

REQUEST FOR LEGAL SERVICES

Date: July 8, 2019
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

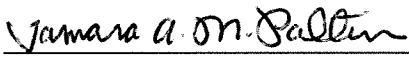
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: WAIKAPU COUNTRY TOWN PROJECT (PSLU-30)

Background Data: Please review the attached revised proposed bills and, if appropriate, approve them as to form and legality. A signed hard copy is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Tamara Paltin	Contact Person <u>James Krueger or John Rapacz</u> (Telephone Extension: <u>7761 or 7886, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 10, 2019
REASON: For posting on July 12, 2019 for the July 19, 2019 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

pslu:ltr:030acc01:jgk/jsr

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002),
WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP,
FROM PROJECT DISTRICT 5, SINGLE-FAMILY, AND
AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT)
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is amended for certain parcels of land situated at Wailuku, Maui, Hawaii, from Project District 5, Single-Family, and Agricultural to Waikapu Country Town (WCT), as identified in Table 1, comprising 495.905 acres, and more particularly described in Exhibit "A," which is attached hereto and made a part hereof, and in Community Plan Maps CP-426, CP-427, CP-428, CP-429, CP-430, and CP-431, which are attached hereto as Exhibit "B" and made a part hereof.

Table 1

COMMUNITY PLAN AMENDMENT			
TMK	FROM	TO	ACRES
(2) 3-6-004:por. of 003	AG	Waikapu	87.832
(2) 3-6-004:por. of 003	AG	Country Town	48.807
(2) 3-6-004:006	PD-5	(WCT)	53.630
(2) 3-6-006:036	SF		0.721
(2) 3-6-004:por. of 003	SF		2.089
(2) 3-6-005:007	PD-5		59.054
(2) 3-6-002:por. of 003	AG		243.772
Total			495.905

SECTION 2. Part V.A. of the Wailuku-Kahului Community Plan, adopted by Ordinance 3061 (2002), relating to Land Use Map, Land Use Categories and Definitions, is amended by inserting the following entry to be placed at the end of the list of Land Use Categories and Definitions, to read as follows:

“Waikapu Country Town (WCT) 495.905 acres

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multi-family, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a “complete community.” Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable and bikeable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing 877.5 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into a total of five agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design shall provide uninterrupted walking and bicycling trails, preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision.”

Planning Standards:

<u>Dwelling Unit and Rural Lot Count</u>	<u>Up to 1,433 residential units, plus up to 146 accessory dwelling units. Up to 80 rural lots, on which there may be 1 residential unit and 1 accessory dwelling unit.</u>
<u>Residential Product Mix</u>	<u>25 percent to 50 percent of the residential units shall be multi-family units.</u>
<u>Parks and Open Space</u>	<u>A diversity of park types and open space elements shall be provided in a manner that is consistent with the project's zoning and design guidelines.”</u>

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

pslu:misc:030abill01d:jgk/jsr

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Thence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"
the chord azimuth and distance being:
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along 1 of 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

WPEI

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

1. 101° 00' 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2. 100° 00' 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, and Grant 1844 to J. Sylva;;
3. 120° 00' 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva;
4. 45° 00' 480.00 feet along same;
5. 148° 00' 409.00 feet along same;
6. 159° 00' 400.00 feet along same;
7. 175° 00' 220.00 feet along same;
8. 179° 00' 750.00 feet along same;
9. 271° 00' 1,235.00 feet along same;

- | | | |
|-----|----------|--|
| 10 | 12° 00' | 367.00 feet along same; |
| 11. | 268° 00' | 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha; |
| 12. | 9° 30' | 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva; |
| 13 | 275° 10' | 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 14. | 20° 33' | 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 357° 07' | 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M. Silva

 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 September 20, 2018

wp 1

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION

Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Muhele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahninealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoc, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Oponui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-C), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUK1," being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

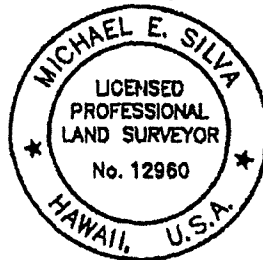
1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

- | | | | |
|-----|--------------|--------|--|
| 5. | 291° 45' 30" | 58.59 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva; |
| 6. | 305° 13' | 264.12 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 7. | 227° 10' | 111.95 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 8. | 226° 10' | 47.92 | feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 9. | 222° 30' | 81.90 | feet along same; |
| 10. | 133° 20' | 40.00 | feet along same; |
| 11. | 154° 32' | 79.57 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 12. | 241° 51' | 99.68 | feet along Grant 2069, Apana 2 to Kaai; |
| 13. | 243° 45' | 84.50 | feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale; |
| 14. | 235° 29' | 68.00 | feet along the Grant 1713 to John Ross; |
| 15. | 307° 20' | 10.00 | feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, |
| 16. | 225° 00' | 19.78 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui; |
| 17. | 225° 31' 08" | 318.56 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi; |
| 18. | 223° 33' | 58.58 | feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi; |

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

- | | | |
|-----|------------|---|
| 34. | 354° 00' | 302.03 feet along same; |
| 35 | 286° 45' | 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman; |
| 36. | 4" 29' 30" | 651.86 feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres. |

This work was prepared by me or under my supervision.



TUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

wf.

DESCRIPTION

**PORTION OF LOT 6
OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND
TAX MAP KEY (2) 3-6-006:036**

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

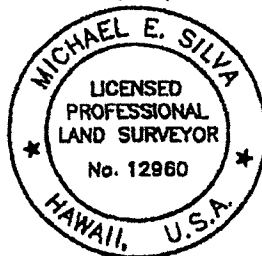
4,611.04 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|--------------|---|
| 1. | 312° 57' | 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea; |
| 2. | 25° 42' | 38.90 feet along Grant 1712, Apana 2 to Ihu; |
| 3. | 288° 27' | 35.60 feet along same; |
| 4. | 19° 27' | 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kulahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 5. | 343° 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui. |
| 6. | 346° 56' 30" | 28.40 feet along same; |
| 7. | 286° 30' | 21.10 feet along same; |
| 8. | 221° 50' | 75.90 feet along same; |
| 9. | 313° 20' | 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |

