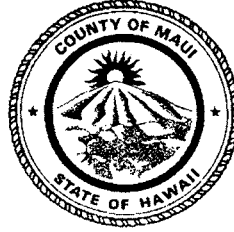


ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel


EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

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MEMO TO: Robert Carroll, Chair  
Land Use Committee

FROM:  Michael J. Hopper  
Deputy Corporation Counsel

DATE: July 17, 2018

SUBJECT: **WAIALE ROAD EXTENSION PROJECT (WAILUKU)** (LU-58)

History/Question Presented

This correspondence is in response to your letter dated July 2, 2018 regarding the Waiale Road Extension Project (CBS-1069) ("project"). Specifically, you ask whether a private party is responsible for the cost of the project. I understand that the referenced project is the extension of Waiale Road from its current terminus at Waiko Road to Honoapiilani Highway in the vicinity of the Maui Tropical Plantation, as described in the Mayor's proposed FY19 budget (see Exhibit "A").

This response is based on a review of the conditions of zoning for Wailuku Project District 3 and available documents, and is not intended to address whether any other project or entity is currently (or in the future) responsible for the cost of the project, though no other parties are known at this time.

Relevant Documents

As noted in your letter, the Council's Budget and Finance Committee requested advice by letter dated April 9, 2018 regarding whether Condition 3(a) of Ordinance 2053 (the zoning ordinance creating Wailuku Project District 3)

required a private party to fund the project. Condition 3(a) of that ordinance reads as follows:

3. The applicant shall participate in those traffic improvement needs as required by the Department of Transportation of the State of Hawaii and the Director of Public Works of the County of Maui. This participation shall include, but shall not be limited to:
  - a. The extension, construction, and improvement of Waiale Drive from the vicinity of the proposed Mahalani Street intersection to Honoapiilani Highway in conformance to the standards of the County of Maui. Land and construction of this roadway extension is to be funded entirely by the applicant and shall be offered for dedication to the County of Maui upon completion of its construction.

While the Budget and Finance Committee's request referenced this condition, there are several other relevant conditions in ordinance 2053: condition 2, condition 3(e), and condition 4, which read as follows:

2. The applicant shall submit a twenty-year master plan to the Director of Public Works of the County of Maui prior to preliminary subdivision approval of the project for the sewer, drainage, and traffic facility improvements in which the applicant participates. The master plans shall include, but shall not be limited to, on-site and off-site typical design standards, classification of roadways, and proposed construction schedules for each phase of the project.
3. e. The applicant shall provide its fair and equitable share of the costs of the planning and construction of a future by-pass roadway south of the Waiale Drive extension and the southern end of the Project District past Waikapu town which includes, but which is not limited to, the offer of dedication of the future by-pass right-of-way to the appropriate governmental body. The value of the applicant's participation in the improvement in the planning and construction of the roadway shall be credited against any impact fee assessment; and
4. Prior to issuance of a building permit for each phase of the project, the applicant shall submit a traffic study approved by the Director of Public Works indicating those improvements and/or contributions for that particular phase. Said traffic study shall detail

the sequence and timing of improvements and/or contributions as well as provide an analysis of operating conditions/levels of service at key intersections in the vicinity. . . ;

In addition to reviewing these conditions, I was also able to review a variety of documents held by the Planning Department that assisted in interpreting these conditions. I have attached the following:

Exhibit “B”, relevant excerpts from a “Project Overview” provided by C. Brewer Properties, Inc., the developers of Wailuku Project District 3 to the Council’s Planning and Economic Development Committee in 1991 during its consideration of the zoning for the project.

Exhibit “C”, a March 8, 1995 letter from the project developer to the Planning Director and a March 22, 1995 response from the Director.

Exhibit “D”, relevant excerpts from RCFC Kehalani, LLC’s 2018 annual compliance report for the project.

### Conditions of Zoning for Project District 3

The above-referenced documents clarify several important issues with respect to the conditions for Wailuku Project District 3.

There is a distinction made between the improvement known as the “Waiale Road Extension” referenced in condition 3(a), and the “Waikapu Bypass” referenced in condition 3(e). The differences are clear upon review of the maps included with Exhibits “B” and “C”. The distinction is important because condition 3(a) requires the developer to fully fund and construct the Waiale Road Extension, whereas condition 3(e) requires a fair-share contribution, including but not limited to the dedication of the right-of-way for the Waikapu Bypass.

The Waiale Road Extension is described as follows in Exhibit “B”:

“Construct the continuation of Waiale Drive to county collector standards to an intersection at Honoapiilani Highway as shown (Item #2)”.

The map in Exhibit “B” shows item #2 as a connection with Honoapiilani Highway in the vicinity of Kuikahi Road. The developer’s March 8, 1995 letter (Exhibit “C”) includes a map showing the improvement as “Item 1”, again indicating a connection in the vicinity of Kuikahi Road.

The Waikapu Bypass, by contrast, is described in Exhibit “B” as follows:

“Make CBP’s portion of the right-of-way available to the County between the boundary of the project district through the proposed extension of Waiale Drive past Waikapu . . . (Item #1).”

The map in the exhibit shows item #1 as an arrow pointing towards Waikapu labeled “right-of-way for future bypass road”. The developer’s March 8, 1995 letter (Exhibit “C”) describes that improvement as the “Waikapu Bypass” as follows:

CBH will dedicate the right-of-way for the future Waikapu Bypass. This proposed Bypass would follow an alignment roughly coinciding with the existing cane haul road which fronts the Wailuku Agribusiness Baseyard in Waikapu. The proposed Bypass would terminate in the vicinity of the Maui Tropical Plantation. Right-of-way dedication shall occur following the completion of subdivision approval and engineering designs for the proposed roadway by the appropriate governmental body (e.g., State Department of Transportation or County Department of Public Works and Waste Management).

In the map attached to the letter, the Waikapu Bypass is shown as #6, and depicted with an alignment running from the project’s Southern terminus to an intersection with Honoapiilani Highway in the vicinity of the Tropical Plantation.

In addition to this analysis, it is noteworthy that Conditions 2 and 4 of ordinance 2053 required the developer to submit master plans for traffic improvements. The Planning Director’s March 22, 1995 letter (Exhibit “C”) states that an agreement regarding traffic and roadway improvements was required to be submitted by May 13, 1995. To date I have been unable to locate such agreements, and to my knowledge neither the Department of Planning nor the Department of Public Works has received such agreements.

#### Current Waiale Road Project

From reviewing the above documents, it is clear that Condition 3(a) of ordinance 2053 does not cover the Waiale Road Project referenced in the Mayor’s FY19 budget. That condition refers to a connection with Honoapiilani Highway in the vicinity of Kuikahi Drive, which is located far north of the Waiale Road Extension discussed in the budget. This condition required the full funding and construction of the improvements described in the condition, but based on the record, those improvements do not include the current Waiale Road Project.

The “Waikapu Bypass” described in condition 3(e) covers the Waiale Road project. This condition requires the developer to provide its fair share of the costs of planning and construction of the Waikapu Bypass, including but not limited to the dedication of the right-of-way for the bypass. Thus, the developer is responsible for its fair share of the costs of planning and construction of the current Waiale Road Extension project from Waiko to the Tropical Plantation, including dedication, as it is a portion of the bypass road as described in condition 3(e).

In the March 8, 1995 correspondence attached as Exhibit “C”, C. Brewer Homes, Inc. proposed to dedicate the right-of-way for the Waikapu Bypass, and did not reference any additional funding for planning or construction (see page 3, item 6 of that letter). That letter also stated:

As you will recall, Condition No. 9 of the Unilateral Agreement requires CBH to enter into and execute appropriate agreements with the County of Maui regarding required participation in infrastructure improvements. In this regard, we are requesting your review and approval of the foregoing proposed contributions for roadway improvements. Upon receipt of your written approval of the proposed conditions, CBH will draft an agreement (for the County’s review) which shall guarantee implementation of the contributions set forth. It is our understanding that such an agreement shall fulfill CBH’s conditions of zoning and subdivision for the Wailuku Project District as it relates to pro-rata roadway contributions. We also understand that the value of CBH’s contributions will be credited against any future impact fee assessment enacted by the County of Maui.

