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MMM:ls

S:\LUGA\OZM\35003005_006_duarte_fam_subd_ea_dba_cpa_ciz_ls.wpd

241128



March 1, 2007

Mr. Milton M. Arakawa, Director
Department of Public Works and Environmental Management
200 South High Street
Wailuku, Hawaii 96793
Attention: Michael Miyamoto

Dear Mr. Arakawa:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 12, 2007 memo in response to the Draft Environmental Assessment in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project.

The applicant has not yet engaged the services of a licensed engineer for the proposed subdivision. It is anticipated that all of your comments regarding roadway improvements, drainage, existing features, and sight distance will be adequately addressed during the subdivision approval process.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

CHARMAINE TAVARES
MAYOR



JEFFREY K. ENG
DIRECTOR
ERIC H. YAMASHIGE, P.E., L.S.
DEPUTY DIRECTOR

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
Telephone (808) 270-7816 • Fax (808) 270-7833

February 21, 2007

Mr. Jeffrey S. Hunt, Director
Department of Planning
County of Maui
250 South High Street
Wailuku HI 96793

Re: I.D.: EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004
TMK: 3-5-03:005 & 006
Project Name: Duarte Family Subdivision

Dear Mr. Hunt:

Thank you for the opportunity to comment on this application.

Source Availability and Consumption

The project area is served by the Central Maui System. The main sources of water for this system are the designated Iao aquifer, Waihee aquifer, the Iao tunnel and the Iao-Waikapu Ditch. New source development projects include Waikapu South well and Maluhia well. The subject properties are served by two 5/8-inch meters. Demand for six potential dwellings would be about 3,600 gallons per day based on system per unit standards. As stated in the application material, there is currently no restriction on obtaining meters in Central Maui. However, additional source may not be available for future development of these lots until new sources are on-line.

System Infrastructure

The subject property is served by a 12-inch waterline and one fire hydrant along Iao Valley Road. The applicant will be required to provide for water service and fire protection in accordance with system standards. Required fire flow for R-3 zoned subdivision is 1,000 gallons per minute for 2 hours duration and 350 ft hydrant spacing.

Conservation

We note that low flow fixtures, drought tolerant plants and efficient irrigation will be implemented

By Water All Things Find Life

Jeffrey S. Hunt
Page 2

in order to conserve water. Please find attached our planting brochure and conservation for the home brochure.

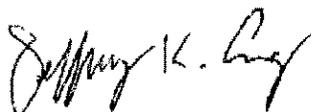
Pollution Prevention

The project is located within 500 feet of Iao stream and within the wellhead protection area of Shaft 33 and other potable sources drawing from Iao aquifer. In order to protect these ground and surface water sources, we encourage the applicant to utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction. The mitigation measures below should be implemented during construction:

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments, fertilizers and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Should you have any questions, please contact our Water Resources and Planning Division at 244-8550.

Sincerely,



Jeffrey K. Eng, Director
emb

c: engineering division

applicant, with attachments:

A Checklist of Water Conservation Ideas for the Home
Plant Brochure: "Saving Water in the Yard"

C:\WPdocs\Permcomm\Duarte Family Subdivision EA DBA CPA CIZ.wpd

By Water All Things Find Life



April 20, 2007

Mr. Jeffrey K. Eng, Director
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793-2155

Dear Mr. Eng:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 21, 2007 letter in response to the Draft EA in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project. We offer the following responses to your comments:

Source Availability and Consumption. The applicants acknowledge that additional source may not be available for future development the subject lots until new sources are on-line. Since there are two existing dwellings on the properties, granting the entitlements would create a potential of four additional dwellings, or a 2,400 gallon per day increase.

System Infrastructure. The applicants will provide for water service and fire protection in accordance with system standards when any subdivision is developed. The applicants acknowledges that the required fire flow for R-3 zoned subdivisions is 1,000 gallons per minute for 2 hours duration and hydrant spacing of 350 feet.

Conservation. The applicant appreciates the planting and conservation for the home brochures.

Pollution Prevention. The best management practices (BMPs) designed to minimize infiltration and runoff from construction will be adopted as enumerated in your letter.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
President
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 · WAILUKU, MAUI, HAWAII 96793-1706 · PHONE: 808-242-1955 · FAX: 808-242-1956

**CHARMAINE TAVARES
MAYOR**



**CARL M. KAUPALOLO
CHIEF**

**NEAL A. BAL
DEPUTY CHIEF**

**COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU**

780 ALUA STREET
WAILUKU, HAWAII 96793
(808) 244-9161
FAX (808) 244-1363

February 5, 2007

Ms. Robyn L. Loudermilk, Staff Planner
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
07 FEB -6 12:42

**Subject: Duarte Family Subdivision EA 2006/0010; DBA 2006/0001; CPA 2006/0003; CIZ
2006/0004, TMK (2)3-5-003:005 & 006**

Dear Ms. Loudermilk,

I have had the opportunity to review the subject application. It appears that the project will be able to provide the required water for fire protection as determined by the Department of Water Supply.