- | | | |
|-----|--------------|---|
| 10. | 42' 30" | 81.90 feet along same; |
| 11. | 46' 10" | 47.921 feet along same; |
| 12. | 47' 10" | 111.95 feet along same; |
| 12. | 125' 13" | 264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva; |
| 13. | 111° 45' 30" | 58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva; |
| 11. | 192° 26' 23" | 143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 186° 52' 53" | 79.99 feet along same; |
| 16. | 210° 00' | 196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Oponui to the point of beginning and containing an area of 2.810 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael E. Silva

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
Tax Map Key (2) 3-6-006:036

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION
LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haai; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kua; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kani; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

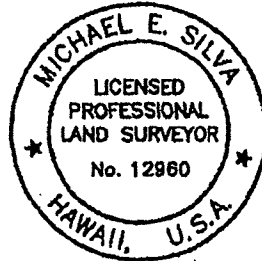
3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

15. Hence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:
235° 12' 30" 229.13 feet;
16. 205° 20' 195.00 feet along same;
17. 196° 50' 209.00 feet along same;
18. 212° 10' 88.31 feet along same;
19. 283° 30' 208.78 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 1 to Kaai;
20. 301° 30' 195.00 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21. 276° 46' 57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14' 160.90 feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23. 357° 05' 61.60 feet along same;
24. 354° 18' 33.54 feet along same;
25. 86° 01' 63.90 feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
26. 351° 55' 40.00 feet along same;
27. 359° 06' 455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
28. 349° 25' 172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06' 222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M. Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WV 1

DESCRIPTION

**WAIALE PARK (LARGE-LOT) SUBDIVISION
PORTION OF LOT 2**

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.51 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;
2. 184° 29' 30" 2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
190° 51' 30" 627.63 feet;
4. 197° 13' 30" 296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";
and the chord azimuth and distance being:
194° 06' 22.5" 1,339.76 feet;
6. 280° 48' 30" 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04' 89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of Land Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same;
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
357° 07' 20";
and the chord azimuth and distance being:
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";
and the chord azimuth and distance being:
281° 27' 35" 78.75 feet;
20. 205° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
237° 54' 40";
and the chord azimuth and distance being:
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $57^{\circ} 54' 40''$;
the radial azimuth from the radius point to the end of the curve being: $35^{\circ} 24'$;
and the chord azimuth and distance being:
 $316^{\circ} 39' 20''$ 178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $35^{\circ} 24'$;
the radial azimuth from the radius point to the end of the curve being: $7^{\circ} 26' 10''$;
and the chord azimuth and distance being:
 $291^{\circ} 25' 05''$ 148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $7^{\circ} 26' 10''$;
the radial azimuth from the radius point to the end of the curve being: $351^{\circ} 33' 30''$;
and the chord azimuth and distance being:
 $269^{\circ} 29' 50''$ 168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $171^{\circ} 33' 30''$;
the radial azimuth from the radius point to the end of the curve being: $197^{\circ} 21'$;
and the chord azimuth and distance being:
 $274^{\circ} 27' 15''$ 88.38 feet;
26. $287^{\circ} 21'$ 73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:
 $106^{\circ} 12' 21''$
and the chord azimuth and distance being:
 $10^{\circ} 53' 40.5''$ 733.12 feet;

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;

29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:
 13° 16' 1,347.68 feet;

30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:
 28° 37' 57" 481.26 feet;

32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:
 64° 19' 57" 1,615.91 feet;

34. 92° 21' 163.44 feet along same;

35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:
 92° 37' 04.2";
 and the chord azimuth and distance being:
 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

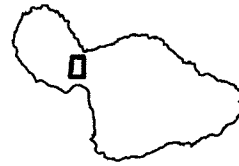
A handwritten signature in black ink that reads "M Silva".

Michael L. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WPI

VICINITY MAP

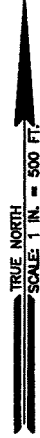


TMK (2)
3-6-004:009
THP ASSOCIATES

TMK (2) 3-6-004: 006
WAIKAPU PROPERTIES, LLC

TMK (2) 3-6-004:
POR. OF 003
87.832 acres

HONOAPIILANI HWY.
F.A.P. NO. 13-G
TO WAILUKU
TO MAALUUA



TMK (2) 3-6-002: 003
WAIKALE 905 PARTNERS LLC

TMK (2)
3-6-004:004
PIPE DREAMS
ENTERPRISES LLC

TMK (2)
3-6-004:005
PIPE DREAMS
ENTERPRISES LLC

TMK (2) 3-6-004:POR. OF 003
WAIKAPU PROPERTIES, LLC

DATE: 03/11/2019

TAX MAP KEY

T.M.K.: (2) 3-6-004:POR. OF 003

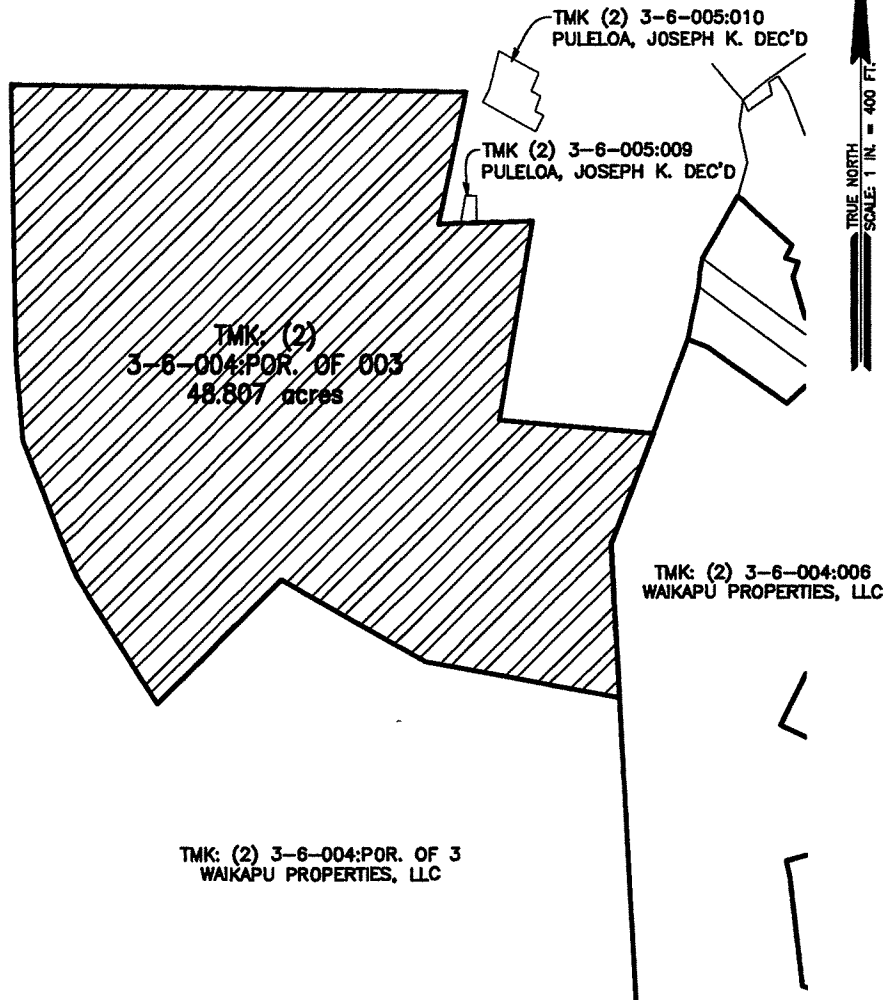
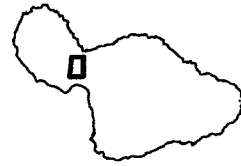
AREA