In its March 22, 1995 response, the Planning Department stated that this was acceptable, contingent upon the receipt of an agreement regarding roadway and traffic improvements no later than May 13, 1995. As stated earlier, I could not locate such an agreement, and it does not appear that the relevant Departments have located such an agreement.

In the 2018 Compliance Report attached as Exhibit “D”, RCFC Kehalani, LLC, successor to C. Brewer, Inc., states on pages 3-5 that C. Brewer submitted a twenty-year master plan for traffic to the county prior to the first subdivision approval, but does not reference a completed agreement. It further states that it submitted a Long Range Traffic Master Plan that was approved by the Department of Public Works consistent with condition 4 of ordinance 2053.

It appears that in 1995, C. Brewer, Inc. had proposed the dedication of the right-of-way for the Waikapu Bypass to fulfill the “fair and equitable share”

Robert Carroll, Chair  
Land Use Committee  
July 17, 2018  
Page 6

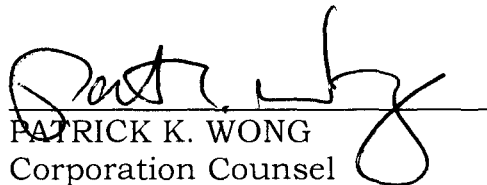
requirement of condition 3(e) in its entirety, without additional planning or construction funding. While the Department of Planning appeared to approve of this approach in its March 22, 2018 letter, it did so on the condition that the developer execute an agreement regarding traffic improvements. We do not currently have a clear record of such an agreement.

### Conclusion

In the absence of an approved agreement regarding traffic improvements for Wailuku Project District 3, the issue of whether RCFC Kehalani, LLC and other successors to C. Brewer, Inc. are required to further contribute to the Waiale Road Extension project remains outstanding. Such an agreement was to have specified the “fair and equitable share” required by the developer, but has not been located as of the date of this correspondence. Further inquiry into whether such agreements were completed is warranted.

RCFC Kehalani, LLC should be able to produce the traffic agreements referenced in the 2018 compliance report and required by the conditions of zoning, and explain its position on whether it has complied with condition 3(e). This would assist in determining whether there is a “fair and equitable share” contribution outstanding, over and above the commitment to dedicate the right-of-way.

APPROVED FOR TRANSMITTAL:

  
PATRICK K. WONG  
Corporation Counsel

MJH:lv  
LF 2017-0095  
LU-58 2018-07-17 Memo to Chair  
Waiale Road Extension Project (Wailuku)

Attachments

**Capital Improvement Program**

CBS No: CBS-1069

Project Name: Waiale Road Extension  
 Department: Department of Public Works  
 District: Wailuku-Kahului  
 Project Type: Road Improvements  
 Anticipated Life: 30 years

Prior Years	Appr	Ensuing	Subsequent Years					Total
Expend/Encb	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	6-Year
0	0	2,000,000	0	0	18,000,000	0	0	20,000,000

**PROJECT DESCRIPTION**

Design for the construction of a two-lane roadway extension of Waiale Road from Waiko Road to Honoapiilani Highway. Improvements to include construction of bridge spanning Waikapu stream and two lane pavement structure with shoulders and safety improvements.

**PROJECT JUSTIFICATION**

Waiale Road extension provides an alternative route through Waikapu Town. It also fulfills a long-term traffic management strategy identified in the Maui Long Range Land Transportation Plan.

**STRATEGIC PLAN ALIGNMENT**

**Department's Strategic Plan**

**Countywide Priority Results**

Goal #3: Identify and resolve traffic congestion, circulation and safety issues.  
 Objective 3.1: Address capacity and circulation issues by installing additional lanes, acceleration/deceleration lanes, install traffic control devices at major intersections and creation of new roadway systems.

A Suitable Public Infrastructure  
 A Prepared, Safe, and Livable County

**Operating Impact Narrative**

The construction of new roads to our county roadway system will necessitate additional highways maintenance staff.

**FUNDING DETAILS**

Phase Description	Fund Code	Appr	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Design	GB	0	2,000,000	0	0	0	0	0
New Construction	GB	0	0	0	0	17,000,000	0	0
Other	GB	0	0	0	0	1,000,000	0	0

**Schedule of Activities**

Activity	Start	End	Amount
Design	07/01/2020	12/31/2021	2,000,000
New Construction	07/01/2022	03/31/2023	17,000,000
Other	07/01/2022	03/31/2023	1,000,000
Total Capital Project Costs			20,000,000
Total O&M Costs			0
Total Capital & Operating Costs			20,000,000

**Methods of Financing (Ensuing + 5 Years)**

Funding Source	Amount
General Obligation Fund	20,000,000
Total Funding Requirements	20,000,000

*Received  
Jan 24/91  
M.B.*

**PIIHANA PROJECT DISTRICT NO. 2**  
**WAILUKU PROJECT DISTRICT NO. 3**

**PROJECT OVERVIEW**

for

**Maui County Council**

**Planning and Economic Development Committee**

**January 30, 1991**

**C. Brewer Properties, Inc.**

***Committee Members:***

- Vince G. Bagoyo, Jr., Chairman*
- Goro Hokama*
- Patrick S. Kawano*
- Alice L. Lee*
- Rick Medina*
- Wayne K. Nishiki*
- Joe S. Tanaka*



### III. INFRASTRUCTURE AND UTILITIES

#### A. Sewerage Capacity Alternatives

- Total Demand - 1.2 MGD
- Short Term Solutions:
  - Existing Capacity (Now)
  - Kahului STP Expansion (1-2 Years)
- Long Term Solutions:
  - New Regional Plant (4-6 Years)
  - New "Super" Plant (5-7 Years)

#### B. Water (Source, Storage and Distribution)

- Total Demand - 1.8 to 2.0 MGD
- Participation in future development

#### C. Drainage

- Natural Drainage Ways
- Retention Onsite/Controlled Discharge
- Offsite Improvements

#### D. Regional Roadway Improvements

- Waikapu Bypass (Long-Term)
- Waiale-Kahekili Improvements
  - Rights of Way/Participation
  - Mahalani and Kuikahi Connections
  - Signalization
  - Bridge at Iao Stream

#### IV. BENEFITS TO THE COMMUNITY

##### A. "Affordable" Housing

The projects will provide a total of 3,000 homes, of which 50% or 1,500 are proposed to be for sale or rent at prices affordable to Maui residents earning between 50% and 140% of median income. These will be available according to guidelines established by County housing policies and the State Land Use Commission. This will help to meet Maui's anticipated demand for 12,000 new homes by the year 2000.

##### B. Quality of Life

The development of a master planned community, including homes sold at affordable prices, together with commercial facilities, parks, open space and recreational amenities, will provide a major enhancement to family values, to community pride, and the development of a stable and secure lifestyle for Maui families and their children.

##### C. Regional Infrastructural Improvements

C. Brewer will pay its fair share of all regional infrastructural improvements.

###### 1. Regional Circulation

A highway bypass around Wailuku will connect Kahekili Highway to Honoapiilani Highway via Imi Kala Street and Waiale Road. This will remove a major traffic burden from Wailuku town and Lower Main Street.

###### 2. Sewers

Expansion of the Kahului Treatment Plant will be funded, as an interim measure. A major funding commitment will be made toward expanding sewage treatment capacity for Central Maui, in accordance with the requirements of the Department of Public Works of the County of Maui.

###### 3. Water

New water sources will be developed in conjunction with the Department of Water Supply.



C. Brewer Properties, Inc.

July 20, 1990

Mr. Lloyd Lee  
Division of Land Use & Codes  
Department of Public Works  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Lee:

RE: C. Brewer Properties Master Roadway Improvement Plan

Enclosed is a summary of the regional highway improvements proposed by C. Brewer Properties (CBP) in conjunction with various land use actions. This summary is being prepared as a result of the meeting held on June 18, 1990 at Warren Unemori's office with representatives from the County and CBP.