The project will get a close detailed review by our plans review section during the subdivision permit process. We will look at the ability to access the property during an emergency. Please contact Lt. Paul Haake at 244-9161 if there are any specific questions regarding this project.

Sincerely,

Valeriano F. Martin
Captain
Fire Prevention Bureau



March 1, 2007

Captain Valeriano F. Martin
Department of Fire and Public Safety
780 Alua Street
Wailuku, Hawaii 96793
Attention: Lt. Paul Haake

Dear Capt. Martin:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 5, 2007 letter in response to the Draft EA in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project.

We acknowledge that your determination that it appears that the existing water system will be able to provide the required water for fire protection. Access concerns will be addressed during the subdivision approval process.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department



POLICE DEPARTMENT COUNTY OF MAUI



CHARMAINE TAVARES
MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

THOMAS M. PHILLIPS
CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

February 6, 2007

07 MAR -9 AM 1:28
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMORANDUM

TO : JEFF S. HUNT, PLANNING DIRECTOR

FROM : THOMAS M. PHILLIPS, CHIEF OF POLICE

SUBJECT : I.D. : EA 2006/0010, DBA 2006/0001; CPA
2006/0003; CIZ 2006/0004
TMK : (2) 3-5-003:005 & 006
Project Name : Duarte Family Subdivision
Applicant : Thomas W. Duarte

- No recommendation or comment to offer.
- Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project. We are returning the Draft Environmental Assessment which was submitted for our review.

Assistant Chief Wayne T. Ribao
For: THOMAS M. PHILLIPS
Chief of Police

Enclosures

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI

VIA : CHANNELS

FROM : SCOTT Y. MIGITA, ADMINISTRATIVE SERGEANT, WAILUKU PATROL

SUBJECT : DRAFT ENVIRONMENTAL ASSESSMENT - LAND USE COMMISSION DISTRICT BOUNDARY CHANGE/RECLASSIFICATION: DUARTE FAMILY SUBDIVISION - TMK (2) 3-5-003:005 & 006

This To-From is being submitted as a response for comments or recommendations on the above-mentioned project.

COMMENTS:

This request is being filed by applicants, Mr. Allen D. and Joseph G. DUARTE regarding a proposal to subdivide a parcel into two (2) lots and construct required improvements at 411 and 425 Iao Valley Road in Wailuku. Mr. DUARTE is requesting that Parcel 5 be subdivided to allow the distribution of family assets to family members and to allow for the construction of "ohana" accessory dwellings for a potential total of six (6) dwellings, which is an addition of four (4) dwellings.

Regarding the potential impact on the roadway infrastructure with an addition of these dwellings, only an addition of three (3) peak hour trips is expected according to the figure presented by the Institute of Transportation Engineers Trip Generation factors. According to this factor, this addition will create no significant impact on the affected Iao Valley Road.

One area which may be impacted from a police perspective regarding the issue of traffic and safety is the construction phase of this project. A short term impact regarding an increase in traffic which involves transporting and lifting materials and equipment would need to be addressed along with the construction noise resulting from this project. In addition, the issue of parking of construction vehicles would need to take place as to create a minimum impact and not obstruct the flow of traffic.

Submitted for your perusal.

CONCUR:
 AC Wayne [Signature]
 02/06/07

SOZ [Signature]

Sgt. Scott Migita E-1122
 Wailuku Patrol - Administrative Sergeant
 02/02/07 - 1158 hours

NO FURTHER COMMENTS. ALL CONCERN TO STUDY SHOULD HAVE MINIMAL IMPACT. [Signature]



April 16, 2007

Chief Thomas M. Phillips
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793
Attention: Sgt. Scott Migita

Dear Chief Phillips:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 6, 2007 memorandum in response to the Environmental Assessment in support of the Land Use District Boundary Amendment, Community Plan Amendment, and Change in Zoning applications for the subject project.

The applicant acknowledges the concern regarding safety during the construction phase. Care will be taken that traffic on Iao Valley Road is not impeded during construction. All construction vehicles will be limited to parking onsite or removed from the area after hours. The applicant will limit construction activities to normal daylight hours, and adhere to the State Department of Health's noise regulations for construction equipment.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect - Planner

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461



February 2, 2007

'07 FEB -6 P12:22

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Ms. Robyn L. Loudermilk
Staff Planner
County of Maui-Department of Planning
250 So. High Street
Wailuku, HI 96793

Dear Ms. Loudermilk,

Subject: Duarte Family Subdivision – Applications for State Land Use Commission District
Boundary Reclassification, and Maui County Community Plan Amendment, &
Change in Zoning.
411 & 425 Iao Valley Road, Wailuku, Maui, Hawaii
Tax Map Key: (2) 3-5-003:005 & 006

Thank you for allowing us to comment on the subject project.