87.832 ACRES

COMMUNITY PLAN MAP NO. CP-426

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN

VICINITY MAP



DATE: 03/11/2019

TAX MAP KEY

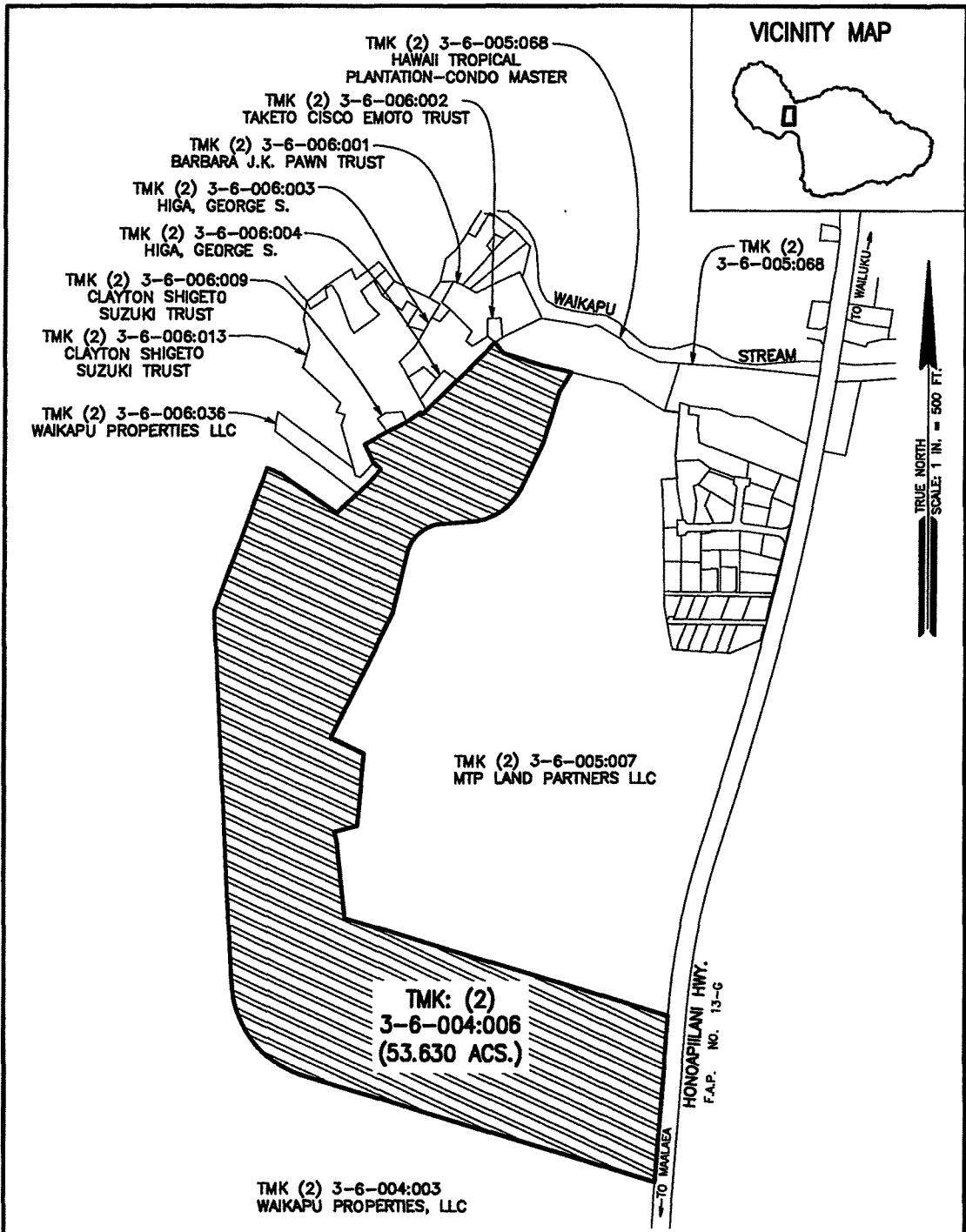
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AREA