I. Wailuku Project District

CBP is proposing to develop a 545-acre residential community south of Wailuku town. This area is designated on the Community Plan as Project District #3 and has received urban designation from the State Land Use Commission. CBP is currently processing its zoning application with the County.

A major regional traffic issue involves the long term solution to the highway alignment between Wailuku, Waikapu and beyond. CBP strongly advocates that planning begin now for a bypass highway continuing from Waiale Drive, passing east of Waikapu Village and continuing to meet Honoapiilani Highway south of Waikapu. If this alignment is adopted it will change some of the previous assumptions in the proposed project district.

Without this long-range plan, it is inevitable that Honoapiilani Highway would have to be widened within the boundaries of the Project District between High Street and Kuikahi Drive. Improvements would result in a widening to four lanes, causing the removal of existing trees that would significantly change the "country-lane" character of the existing neighborhood. These improvements would serve no useful purpose because of the two-lane bottlenecks on the north at High Street and at the south at Waikapu on either side of the one mile of new improvements. Therefore, CBP is proposing to do the following as shown on Exhibit A.

- a. Make CBP's portion of the right-of-way available to the County between the boundary of the project district through the proposed extension of Waiale Drive past Waikapu. The value of the right-of-ways would be credited against a future impact fee assessment. (Item #1)

- b. Work with County/State agencies and adjacent property owners to plan the alignment of a bypass highway and work to include this proposed alignment in the next revisions to the Maui County community development plans.
- c. Construct the continuation of Waiale Drive to county collector standards to an intersection at Honoapiilani Highway as shown. (Item #2) The intersection will be improved and the traffic signal installed when requested by the State Department of Transportation. This work will begin with the first phase of construction.
- d. Between the entrance to the Millyard subdivision and the entrance to the Wailuku Project District is a distance of approximately one mile. Along this route there exists a fee simple roadway lot owned by CBP, formerly used for agricultural traffic through town. Therefore, CBP will donate this right-of-way to the County for the future improvements of Waiale Drive. The value of the right-of-ways would be credited against a future impact fee assessment. (Item 3)

## II. Piihana Project District

CBP is proposing a residential project in Piihana consisting of 78 acres and a maximum of 600 dwelling units. This area has received urban designation from the State Land Use Commission and is now in the County zoning process. As the result of traffic studies and commitments to the State Land Use Commission, CBP is proposing the following improvements.

- a. Improve the adjoining half of Kahekili Highway to the standard provisions for urban collector roadways. (Item 4)
- b. Construct the continuation of Imi Kala Street from the Millyard to Kahekili Highway including appropriate intersection improvements, (Item 5) roadway improvements to county collector standards, (Item 6) and the construction of a bridge crossing across Iao Stream. (Item 7) Our traffic studies indicates that the demand for this roadway improvement would not be needed until the Piihana Project District is 65% complete. However, because these improvements will be a significant benefit to regional traffic and circulation beyond the impact of our project, we are willing to begin them earlier, if the County will assist us in obtaining joint public-private financing.

## III. Wailuku Industrial Park II Phase I

CBP is currently processing a zoning application for Wailuku Industrial Park II (WIP II) Phase I which consists of approximately 27 acres of proposed light industrial lots, CBP is committed to make the following improvements as shown on the attached Exhibit A and described below:

- a. At the intersection of Lower Beach Road and Lower Main Street, lengthen the right hand turn lane by approximately 350 feet. No additional right-of-way is required. (Item 8)

- b. At the proposed intersection of Waena Street and Lower Main, install a traffic signal. During the County improvements to the intersection, CBP will install the conduits and necessary footings for the future traffic signals, and pay for the installation of the signals when requested. (Item 9)
- c. Construct to county collector standards the first extension of Eha Street from the existing Wailuku Industrial Park. (Item 10)
- d. Construct to collector standards the Waena Street entrance from Lower Main Street through to Eha Street. (Item 11)

IV. Wailuku Industrial Park II Phase II

The future phase of Wailuku Industrial Park II Phase II will consist of approximately 30 acres. This area is designated in the Community Plan as Light Industrial although no application for urbanization has been submitted to the State Land Use Commission.

- a. In conjunction with the improvements on WIP II, Phase II, CBP will construct the continuation of Eha Street to the existing street plug at the boundary of the Millyard subdivision. (Item 12)

V. Waikapu Village Expansion

CBP is proposing a residential subdivision on 24 acres of land in Waikapu. CBP has received urban designation from the State Land Use Commission and is currently processing the subdivision with the County. In conjunction with this project, CBP is committed to making the following roadway improvements as shown on Exhibit B.

- a. Extend the south-bound deceleration lane on Honoapiilani Highway by approximately 500 feet. (Item 13)
- b. Installation of a traffic signal at the intersection of Waiko Road and Honoapiilani Highway. (Item 14)
- c. Improve the adjoining half of Waiko Road to urban collector standards. (Item 15)

VI. Regional Highway Impacts

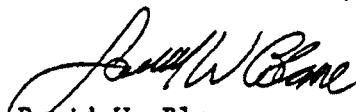
- a. CBP understands that the State Department of Transportation is currently conducting a regional traffic study of the Wailuku-Kahului area. In addition, CBP is attempting to form an agreement with other private parties and the County to expand on the State study once it is completed to target more specific local improvements. It is understood that the study would serve as the basis for an impact ordinance and assessment mechanisms for future developers.

Mr. Lloyd Lee  
July 20, 1990  
Page 4

I hope this clarifies our commitment to regional highway improvements for our various projects. Our consultants and I would be happy to meet with you and your staff at any time to further amplify on these comments. Please feel free to call me at 242-6833.