In reviewing our records and the information transmitted, Maui Electric Company (MECO) has
no objections or comments to the proposed project at this time.

If you have any questions or concerns, please call Ray Okazaki at 871-2340.

Sincerely,

A handwritten signature in black ink that reads "Neal Shinyama". The signature is written in a cursive, flowing style.

Neal Shinyama
Manager, Engineering

NS/ro:lh



March 1, 2007

Mr. Neal Shinyama, Manager
Engineering
Maui Electric Company
210 West Kamehameha Avenue
Kahului, Hawaii 96732
Attention: Mr. Ray Okazaki

Dear Mr. Shinyama:

RE: Draft Environmental Assessment for the Proposed Duarte Family Subdivision Land Use Entitlements at TMK: 3-5-003:005 & 006 Wailuku, Maui, Hawaii (EA 2006/0010, DBA 2006/0001, CPA 2006/0003, CIZ 2006/0004)

Thank you for your February 2, 2007 "no objection" letter in response to the Draft Environmental Assessment in support of the Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning applications for the subject project.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Christopher L. Hart, ASLA
President

c: Mr. Thomas Duarte
Mr. Allen Duarte
Ms. Robyn Loudermilk, Planning Department



TRANSMITTAL

TO: Ms. Robin Loudermilk
Department of Planning
County of Maui
250 South High Street
Wailuku, HI 96793

DATE: December 19, 2006

PROJECT: Duarte Family Subdivision
CHP No. 04/128

SUBJECT: Notice of Application for CIZ
and CPA

THE FOLLOWING ARE ENCLOSED: () FOR APPROVAL (X) FOR YOUR USE () AS REQUESTED
() FOR YOUR REVIEW AND COMMENT () FOR YOUR INFORMATION () OTHER

COPIES	DATE	DESCRIPTION
1 /	12/19/06 /	Notarized Affidavit of Mailing of Notice of Application for Change in Zoning and Community Plan Amendment
1 /	12/18/06 /	Exhibit "A" – Notice of Filing of Application for Community Plan Amendment with location map
1 /	12/18/06 /	Exhibit "A" – Notice of Filing of Application for Change in Zoning with location map
1 /	/ /	Exhibit "B" – Recorded Owners and Lessees
/	/	/
/	/	/

REMARKS:

COPY TO: Project File

BY: Raymond Cabebe, Planner

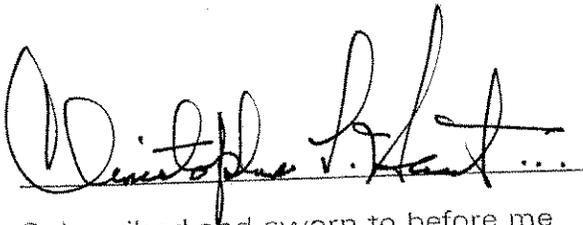
ATTACHMENT B

NOTARIZED AFFIDAVIT OF MAILING OF
NOTICE OF APPLICATION

Christopher L. Hart, being first duly sworn, on oath, deposes
and says:

1. Affiant is the applicant for a Change in Zoning, Community Plan Amend. for land situate at Wailuku, Maui, TMK No.: (2)3-5-003:005 & 006.
2. Affiant did on December 18, 2006, deposit in the United States mail, postage prepaid, a copy of a Notice of Filing of Application with location map, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified in the list of recorded owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.

Further, Affiant sayeth naught.


Christopher L. Hart

Subscribed and sworn to before me
this 19th day of December,
2006.

L.S.


Louise S. Pell
Notary Public, State of Hawaii

My commission expires: 7-27-2009

ATTACHMENT A

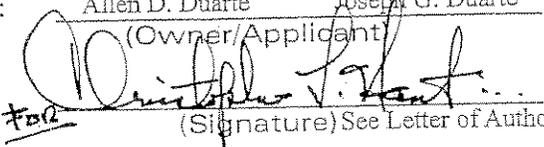
DATE: December 18, 2006

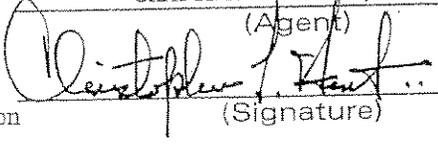
NOTICE OF FILING OF APPLICATION

COMMUNITY PLAN AMENDMENT (From Rural to Single Family)

Please be advised that the undersigned will be applying to the Department of Planning of the County of Maui for the above-referenced application(s) for the following parcel(s):

- 1. Tax map Key No.: (2) 3-5-003:005 & 006
(NOTE: Please attach an 8 " x 14" location map)
- 2. Location (Street Address): 411 & 425 Iao Valley Road, Wailuku, Maui, Hawaii
- 3. Existing Land Use Designations:
 - a. State Land Use District: Rural
 - b. Community Plan Designation: Rural
 - c. County Zoning: Agricultural
- 4. Description of the Existing Uses on Property: Residential.
- 5. Description of the Proposed Uses on Property: Applicants are proposing to subdivide Parcel 5 into two (2) lots and construct required improvements.