48.807 ACRES

COMMUNITY PLAN MAP NO. CP-427

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN



DATE: 03/11/2019

TAX MAP KEYS

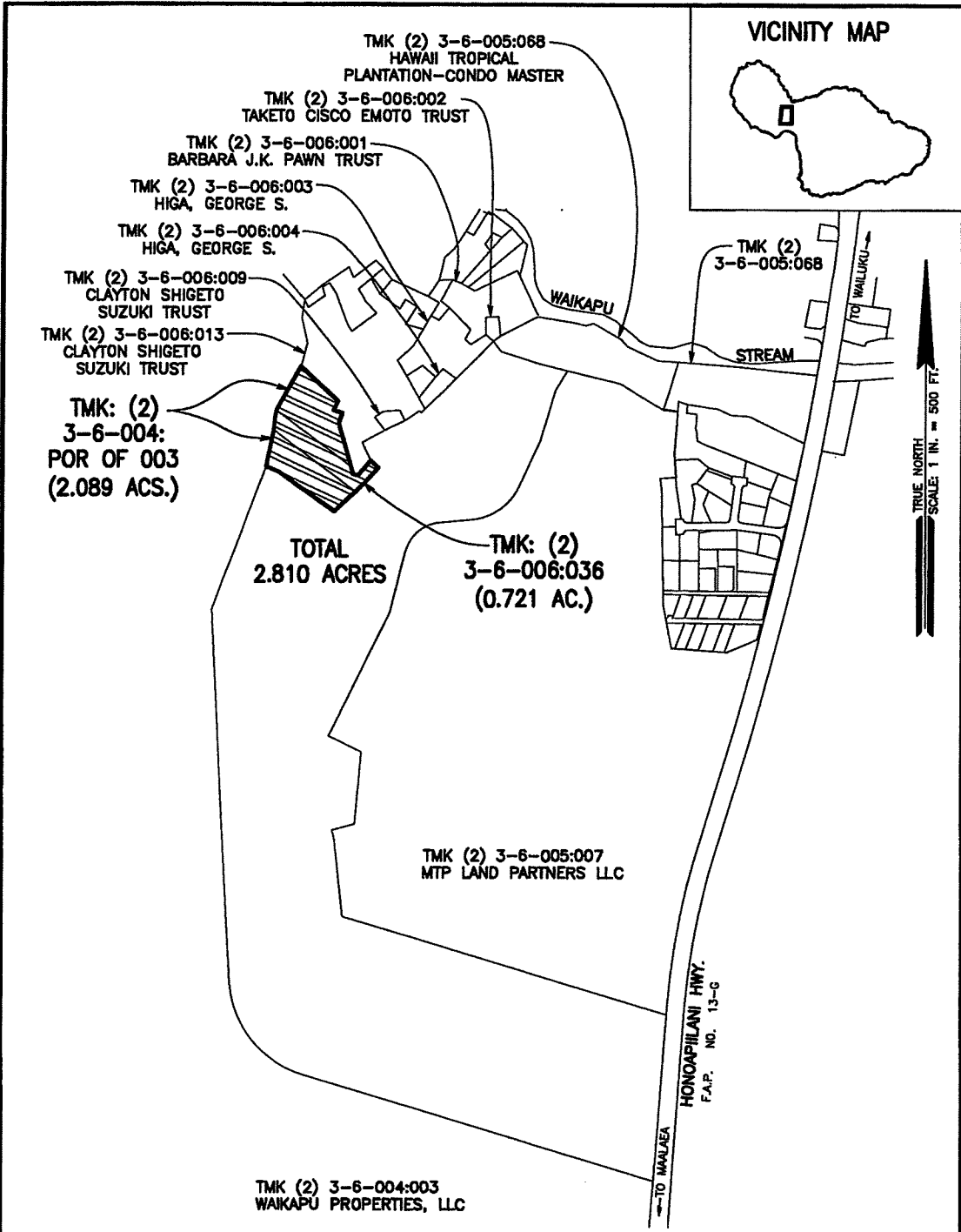
T.M.K.: (2) 3-6-004:006

AREA

53.630 ACRES

COMMUNITY PLAN MAP NO. CP-428

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII
FROM PROJECT DISTRICT 5 TO WAIKAPU COUNTRY TOWN



DATE: 03/11/2019

TAX MAP KEYS

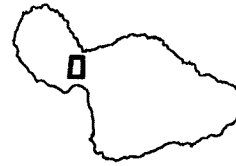
T.M.K.: (2) 3-6-006:036
 T.M.K.: (2) 3-6-004:POR. OF 003

AREA
 2.810 ACRES

COMMUNITY PLAN MAP NO. CP-429

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII
 FROM SINGLE-FAMILY TO WAIKAPU COUNTRY TOWN

VICINITY MAP



TMK: (2) 3-6-005:068
HAWAII TROPICAL PLANTATION
CONDO MASTER

TMK: (2) 3-6-007:002
OCEANAS HUI LLC

WAIKAPU STREAM

TMK: (2) 3-6-007:010
EVELYN N. KAMASAKI
GIFT TRUST

TMK: (2) 3-6-007:013
NEW DIRECTION IRA
INC FBO D.P. TING

TMK: (2) 3-6-007:015
DAVID K. HOOPAI TRUST

TMK: (2) 3-6-007:016
PAULS, ANSELM

TMK: (2) 3-6-007:029
KIM VAN RITCHIE TRUST

TMK: (2) 3-6-007:030
PILLON, IRENE K.

TMK: (2) 3-6-005:007
59.054 acres

TMK: (2) 3-6-002:003
WAIKAPU 905 PARTNERS LLC

TMK: (2) 3-6-004:006
WAIKAPU PROPERTIES, LLC

HONOAPIILANI HWY.
F.A.P. NO. 13-G

TRUE NORTH
SCALE: 1 IN. = 500 FT.

LIST OF ADJOINING OWNERS:

- | | |
|---|--|
| A TMK: (2) 3-6-007:042
CHUN, ELSIE N. | E TMK: (2) 3-6-007:038
NAKAMOTO, DAVID T. |
| B TMK: (2) 3-6-007:041
VALDEZ, GEORGE GREGORIO | F TMK: (2) 3-6-007:037
ANN N. WAKAMATSU TRUST |
| C TMK: (2) 3-6-007:040
DIAZ, MARTHA J. | G TMK: (2) 3-6-007:023 (OLOLI PLACE)
VARIOUS OWNERS |
| D TMK: (2) 3-6-007:039
LLOYD T. TAGUCHI TRUST | |