Very truly yours,

C. BREWER PROPERTIES, INC.

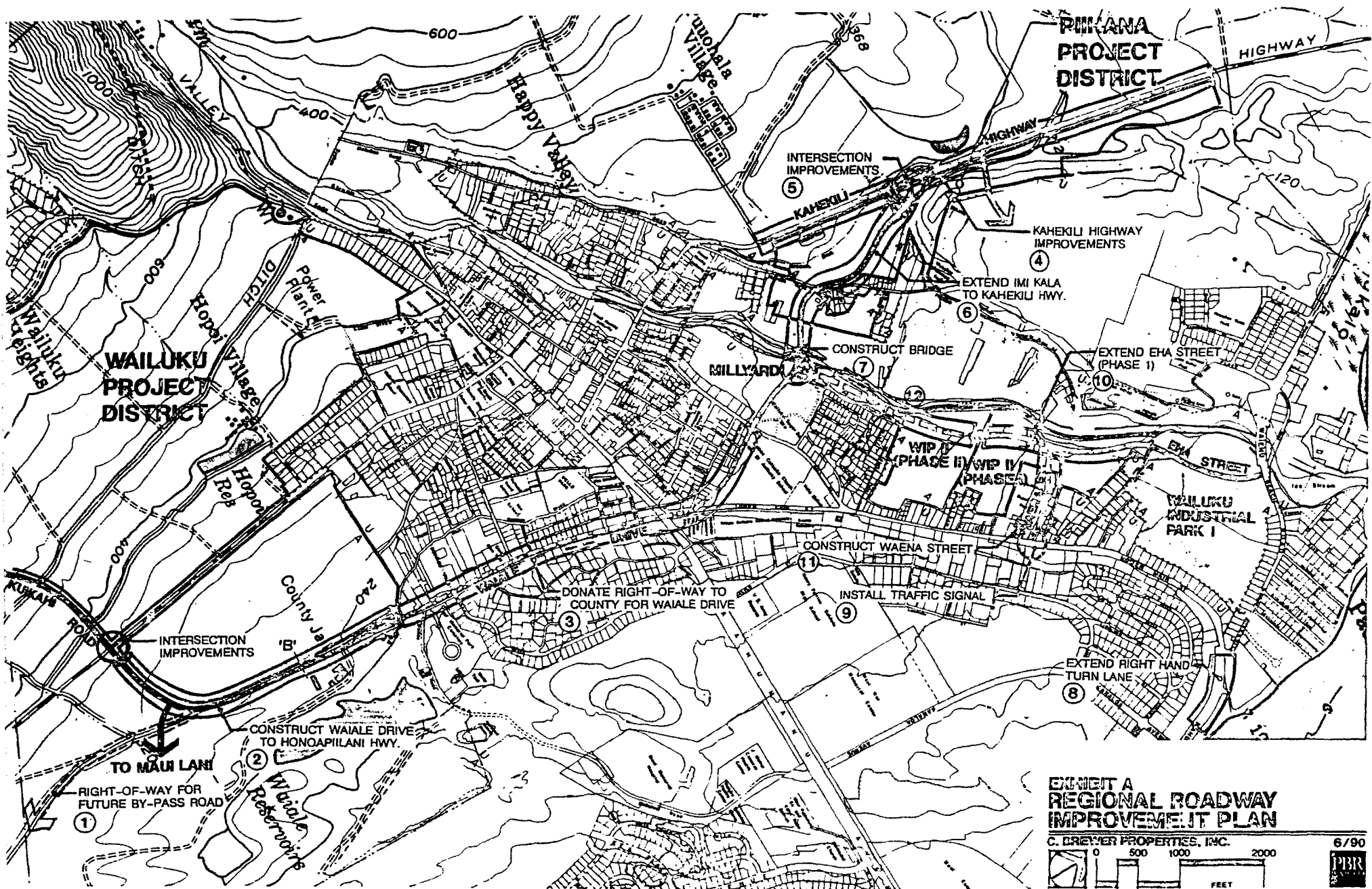


David W. Blane  
Vice President

DWB:jh

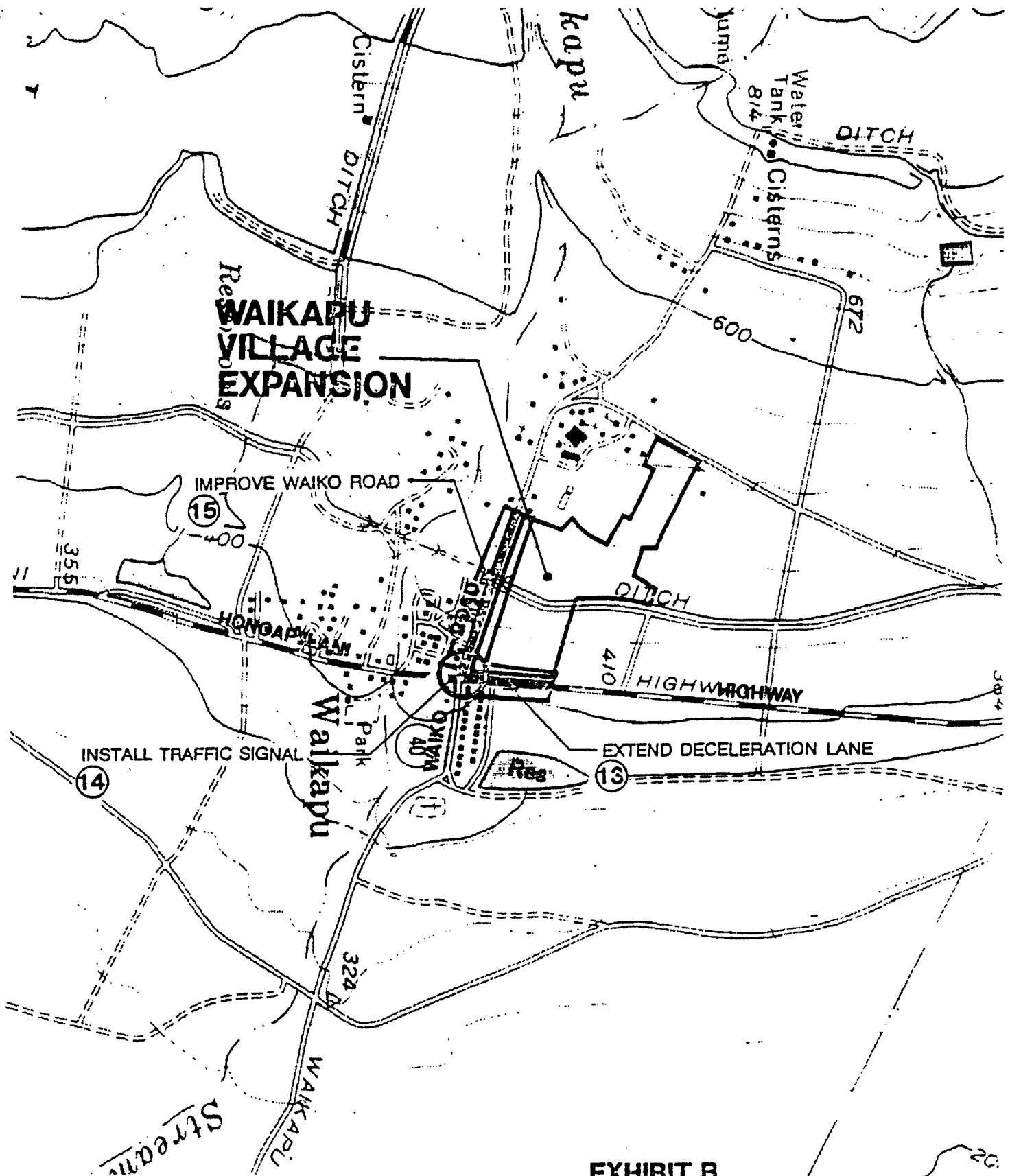
Enclosure

cc: Colleen Suyama (w/enclosure)  
E. T. Maehara (w/enclosure)  
B. G. Moynahan (w/enclosure)



**EXHIBIT A  
REGIONAL ROADWAY  
IMPROVEMENT PLAN**





**EXHIBIT B  
REGIONAL ROADWAY  
IMPROVEMENT PLAN**

C. BREWER PROPERTIES, INC.

6/90





**WAILUKU-KAHULUI SUB-AREA STUDY**

**FINAL REPORT**

**EXECUTIVE SUMMARY**

**DRAFT**

**PREPARED FOR**

**STATE OF HAWAII**

**DEPARTMENT OF TRANSPORTATION**

**HIGHWAYS DIVISION**

**COUNTY OF MAUI**

**DEPARTMENT OF PLANNING**

**DEPARTMENT OF PUBLIC WORKS**

**BY**

**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

**ENGINEERS \* SURVEYORS**

**HONOLULU \* WAILUKU \* HILO, HAWAII**

**OCTOBER 1990**



**TABLE E-1. WAILUKU-KAHULUI FORECASTS**

	YEAR <u>1987</u>	YEAR <u>2000</u>	% INCREASE <u>OVER 1987</u>	YEAR <u>2010</u>	% INCREASE <u>OVER 1987</u>
POPULATION	29,839	43,549	46%	54,763	84%
EMPLOYMENT	19,429	22,556	16%	24,776	28%
TRIP GENERATION	99,104	126,612	28%	150,451	52%

**IV. TRAVEL DEMAND FORECASTING MODEL**

TRANPLAN/NEDS is the transportation planning software used in this study. This software package was selected by State DOT based upon its research of the "state-of-the-art" in transportation planning software. The TRANPLAN/NEDS software is used to develop a traffic simulation model to forecast travel demands, identify future highway deficiencies, and to test various alternative highway improvements for the island of Maui. The island-wide traffic model was further refined by subdividing the Wailuku-Kahului sub-area from 8 zones to 37 subzones. A more detailed road network was also analyzed, including collector streets in the sub-area.