By: Allen D. Duarte Joseph G. Duarte
 (Owner/Applicant)

 (Signature) See Letter of Authorization

Chris Hart & Partners, Inc.
 (Agent)

 (Signature)

P.O. Box 364 P.O. Box 7

1955 Main Street, Suite 200

Wailuku, Hawaii 96793 Wailuku, Hawaii 96793
(Address)

Wailuku, Hawaii 96793
(Address)

(808) 244-0496 (808) 244-5416
(Telephone)

(808) 242-1955
(Telephone)

EXHIBIT "A"

ATTACHMENT A

DATE: December 18, 2006

NOTICE OF FILING OF APPLICATION

Check appropriate Line:

- CHANGE IN ZONING (From Agricultural to R-3 Residential)
- COUNTY SPECIAL USE
- PROJECT MASTER PLAN

Please be advised that the undersigned will be applying to the Department of Planning of the County of Maui for the above-referenced application(s) for the following parcel(s):

1. Tax map Key No.: (2) 3-5-003:005 & 006
(NOTE: Please attach an 8 " " x 14" location map)
2. Location (Street Address): 411 & 425 Iao Valley Road, Wailuku, Maui, Hawaii 96793
3. Existing Land Use Designations:
 - a. State Land Use District: Rural
 - b. Community Plan Designation: Rural
 - c. County Zoning: Agricultural
4. Description of the Existing Uses on Property: Residential.
5. Description of the Proposed Uses on Property: Use will remain residential. Applicants are proposing to subdivide Parcel 5 into two (2) lots and construct required improvements.

By: Allen D. Duarte Joseph G. Duarte Christopher L. Hart, Chris Hart & Partners, Inc.

(Owner/Applicant) (Agent)

(Signature) see letter of authorization (Signature)

P.O. Box 364 P.O. Box 7 1955 Main Street, Suite 200

Wailuku, Hawaii 96793 Wailuku, Hawaii 96793 Wailuku, Hawaii 96793

(Address) (Address) (Address)

(808) 244-0496 (808) 244-5416 (808) 242-1955

(Telephone) (Telephone) (Telephone)



LOCATION MAP
TMK: (2) 3-5-003:005
411 Iao Valley Road
Wailuku, Maui, Hawaii

RECORDED OWNERS AND LESSEES

FOR

TMK (2)3-5-003:005 006

TMK	COMPANY	NAME	ADDRESS	city	COUNTRY
233002001	WAHI HO'OMALU LIMITED PARTNERSHIP	C/O JOHN A RUSSELL	P O BOX 351	KULA HI 96790	
235001002	KAIHE, JOHANNA		178 EAST WHITLOCK AVE	SALT LAKE CITY UT 84115	
235001002	ORNELLAS, FRANCIS ALLAN		P O BOX 1104	WAILUKU HI 96793	
235001003	ORNELLAS, FRANCIS ALLAN		P O BOX 1104	WAILUKU HI 96793	
235001019	TING, DONNA P TRUSTEE	C/O M/M ANTHONY MANOUKIAN, TTEES	384 KAPANUI PL	WAILUKU HI 96793	
235003001	WAILUKU AGRIBUSINESS CO	C/O WAILUKU WATER COMPANY, LLC	255 E WAIKO RD	WAILUKU HI 96793	
235003004	DUARTE, ANTHONY J/CHARLOTTE		45 526 HALEKOU RD	KANEOHE HI 96744	
235003005	DUARTE, ALLEN		P O BOX 364	WAILUKU HI 96793	
235003005	DUARTE, JOSEPH G JR TRUST		PO BOX 7	WAILUKU HI 96793	
235003006	DUARTE, CARA-ANN K		RR1 BOX 533	WAILUKU HI 96793	
235003006	DUARTE, JOSEPH G TRUST		P O BOX 7	WAILUKU HI 96793	
235003007	SOUZA, ANN S	C/O SOUZA, MANUEL	504 POHAKU ST	KAHULUI HI 96732	
235003009	DUARTE, COLIN DALE		445 IAO VALLEY RD	WAILUKU HI 96793	
235003010	DUARTE, LINDA RUTH		449 IAO VALLEY RD	WAILUKU HI 96793	
235003018	HO'OULULAHUI LLC		575 A IAO VALLEY RD	WAILUKU HI 96793	

EXHIBIT "B"