DATE: 03/11/2019

TAX MAP KEY

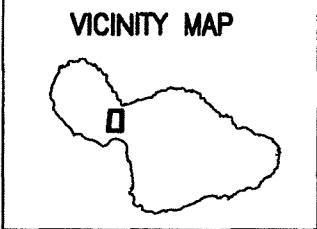
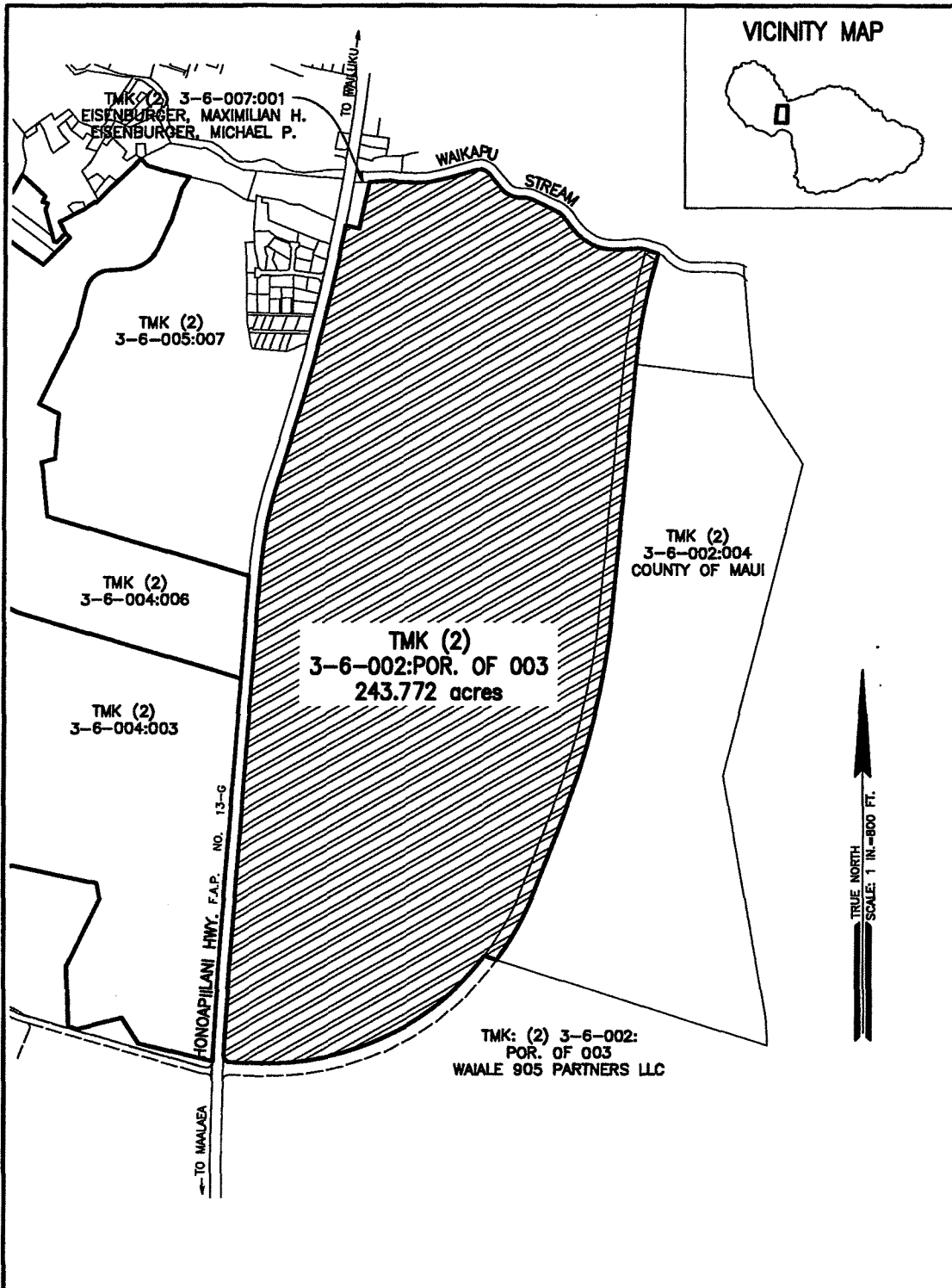
T.M.K.: (2) 3-6-005:007

AREA

59.054 ACRES

COMMUNITY PLAN MAP NO. CP-430

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII
FROM PROJECT DISTRICT 5 TO WAIKAPU COUNTRY TOWN



DATE: 03/11/2019

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

COMMUNITY PLAN MAP NO. CP-431

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII
 FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU,
MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be designated and to read as follows:

“Chapter 19.96

WAIKAPU COUNTRY TOWN DISTRICT

Sections:

19.96.010	Purpose and intent.
19.96.020	Form-based code.
19.96.030	Controlling plan.
19.96.040	Gross acreage allocations
19.96.050	Minimum and maximum number of residential units and commercial space.
19.96.060	Zoning districts.
19.96.070	Definitions, general and administrative.
19.96.080	Definitions, uses.
19.96.090	Types of uses and interpretation of terms and uses.
19.96.100	Principal, accessory, and special uses.
19.96.110	Permitted lot types.
19.96.120	Lot types.
19.96.130	Lot types in zoning districts.
19.96.140	Lot type development standards.
19.96.150	Parking standards.
19.96.160	Additional standards for all districts.
19.96.170	Subdivision review.
19.96.180	Administrative rules.

19.96.010 Purpose and intent. The council has established this zoning district to implement the Maui island plan's directed growth strategy and the Wailuku-Kahului community plan by creating a mixed-use residential community that addresses Maui's future housing demand and provides for the diverse needs of the community's residents. Key objectives of the Waikapu country town include:

1. Provide for a range of housing options to address projected housing demand.
2. Develop a "complete community" with a mix of housing, retail, and civic uses to support the community's residents.
3. Create employment within the Waikapu country town to reduce vehicle commutes.
4. Create the opportunity for more active and healthy lifestyles through the creation of pedestrian-oriented streets, greenways, separated pedestrian paths and bikeways, a diversity of park spaces, and community supported agricultural development.

19.96.020 Form-based code. The Waikapu country town zoning code establishes new types of zoning districts, including mixed use districts, and the approximate acreages in each district. It also regulates and provides flexibility in the form and configuration of development, by establishing lot types. In Waikapu country town, each lot type has its own development standards, and each zoning district allows multiple lot types. Development on each lot type is regulated by traditional standards, including setbacks, building heights, and lot sizes and widths, and by new standards, including building orientation, driveway ingress and egress, street frontage, and floor area ratios. In addition, the Waikapu country town zoning code lists all uses alphabetically in tables that identify all zoning districts in which a use is allowed and all lot types on which it may occur.

19.96.030 Controlling plan. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of this ordinance. Figure 1 is the controlling plan.

Figure 1: Controlling plan



19.96.040 Gross acreage allocations. A. Table 1 identifies the approximate gross acreage allocations to each zoning district.