**V. FUTURE ROADWAY NETWORK**

The road improvements, being negotiated between the County and private developers, would relieve much of the traffic on Kaahumanu Avenue, Main Street and High Street. Projects, such as Maui Lani and the Wailuku and Piihana Project districts, include road improvements within their development plans that would provide alternative access to Wailuku and Kahului. These improvements include:



**A. Maui Lani Road Network**

1. Lono Avenue would be extended to Kuihelani Highway
2. Kamehameha Avenue would be extended through the limits of the Maui Lani Project
3. Oneehee Avenue would be extended to the new Maui Lani Parkway
4. Mahalani Street would be extended to Waiale Road
5. Maui Lani Parkway would be constructed between Kaahumanu Avenue and Kuihelani Highway

**B. Wailuku and Piihaha Project District**

1. Waiale Road would be widened and extended to Honoapiilani Highway
2. Kahekili Highway would be extended to Lower Main Street

**C. County of Maui**

1. Lower Main Street would be widened between Waiehu Beach Road and Mill Street
2. Waiale Road would be widened between the Kahekili Highway Extension and the Mahalani Road Extension

Although roadways, such as Waiale Road in Wailuku, and mahalani Street, Kamehameha Avenue and Lono Avenue in Kahului, will experience an increase in traffic, they still retain their functions as collector streets and have adequate rights-of-way for further improvements, if needed.

To accommodate the most immediate need in the study area, Kahului Beach Road is recommended to be widened to 4 lanes between Waiehu Beach Road and Kaahumanu Avenue. This improvement is needed to mitigate an existing deficiency.



Table E-2 shows the average daily traffic volumes and Levels of Service on a sample of roads in Wailuku and Kahului. The 1987 baseline conditions are shown for comparison purposes. By the year 2000, most of the future roadway network within the study area is expected to be constructed, through joint efforts between the County and private developers. Table E-2 indicates a significant decrease in traffic demands on existing major roadways in Wailuku and Kahului. Puunene Avenue, Kaahumanu Avenue, Main Street and High Street show decreases by the Year 2000. By the Year 2010, the projected traffic volumes along these major corridors still remain at or below the 1987 baseline conditions.

**C. BREWER PROPERTIES - PUBLIC HIGHWAY IMPROVEMENTS  
(Wailuku and Piihaha Project Districts)**

<b>Map Key No.</b>	<b>Description</b>	<b>CBP Share</b>	<b>Other CBP Contributions</b>	<b>Comments/Benefits</b>
1	Waikapu Bypass (Waiale Extension)	Fair Share	Right of Way (2 miles)	Relieves Waikapu and Wailuku congestion.
2	Waiale Extension to Maui Lani/Honoapiilani connection	100%	Right of Way (3,000 feet)	Connects to major Wailuku bypass route
2a	Waiale/Honoapiilani connector	100%	Onsite roadway dedication	Project onsite; will connect Honoapiilani to Waiale in early phases of project
3	Waiale Drive improvements	Fair Share	Right of Way (4,000 feet)	Serves as major bypass roadway for Wailuku; regional improvement.
3a	Lower Mair/Mill Connector	Fair Share	Right of Way (1,000 feet)	Completes Wailuku bypass route.
3b	Mahalani Street improvements	Fair Share		Regional improvement - not project specific
4	Kahekili Highway improvements	100%		Adjoining half improved to urban standards
5	Kahekili intersection improvements	100%		As required by traffic study
6	Imi Kala/Kahekili connector	100%	Right of Way (2,500 feet)	Completes major Wailuku bypass road; facilitates access to HFDC project
7	Iao Stream Bridge	100%		To replace existing private bridge; serves HFDC housing project. C. Brewer to seek County financing assistance.

pet



C. Brewer Homes, Inc.

'95 MAR -8 P1:25

MAIL ROOM  
 PLANNING DEPT  
 BRYAN  
 GWIN  
 COLESON  
 GLEATON  
 JIR  
 SE  
 SHERIDAN  
 ASSGN TO  
 TODAY'S DATE  
 DATE DUE  
 FILE

March 8, 1995

Am

3/5

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

SUBJECT: C. Brewer Homes, Inc.'s Fair Share Contribution to Regional Roadway Improvements

Dear Mr. Miskae:

Thank you for meeting with us to discuss the requirements for traffic improvements for the Wailuku Project District. As we discussed, C. Brewer Homes, Inc. (CBH) wishes to address the roadway improvements reflected in the Unilateral Agreement and Declaration for Conditional Zoning for the Wailuku Project District.

These requirements involve participation in traffic improvements established by the Department of Transportation (DOT) Highways Division and the Department of Public Works and Waste Management (DPWWM), and includes fair share contributions for regional roadway improvements in the vicinity of the project district.

The purpose of this letter, therefore, is to set forth in concept, proposed contributions which shall satisfy the conditions of the Unilateral Agreement. Each of the proposed roadway contributions are outlined below. Exhibit A, which is attached hereto, identifies the roadway segments encompassed by CBH's contribution package.

1. **Waiale Road Extension from Mahalani Street to Honoapiilani Highway:**

Item 1.a. CBH shall dedicate a road widening strip along the western extent of Waiale Road, between Mahalani Street and the vicinity of the Ka Hale Ake Ola entrance driveway. CBH shall construct road widening improvements to County standards for this section of roadway.

Item 1.b. CBH shall dedicate the roadway right-of-way for the construction of the proposed Waiale Road extension from Mahalani Street to Honoapiilani Highway. The dedication of the right-of-way (encompassing 3.67 acres)

24 N. Church Street, Suite 205  
 P.O. Box 1437/Wailuku, Maui, Hawaii 96793-1437  
 (808) 242-6833 / FAX: (808) 244-0513

EXHIBIT "C"

shall provide a 60-ft. right-of-way to enable the County's implementation of the two-lane Waiale Road Extension to Honoapiilani Highway. Where Waiale Road intersects subdivision roads (e.g., Waiale Road-Olomea Street intersection), additional right-of-way will be provided to accommodate the additional width needed for intersection geometrics (i.e., deceleration lane, storage/turning lane).

- Item 1.c. CBH shall add two (2) additional travel lanes between Mahalani Street and Honoapiilani Highway. The timeframe for implementation of the two (2) additional lanes shall be determined by traffic impact analysis reports (or updates) which shall be prepared for subsequent subdivision phases. Construction of the additional lanes shall be in conformance with County standards and shall be funded by CBH.

**2. Imi Kala Street Extension between Mill Street and Lower Main Street**

- Item 2.a CBH shall dedicate to the County of Maui, the existing cane haul road (40 feet right-of-way) which underlies the proposed Imi Kala Street extension alignment. Parcels to be dedicated shall include TMK 3-4-18:48 (16,383 square feet) and TMK 3-4-19:5 (29,603 square feet). The ultimate right-of-way for the Imi Kala Street extension, as designed by the County of Maui and to be funded under the Intermodal Surface Transportation Efficiency Act (ISTEA), shall be 60 feet.

**3. Mahalani Street Extension**

- Item 3.a CBH shall dedicate to the County of Maui, the existing cane haul road along Waiale Road (TMK 3-4-03:19). This dedication will enable the construction of intersection improvements necessary for completing the Mahalani Street extension. It is noted that the proposed right-of-way for the Mahalani Street extension, as designed by the County of Maui and to be funded under ISTEA, is 60 feet. Should the value of CBH's right-of-way dedication fall short of the pro-rata requirement, CBH shall provide additional funding needed to meet its pro-rata share obligation.

**4. Cane Haul Road Along Waiale Drive**

- Item 4.a CBH shall dedicate to the County of Maui the cane haul road along Waiale Road including TMK 3-4-03:19 (0.58 acre), 3-4-02:36 (0.68 acre), 3-4-

Brian Miskae, Director  
March 8, 1995  
Page 3

10:2 (0.76 acre), and 3-4-38:4 (0.06 acre) to enable construction of the proposed Waiale Road widening improvements.

5. **Honoapiilani Highway Improvements (Fronting the Project District)**

Item 6.a CBH shall design and construct Honoapiilani Highway improvements fronting the Project District. Such improvements shall be in conformance with the requirements of the State Department of Transportation.

6. **Waikapu Bypass**

CBH will dedicate the right-of-way for the future Waikapu Bypass. This proposed Bypass would follow an alignment roughly coinciding with the existing cane haul road which fronts the Wailuku Agribusiness Baseyard in Waikapu. The proposed Bypass would terminate in the vicinity of the Maui Tropical Plantation. Right-of-way dedication shall occur following the completion of subdivision approval and engineering designs for the proposed roadway by the appropriate governmental body (e.g., State Department of Transportation or County Department of Public Works and Waste Management).