B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.

C. In order to facilitate site planning flexibility, the gross acreage of the following districts: town center, main street, commercial/employment, residential, rural, and education may be further adjusted, exclusive of adjustments made pursuant to

section 19.96.070(B), by up to 5 percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the total acres in the Waikapu country town.

Table 1: Approximate gross acreage allocations

District	≈Gross acreage allocation
A. Town center	24.80
B. Main street	14.75
C. Commercial/employment	9.56
D. Residential	222.60
E. Rural	114.70
F. Education	12.00
G. Parks	32.50
H. Open space	65.00
Total acres	495.905

19.96.050 Minimum and maximum number of residential units and commercial space. A. At buildout, the minimum number of dwelling units within the Waikapu country town shall be 1,326, unless the owner demonstrates that it is not feasible to build the minimum number of units. The maximum number of dwelling units is 1,433, plus up to an additional 146 accessory dwellings.

B. The maximum number of accessory dwellings is 146.

C. The maximum number of rural lots is 80.

D. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town shall not be less than 25 percent or more than 50 percent of the total number of permitted non-accessory dwellings.

E. The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not exceed 200,000 square feet of floor area.

19.96.060 Zoning districts. A. Town center. The purpose of the town center district is to create a commercial and social core for Waikapu within a portion of the original grounds of the Maui Tropical Plantation. The unique character and ambiance of the Maui Tropical Plantation grounds will create a village green, which will be the defining feature of the town center. The village green will give the community a distinct sense of place that invites residents to gather and relax and enjoy the tropical grounds and scenic views of the West Maui mountains. Here it is intended for

residents to have convenient access to goods and services such as restaurants, cafes, or a farmer's market. Designed around the village green may be live-work residences, multi-family residences, and a mix of retail, business, entertainment, and personal service uses.

B. Main street. The purpose of the main street district is to create a second walkable town core to service Waikapu country town residents living east (makai) of Honoapiilani Highway. The district comprises a mix of retail, business, and personal service uses organized around a main street design typology that invites walking and bicycling. Development within the district may also include multi-family residences and live-work residences. The adopted main street design typology intends that buildings will front onto wide sidewalks with parking placed within the street right-of-way, within public parking lots, and on-site at the rear of buildings. It is intended that pedestrian-oriented street design and landscape planting provide natural cooling and shading of the streets and sidewalks within the district.

C. Commercial/employment. The purpose of the commercial/employment district is to establish an area for uses that deliver goods and services or create employment in the professional services, light manufacturing, warehousing, repair services, sales, and distribution sectors. The district may also accommodate neighborhood grocery stores or general merchandise stores that serve the Waikapu country town and the developing Waikapu trade area. The district is characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities.

D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market demands. Building types include single-family residential, duplex, triplex, fourplex, sixplex, or larger buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district include single-family small lot units, single-family large lot units, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, townhouses, and live-work units. The district is intended to accommodate residences that front onto aesthetically pleasing and pedestrian-oriented streets. The district may accommodate a variety of block types to accommodate a range of lot sizes. The district includes areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces emphasizes a landscape planting program and streetscapes.

E. Rural. The purpose of the rural district is to provide large residential lots at the boundary of the urban development to serve as a rural transition to the agricultural lands. It is intended that the rural lots include areas for personal or commercial flower and vegetable gardening, orchards, and the raising of chickens, horses, goats, and other types of livestock. It is intended that the clustering, arrangement, and layout of the rural lots is to preserve areas of common open space.

F. Education. The purpose of the education district is to provide a site for private or public education facilities to service the Waikapu country town population and neighboring communities.

G. Parks. The purpose of the parks district is to provide a variety of active and passive park spaces for use by Waikapu country town residents and the broader Waikapu community. It is intended that the design of Waikapu country town’s parks will address community needs at the neighborhood and community-wide scale and will include mini-parks, neighborhood parks, and community parks that offer a variety of facilities to support active and passive recreation uses. The parks district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

H. Open space. The purpose of the open space district is to preserve lands from development for the protection of environmental resources, cultural resources, public health and safety, and community livability and wellbeing. Lands within the open space district may include limited passive and active recreational activities, such as bikeways, trails, community gardens, areas for viewing natural and scenic resources, and areas set aside for picnicking and other passive recreation. The open space district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

19.96.070 Definitions, general and administrative.

Term	Definition
Complete community	A community that provides a diversity of housing types to serve a broad spectrum of income and age demographics and that provides a mix of residential, commercial, and civic uses in an environmentally sustainable manner to address resident needs.
Controlling plan	The land use plan that establishes the Waikapu country town’s zoning districts.

Term	Definition
Gross acres	The total acres of an area including land dedicated to the use, roadways, parks and open space, and undevelopable areas.
Net residential acres	The gross acres of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-of-way, and other undevelopable land within the site.
Net residential density	The total number of dwelling units to be developed at a specific site divided by the net residential acres.

19.96.080 Definitions, uses.

Term	Definition
Agricultural tourism	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.
Civic space	Public uses that serve a unique community purpose such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.
Common open space	Facilities and yard areas identified for the use and enjoyment of residents and maintained and operated by an organization of property holders. This does not include surface parking areas.
Cottage house	A single-family dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single-Family Cottage Complex Lot. Unenclosed decks and porches are not counted towards the floor area of the house. A cottage house is not an accessory dwelling.
Cultural tourism	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, arts, crafts, foods, architecture, language, history, and recreation.
Food, beverage, and merchandise kiosk	A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure located on

Term	Definition
	private property, and does not constrain or block safe pedestrian or automobile traffic.
Food processing	Facilities for the preparation of food products for regional distribution to retail, wholesale, and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large-scale food manufacturing and processing for off-site distribution and sales.
Funeral home	A building used for the preparation of the deceased for burial, and the display of the deceased, and rituals connected therewith before burial or cremation.
Outside open-air dining	A restaurant or food service establishment with tables, dining facilities, and activities that are open on at least three sides on a private property or on a private property sidewalk when the open-air dining is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open-air dining facility.
Outside open-air sidewalk sales	An outdoor area set aside for the display and sale of products and located on the private property provided the open-air sidewalk sales is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.
Radio and television broadcasting station	An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.
Repair, minor	Repair activities that have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids, and prosthetic devices; garment repair; household appliance repair, except those with gasoline and diesel engines; shoe repair; and watch, clock, and jewelry repair; and other similar activities as may be approved.
Telecommunication and broadcasting tower or antenna	A self-supporting lattice, guyed, or monopole structure that is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.