As you will recall, Condition No. 9 of the Unilateral Agreement requires CBH to enter into and execute appropriate agreements with the County of Maui regarding required participation in infrastructure improvements. In this regard, we are requesting your review and approval of the foregoing proposed contributions for roadway improvements. Upon receipt of your written approval of the proposed conditions, CBH will draft an agreement (for the County's review) which shall guarantee implementation of the contributions set forth. It is our understanding that such an agreement shall fulfill CBH's conditions of zoning and subdivision for the Wailuku Project District as it relates to pro-rata roadway contributions. We also understand that the value of CBH's contribution's will be credited against any future impact fee assessment enacted by the County of Maui.

To ensure a workable timeframe for the execution and recordation of the agreement, we propose to submit a draft agreement for your review and comment within 30 days of receipt of your written approval of the proposed contribution package outlined herein.

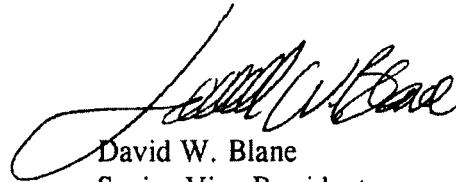


Brian Miskae, Director  
March 8, 1995  
Page 4

Please feel free to call me if there are any questions or if additional information is needed.

Very truly yours,

C. BREWER HOMES, INC.

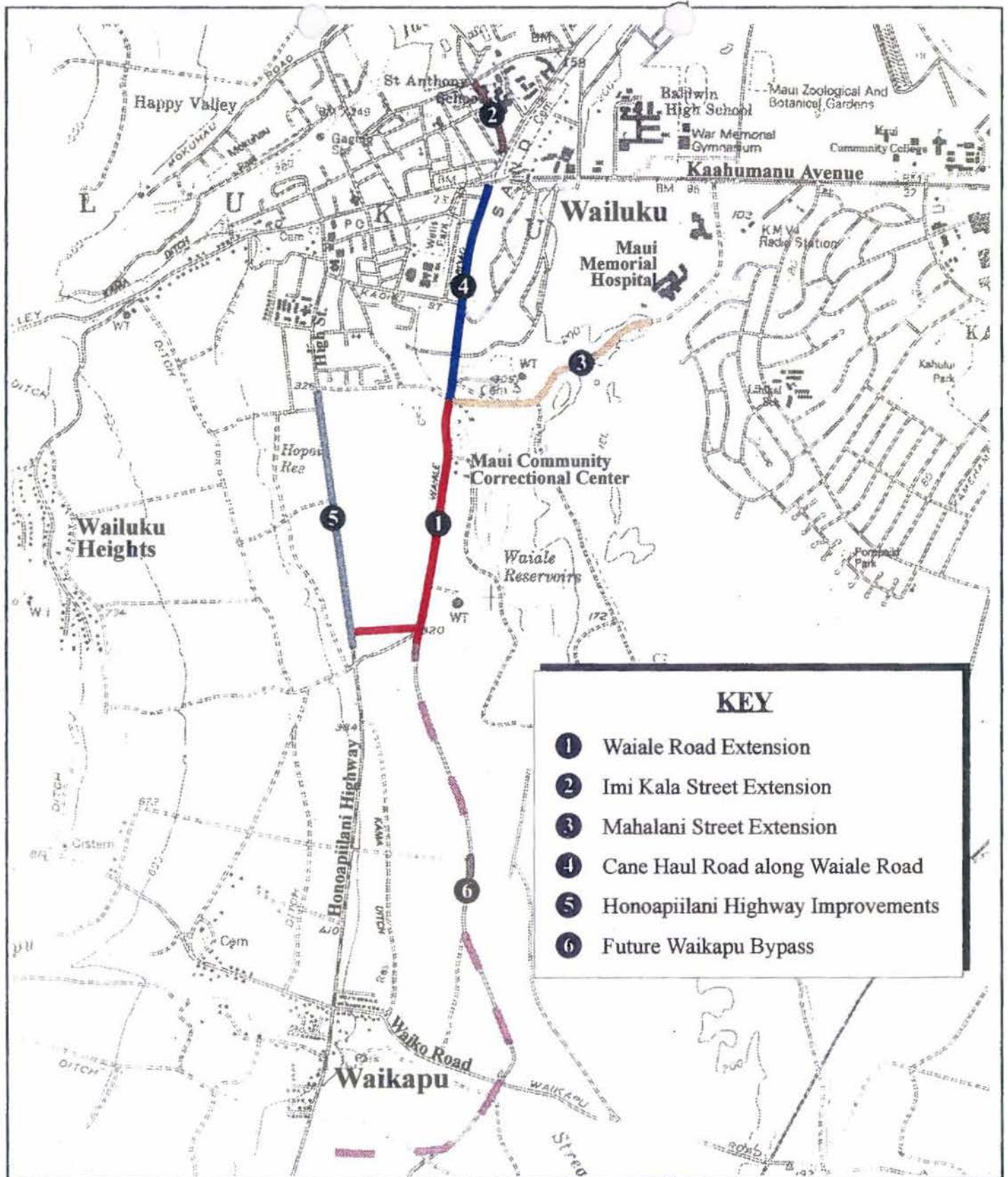
A handwritten signature in black ink, appearing to read "David W. Blane", written in a cursive style.

David W. Blane  
Senior Vice-President

DWB:llt

cc: Charles Jencks, Dept. of Public Works and Waste Management  
Lloyd Lee, Dept. of Public Works and Waste Management  
Colleen Suyama, Planning Dept.  
Ann Cua, Planning Dept.  
Michael T. Munekiyo, A.I.C.P., Munekiyo & Arakawa, Inc.

cbliwpc.001.1e32



**KEY**

- ① Waiale Road Extension
- ② Imi Kala Street Extension
- ③ Mahalani Street Extension
- ④ Cane Haul Road along Waiale Road
- ⑤ Honoapiilani Highway Improvements
- ⑥ Future Waikapu Bypass

**Exhibit A**

**Graphical Summary of  
C. Brewer Home, Inc.'s Fair  
Share Contribution**



Prepared for: C. Brewer Homes, Inc.



LINDA CROCKETT LINGLE  
Mayor



BRIAN W. MISKAE  
Director

GWEN Y. OHASHI  
Deputy Director

COUNTY OF MAUI  
**PLANNING DEPARTMENT**  
250 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

March 22, 1995

Mr. David Blane  
Senior Vice-President  
C. Brewer Homes, Inc.  
24 North Church Street, Suite 205  
Wailuku, Maui, Hawaii 96793

Dear Mr. Blane:

RE: Wailuku Project District 3 Compliance with  
Conditions of Zoning, Unilateral Agreement and Land  
Use Commission Decision and Order

The Planning Department has reviewed all conditions of the Land Use Commission's Decision and Order as well as the County's zoning conditions and Unilateral Agreement for Wailuku Project District 3. We find that the conditions have been complied with to our satisfaction and are prepared to grant approval of the large lot subdivision application for Wailuku Project District 3, as well as the Phase I subdivision application for Kaimana at Kehalani.

We find that a number of our concerns have been adequately addressed as follows:

1. Roadway dedication and/or improvements will be provided for Waiale Road from Mahalani Street to Honoapiilani Highway, Mahalani Street Extension, Imi Kala Street, and the Waikapu Bypass as specified in your letter of March 8, 1995, which includes a graphical summary of C. Brewer's Fair Share Roadway Contributions. We are in agreement with the fair share contributions as proposed.
2. The master drainage plan with supporting calculations for Wailuku Project district has been reviewed by the Department of Public Works and Waste Management. By letter dated March 3, 1995, the department states that they have no further comments on the conceptual drainage master plan for the subject project.
3. At its regular meeting of January 3, 1995, the Maui Urban Design Review Board approved the comprehensive

Mr. David Blane  
March 22, 1995  
Page 2

signage plan for Wailuku Project District 3 with conditions. The Planning Department will continue to work with the applicant in incorporating the Board's conditions into the final signage program.