19.96.090 Types of uses and interpretation of terms and uses.

A. Types of uses. For the purposes of this chapter, there are three types of uses: principal use, accessory use, and special use as set forth in this Title. Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed, and is identified as a principal use or accessory use; meets all criteria identified for the use; and if it is identified as a use that requires a special use permit, said permit is obtained, and all conditions are complied with.

B. Interpretation of terms. If a definition or term exists in this zoning ordinance, but is defined in a different way in section 19.04.040 of this title, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance, then the definition set forth in section 19.04.040 of this title, shall apply.

C. Interpretation of uses. If a proposed use does not appear in the list of terms, or within the definitions of those terms, or is not defined elsewhere in this title, the director will conduct an administrative review of the proposed use, and based upon the characteristics of the use, determine if a listed or defined use is similar to that proposed; provided further that such use shall be consistent with the purpose and intent of the applicable zoning district, land use designation, and objectives and policies of the general plan.

D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C may be permitted as a principal use, accessory use, or special use by the director. In making a determination, the director must determine that the proposed use meets all of the following:

1. It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district.
2. It is compatible with the purpose and intent of that zoning district.
3. It is compatible with the purpose and intent of this ordinance.
4. It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.

19.96.100 Principal, accessory, and special uses. A. Within the town center, main street, and commercial/employment districts, the land uses identified in table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special

use (SU). A special use requires a special use permit.

Table 2A: Commercial mixed-use table

Land use type	Zoning Districts		
	Town center	Main street	Commercial/ employment
Commercial / retail / services			
Agricultural products processing <u>1/</u>	P	P	P
Agricultural tourism	P	P	P
Animal boarding facility <u>1/</u>	P	P	P
Animal hospital <u>1/</u>	P	P	P
Automobile services <u>1/</u>	P		P
Cultural tourism	P	P	
Day care facility	P	P	P
Eating and drinking establishments	P	P	P
Education, specialized	P	P	P
Entertainment establishment	P	P	P
Food and beverage retail <u>2/; 3/</u>	P	P	P
Food and beverage truck	P	P	P
Food, beverage and merchandise kiosk	P	P	P
Funeral home			P
General merchandising <u>2/; 3/</u>	P	P	P
General office	P	P	P
Nursery school	P	P	P
Outside open-air dining	P	P	P
Outside open-air markets	P	P	P
Outside open-air sidewalk sales	P	P	P
Parking, public	P	P	P
Personal and business services	P	P	P
Personal services establishment	P	P	P
Recreation, indoor	P	P	P
SBR service establishment	P	P	
Self-storage			P
Shopping center <u>3/</u>			P
Swap meet or open-air market	P	P	P
Employment			
Food processing	P	P	P
Light manufacturing and processing <u>1/</u>	P	P	P
Medical center, minor		P	P
Production facility, multimedia		P	P
Repair, minor		P	P
Storage, wholesale and distribution			P
Residential			
Boardinghouse <u>1/</u>	P	P	
Live/work mixed use	P	P	
Dwelling unit, duplex	P	P	
Dwelling unit, fourplex	P	P	

Land use type	Zoning Districts		
	Town center	Main street	Commercial/employment
Dwelling unit, multi-family (includes townhouses)	P	P	
Dwelling unit, townhouse	P	P	
Dwelling unit, triplex	P	P	
Cultural and entertainment			
Assembly area	P	P	P
Entertainment	P	P	P
Civic			
Open space	P	P	P
Park	P	P	P
Civic space	P	P	P
Public facilities and public quasi-public			
Fire station			SU
Library	P	P	P
Police		P	P
Post office 1/	P	P	P
Radio and television broadcasting station		P	P
Recycling collection center			P
Redemption center			P
Telecommunication and broadcasting tower or antenna		P	P
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Energy systems, small scale	AU	AU	AU
Home business 4/	AU	AU	AU
Accessory building or structure	AU	AU	AU
1/ Shall not be permitted within or adjacent to the town center's village green			
2/ Within the town center and main street districts gross floor area shall be limited to a maximum of 5,000 square feet on the subject lot.			
3/ Within the commercial/employment district gross floor area shall be limited to a maximum of 12,000 square feet on the subject lot. Shopping centers featuring multiple uses within multiple buildings on a single lot shall be limited to 24,000 square feet of combined floor area. Exceeding these standards shall require a special use permit.			
4/ Shall be subject to chapter 19.67.			

B. Within the residential and rural districts, the land uses identified in table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2B: Residential use table

Land use type	Zoning Districts	
	Residential	Rural
Assembly area <u>1/</u>	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse <u>2/</u>	P	P
Civic space	P	P
Day care facility <u>3/</u>	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land <u>4/</u>		P
Park	P	P
Parking area, public	P	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU
Home business <u>5/</u>	AU	AU
Accessory dwelling <u>6/</u>	AU	AU
Open space	AU	AU
Accessory building or structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
<u>1/</u> Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. <u>2/</u> Shall not have more than 5 bedrooms and not more than 5 boarders. <u>3/</u> For facilities serving more than 6 persons. <u>4/</u> As defined in section 19.04.040. <u>5/</u> Shall be subject to chapter 19.67. <u>6/</u> Shall comply with the provisions of Maui County code chapter 19.35. The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.		

C. Within the education, parks, and open space districts the land uses identified in table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A

special use shall require the issuance of a special use permit.

Table 2C: Civic use table

Land use type	Zoning Districts		
	Education	Parks	Open space
Civic			
Civic space	P	P	P
Education, general	P		
Education, specialized	P		
Park	P	P	
Recreation, passive	P	P	P
Public facilities and public quasi-public			
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Accessory building or structure	AU	AU	AU

D. Commercial water bottling is not allowed in Waikapu country town.

19.96.110 Permitted lot types. A. Land uses permitted within each zoning district shall be located on lots that are compatible with the purpose and intent of the zoning district as well as the desired urban design standards for each lot type.