4. The Maui County Arborist Committee at its regular meeting of January 11, 1995, approved the street tree planting plans for the Kaimana at Kehalani Subdivision with a number of conditions. The proposed landscape concept is a new one to Maui County and the Committee expressed a willingness to support the concept on a trial basis inasmuch as there will be subsequent phases of development in which the Committee would be given the opportunity to review plans. The Committee would also have the opportunity to monitor the success of the new planting concept.
5. A revised illustrative master plan was submitted to the Planning Department on January 26, 1995. The Department has reviewed the new master plan and finds it to be acceptable and essentially in accordance with the master plan approved by the MPC.
6. The Planning Department has received written verification from the applicant that a Parks Assessment fee of \$7,637.00, which represents their parks assessment for the large lot subdivision, was paid.
7. By letter dated February 8, 1995, the Department of Transportation states that their approval of the Phase I subdivision's final plat has been satisfied through the terms of an agreement for subdivision and bond.
8. The Department of Education by letter dated August 30, 1994, has indicated that they support the re-siting of the Wailuku II elementary school site based on proposed conceptual drainage plans. Their preliminary acceptance is based on C. Brewer's agreement to permit the review of final detailed drainage plans for the area around the site and to make changes if DAGS finds the plans provide an unsafe condition for the school.
9. By letter dated January 12, 1995, the Wastewater Reclamation Division of the Department of Public

Mr. David Blane  
March 22, 1995  
Page 3

Works and Waste Management states that the applicant's comments with regard to wastewater are acceptable. C. Brewer will still be required to submit wastewater calculations for each project prior to building permit issuance.

10. The Solid Waste Division of the Department of Public Works and Waste Management by letter dated December 28, 1994, states that the solid waste management plan, as submitted on October 26, 1994, is approved.
11. The State Housing Finance and Development Corporation by letter dated May 25, 1993, indicates that the sales prices for Iao Parkside, Phase I, fall within their guidelines of affordability. Based on their affordable housing guidelines, they concur that the provision of 172 multi-family units will yield 194 affordable housing credits. It is their understanding that these credits will be used to satisfy all of the affordable housing requirements for the Waikapu project, as well as a portion of the affordable housing requirements for the Wailuku-Piihana projects.
12. The County of Maui Department of Housing and Human Concern (DHHC) has indicated that they have been working with C. Brewer to satisfy its affordable housing requirement.

The Iao Parkside project will ultimately contain 480 units. The first seventy (70) units sold satisfied the affordable housing requirement for the Waiolani Subdivision. The remainder of the units will be used to satisfy a portion of the affordable housing requirement for the Wailuku Project District and Piihana Project District. The DHHC has commented that Phase I of the Wailuku Project District which is presently under construction, has satisfied its affordable housing requirement.

We further understand that the Department of Housing and Human Concerns is not applying a credit system to both the Wailuku and Piihana Project Districts which means that a one for one affordable unit count shall be provided to satisfy the County's requirements. The Planning Department also does not support a credit system and agree

Mr. David Blane  
March 22, 1995  
Page 4

with the provision of a one to one affordable unit count.

You are advised that this approval is subject to the condition, "that an agreement regarding roadway and traffic improvements and/or dedication shall be submitted to the County of Maui no later than May 13, 1995.

Thank you for your continued cooperation. If further clarification is required, please contact Ms. Ann Cua of this office.

Yours truly,



BRIAN MISKAE  
Planning Director

ATC:tm

cc: Mike Munekiyo-Munekiyo & Arakawa  
Charles Jencks-Public Works and Waste Management  
Glen Ueno-Land Use and Codes  
Eassie Miller-Wastewater Reclamation  
Lloyd Lee-Engineering Division  
Dave Wissmar-Solid Waste  
Charmaine Tavares-Parks Director  
Housing and Human Concerns  
Colleen Suyama-Planning Department  
Department of Transportation  
Department of Education  
HFDC  
Ann Cua-Planning Department  
Project file  
a:Waiuku.pdf

RCFC KEHALANI, LLC

18/2151

April 24, 2018

William Spence, Director  
Department of Planning  
County of Maui  
2200 Main Street, Suite 315  
Wailuku, Hawai'i 96793

COUNTY OF MAUI  
DEPT OF PLANNING & PERMIT  
APR 25 2018  
RECEIVED

Dear Mr. Spence:

SUBJECT: Updated Compliance Report for the Change in Zoning Established Through Ordinance No. 2053 for Wailuku-Kahului Project District No. 3 (Wailuku)

Provided for your information is an updated compliance report for the Wailuku-Kahului Project District conditional zoning approval, established through Ordinance No. 2053 containing nine (9) conditions of zoning. See Exhibit "A". The last compliance report for Ordinance No. 2053 was submitted in 2016 and approved by the Department of Planning (Department) on October 3, 2016. See Exhibit "B".

**ORDINANCE NO. 2053, CONDITIONS OF ZONING**

**CONDITION NO. 1**

*The applicant shall comply with the affordable housing requirements set forth in the State Land Use Commission's Decision and Order, dated January 30, 1990, which reclassified the subject parcels from Agricultural District to Urban District.*

*The applicant shall provide the following percentages of dwelling units in the Wailuku and Piihaha Project Districts in the aggregate, for sale or rental to persons in the low, low-moderate, and moderate income groups, as identified by the Housing Finance and Development Corporation, State of Hawai'i;*

Affordable housing credits from these efforts are being used to satisfy the current requirements for Kehalani.

**CONDITION NO. 2**

*The applicant shall submit a twenty-year master plan to the Director of Public works of the County of Maui prior to preliminary subdivision approval of the project for the sewer, drainage, and traffic facility improvements in which the applicant participates. The master plans shall include, but shall not be limited to, on-site and off-site typical design standards, classification of roadways, and proposed construction schedules for each phase of the project.*

**Response:** Under C. Brewer the twenty-year master plan was submitted to the Department of Public Works (DPW) prior to the first subdivision approval. The Applicant continues to work with the DPW on implementation of infrastructure improvements as required with development of each increment of Kehalani.

**CONDITION NO. 3**

*The applicant - shall participate in those- traffic improvement needs as required by the Department of Transportation of the State of Hawai'i and the Director of Public Works of the County of Maui. This participation shall include, but shall not be limited to:*

- a. *The extension, construction, and improvement of Waiale Drive from the vicinity of the proposed Mahalani Street intersection to Honoapi'ilani Highway in conformance to the standards of the County of Maui. Land and construction of this roadway extension is to be funded entirely by the applicant and shall be offered for dedication to the County of Maui upon completion of its construction;*
- b. *The right-of-way of the existing cane haul road from Lower Main Street to the Maui Correctional Center shall be dedicated in fee simple interest, free and clear of all encumbrances, to the County of Maui upon request of the Director of Public Works. The value of the applicant's dedication of right-of-way and participation in the improvement of the roadway construction of the existing cane haul road shall be credited against any impact fee assessment. The applicant shall provide its fair and equitable share of costs of constructing the roadway. Construction of the roadway shall be in conformance to the standards of the County of Maui;*
- c. *The applicant shall provide its fair and equitable share of the costs of roadway construction of the Mahalani Road extension in conformance to the standards of the County of Maui;*
- d. *The intersection and roadway improvements of Honoapi'ilani Highway with the Project District in conformance to the requirements of the Highways Division of the Department of Transportation of the State of Hawai'i which are to be funded entirely by the applicant;*



- e. *The applicant shall provide its fair and equitable share of the costs of the planning and construction of a future by-pass roadway south of the Waiale Drive extension and the southern end of the Project District past Waikapu town which includes, but which is not limited to, the offer of dedication of the future by-pass right-of-way to the appropriate governmental body. The value of the applicant's participation in the improvement in the planning and construction of the roadway shall be credited against any impact fee assessment; and*
- f. *The conformance with any impact fees assessed by the County of Maui;*

**Response:** The Applicant has worked with State Department of Transportation (HDOT) and the DPW on the traffic improvements outlined below:

- a. The extension of Wai'ale Drive from the Mahalani Street intersection to Waiko Road has been completed and provides access to Honoapi'ilani Highway from Ku'ikahi Drive and Waiko Road.
- b. The Applicant continues to work with the DPW to convey the cane haul road to the County of Maui.
- c. The Applicant participated in completion of the extension of Mahalani Street to Wai'ale Drive. The extension is Waiinu Road.
- d. The intersection and roadway improvements along Honoapi'ilani Highway have been completed. The Applicant completed the intersection improvements to the Highway at Kehalani Parkway and at Ku'ikahi Drive.
- e. Wailuku Agribusiness Company (former owner of the future Waikapu Bypass Roadway land) has an obligation to the Applicant to dedicate the future bypass road, if required by the State.
- f. Regional impact fees have not been levied on the Project District by the County of Maui.
- g. The Applicant completed the Ku'ikahi Drive/Honoapi'ilani Highway Redesign Project in November 2016. The Project included the installation of a new traffic signal system and other related intersection improvements. See Exhibit "D".

**CONDITION NO. 4**

*Prior to issuance of a building permit for each of the project, the applicant shall submit a traffic study approved by the Director of Public Works indicating those improvements and/or contributions for that particular phase. Said traffic study shall detail the sequence and timing of improvements and/or contributions as well as provide an analysis of operating conditions/levels of service at key intersections in the vicinity, provided that;*

- a. *No building permits will be issued for any structures mauka of Honoapi'ilani Highway until a construction contract has been executed and notice to proceed with construction has been issued for Waiale Drive, from Kaohu Street to Honoapi'ilani Highway, and the extension of Mahalani Street, from the vicinity of the Maui Memorial Hospital to Waiale Drive.*

**Response:** A Long Range Traffic Master Plan, which studied the impacts of additional traffic at Kehalani and the surrounding communities, was forwarded to the HDOT and the DPW. The long-range Traffic Master Plan has been approved by these agencies. The Applicant has constructed the HDOT required improvements on Honoapi'ilani Highway to mitigate the impacts of its development. The Applicant also has the approval of the County of Maui for its plan to mitigate traffic. Improvements include the completion of a traffic signal at the intersection of Honoapi'ilani Highway and Kehalani Mauka Parkway and Honoapi'ilani and Ku'ikahi Drive. Improvements to the intersection of Honoapi'ilani Highway and Ku'ikahi Drive also include exclusive left turn lanes. The last Traffic Impact Assessment Report, dated March 2003, was accepted for the ongoing phases of work at Kehalani and HDOT has allowed the County to continue processing individual projects at Kehalani for development. Subsequent to the 2003 TIAR updated Traffic evaluation reports were prepared and submitted to HDOT and DPW in July 2006 and December 2014. A separate Traffic Impact Assessment Report for the Kehalani Village Center was prepared and submitted to the HDOT and DPW in April of 2012.

- a. The extension of Ku'ikahi Drive from Wai'ale Drive to Honoapi'ilani Highway and the Mahalani extension (Waiinu Street) have been completed.
- b. In February of 2018 the applicant completed additional roadway and intersection improvements on Wai'ale Drive and Ku'ikahi Drive fronting Kehalani Village Center. The Project included drainage system improvement, curbs, gutters, sidewalks, bike lanes and installation of future traffic signal infrastructure at the Kuikahi Drive and Waiale Road intersections at Kehalani Village Center. Traffic signals at these intersection will be installed at these intersections when warranted by the DPW.
- c. As noted in our Condition 3.g response above, on November 1, 2016, the Ku'ikahi Drive/Honoapi'ilani Highway Redesign improvements were completed. Refer to **Exhibit "D"**.

Applicant has completed improvements of two (2) pocket parks and the makai and mauka parks in accordance with the agreement and conveyed both the Makai and mauka parks to the County of Maui. The third pocket park located adjacent to Module 18 will be completed in accordance with the agreement. A bond has been issued to ensure construction of the third pocket park.

**CONDITION NO. 8**

*The applicant shall provide its fair and equitable share for the impact the project district has upon public educational facilities as is deemed necessary by the Department of Education of the State of Hawai'i which shall include, but which shall not be limited to, the dedication of land in fee simple interest, free and clear of all encumbrances, for a new school site; and*

**Response:** The Applicant dedicated over 14 acres for the development of Pu'u Kukui Elementary School within Wailuku Project District 3. The Applicant has also given the Department of Education (DOE) 4.585 acres for the expansion of Waihee Elementary School. The Educational Contribution Agreement for Wailuku-Kahului Project District 3 and related amendments document the Applicant's satisfaction of pro rata share requirements for education at Kehalani. These lands satisfy all contribution requirements associated with all development within the Kehalani Master Plan.

**CONDITION NO. 9**

*The applicant shall enter into and execute appropriate agreements with the appropriate agencies of the State of Hawai'i and County of Maui regarding the applicant's required participation in improving the infrastructure and public facilities identified herein. These agreements shall be file with the Bureau of Conveyances of the State of Hawai'i upon their execution.*

**Response:** In accordance with this condition, the Applicant has entered into several agreements with State and County agencies to participate in its fair share of infrastructure and public facilities. All agreements have been recorded with the Bureau of Conveyances.

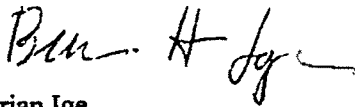
**List of Agreements**

1. February 17, 1993 – Right of Entry Agreement for 3.0 MG Concrete Reservoir at Wailuku, Maui, Hawai'i
2. December 4, 2002 – Storage Credits and Amended Right of Entry Agreement for 3.0 MG Concrete Reservoir at Wailuku, Maui, Hawai'i
3. December 18, 2002 – Agreement to Implement Unilateral Agreement and Declaration
4. December 18, 2002 – Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3)
5. December 18, 2002 – Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits)

6. December 24, 2002 – Kehalani-Wailuku Project District 3 Offsite Sewer Improvements
7. January 14, 2003 – Education Contribution Agreement for Wailuku-Kahului Project District 3
8. May 14, 2003 – Second Supplemental Unilateral Agreement for Drainage Improvements Relating to Wailuku Project District 3 of the Wailuku-Kahului Community Plan (Makai)
9. 2006 – Amendment to Second Supplemental Unilateral Agreement for Drainage Improvements Relating to Wailuku Project District 3 of the Wailuku-Kahului Community Plan (Makai)
10. August 13, 2008 – First Amendment for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3)
11. August 13, 2008 – First Amendment for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits)
12. August 14, 2008 – First Supplement to Education Contribution Agreement for Wailuku-Kahului Project District 3
13. August 18, 2008 – Second Amended Right of Entry Agreement for 3.0 MG Concrete Reservoir at Wailuku, Maui, Hawai'i
14. March 14, 2012 – Second Supplement to Education Contribution Agreement for Wailuku-Kahului Project District 3
15. October 12, 2012 – Phasing Agreement for Roadway Improvements
16. December 3, 2012 – Wailuku-Kahului Project District 3 Park Assessment Agreement
17. August 5, 2015 – Agreement Concerning the Development and Dedication of Wailuku Well 2, Tank and Transmission Pipeline
18. November 14, 2017 - First Amendment of Phasing Agreement for Roadway Improvements. (See Exhibit E)

If additional information is required regarding this report please contact us at 244-1500.

Sincerely,  
RCFC KEHALANI, LLC



Brian Ige  
Development Manager  
Dowling Company, Inc.

ENCLOSURES

cc: Clayton Yoshida, Current Division (w/enclosures)  
John Rapacz, Zoning and Administrative Enforcement Division (w/enclosures)  
Chris Lau, Towne Realty Hawaii (w/enclosures)  
Darren Unemori, Warren S. Engineering, Inc. (w/enclosures)  
Mark Alexander Roy, Munekiyo Hiraga (w/enclosures)