B. An owner proposing development of an area within Waikapu country town shall submit for director approval a proposed neighborhood plan that is consistent with the controlling plan, delineates the lots to be subdivided, and designates the lot type for each lot. The proposed plan shall be submitted to the director prior to or concurrent with an application for subdivision.

19.96.120 Lot types.

Lot Type	Description
Civic building	A lot located and designed to accommodate public or quasi-public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.
Civic space	A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.
Commercial/retail/	A lot located and designed for a building that

Lot Type	Description
employment	accommodates a single or a mix of commercial, retail, and employment uses.
Commercial and residential	A lot designed to accommodate an attached or detached building with both residential and commercial uses, which may occupy any story of the building.
Duplex	A lot designed to accommodate a detached building that accommodates two dwelling units.
Light industrial	A lot located and designed for light manufacturing and processing uses.
Multi-plex	A lot located and designed to accommodate a detached building that contains from three to six dwelling units.
Multi-family complex lot	A lot located and designed to accommodate multiple multi-family buildings arranged in a manner that creates a garden-like setting with common open space elements and buildings significantly set back from the street to create ample space for canopy shade trees and a visually attractive streetscape.
Multi-family courtyard lot	A lot located and designed to accommodate multi-family buildings and multi-plexes arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
Parking	A lot designed to provide off-street parking.
Rural	A rural residential lot that is intended to provide opportunities for a rural lifestyle that may also entail small-scale agriculture and animal husbandry, gardening, or passive open space qualities.
Single-family cottage complex lot	A lot located and designed to accommodate multiple cottage houses with the houses arranged in a manner that creates a garden-like setting with shared parking areas, common open space elements, pedestrian paths, and other community facilities.
Single-family green court	A lot located and designed to accommodate multiple cottage houses, single-family, and duplex houses arranged around and fronting onto a central garden or courtyard that may be partially or wholly open to the street.
Single-family large lot	A single-family lot designed to accommodate a single-family dwelling with larger front, side, and rear yard setbacks and additional land area for yards, pools, and other permitted accessory uses.
Single-family small lot	A single-family lot designed to accommodate a single-family dwelling, but not providing additional land area for larger front and rear yards, pools, and other accessory uses.

Lot Type	Description
Townhouse	A lot designed to accommodate a row of dwelling units that share a common sidewall with another single-family dwelling unit on an adjacent lot.

19.96.130. Lot types in zoning districts. A. Table 3 identifies the lot types permitted within each of the established zoning districts.

B. For land uses permitted through special or conditional permit processes, the director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Lot Types Permitted in Zoning Districts

LOT TYPE	ZONING DISTRICTS							
	TOWN CENTER	MAIN STREET	COMMERCIAL / EMPLOYMENT	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
Civic building	•	•	•			•	•	
Civic space	•	•	•	•	•	•	•	•
Commercial/retail/employment	•	•	•					
Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Townhouse	•	•		•				

19.96.140 Lot type development standards. Development standards that regulate lot sizes and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in table 4. Figure 2, A through P¹ illustrates the lot type development standards.

Table 4: Lot type development standards

	Lot Area (Min/Max In SF)	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Civic space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic building	6,000 / no max	60 / no max	N/A	45	N/A	15/ no max	15	10	N/A
Commercial/ retail/ employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Commercial and residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light industrial	6,000 / no max	60 / no max	NA	35	N/A	10/ no max	6	6	60
Multi-plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-family complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-family courtyard	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	12 / no max	4	4	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-family cottage complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-family green court	1,650 / no max	N/A	N/A	30	Alley	5 / 15 ³	5	6	60
Single-family large lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ⁴ or Secondary Street	5 / 20	6	6	40

¹ Architectural imagery is intended for illustrative purposes only.

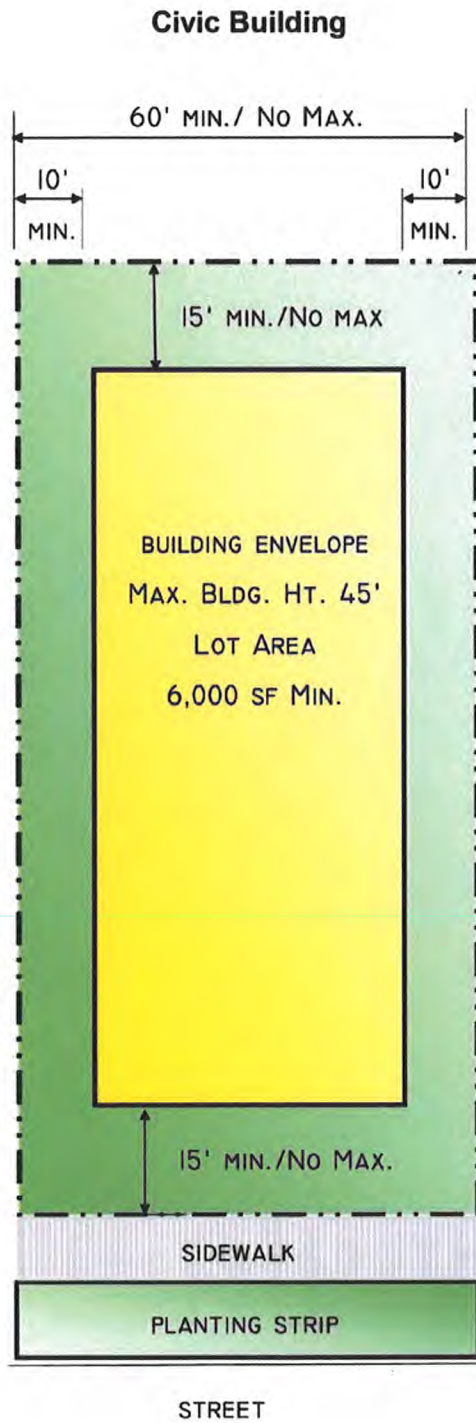
² Calculated as building length at front setback divided by length of front lot line.

³ Setback applicable to portion of the building fronting upon the street.

	Lot Area (Min/Max In SF)	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Single-family small lot	2,800 – 6,499	24 / no max	N/A	30	Alley ⁵ , Side Drive, Front Entry Drive ⁶ or Secondary Street	5 / 15	5	0	60
Townhouse lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

⁵ Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet.

Figure 2, A: Civic Building



Neighborhood Block & Lot Example



Figure 2, B: Civic Space

Civic Space Lot

A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

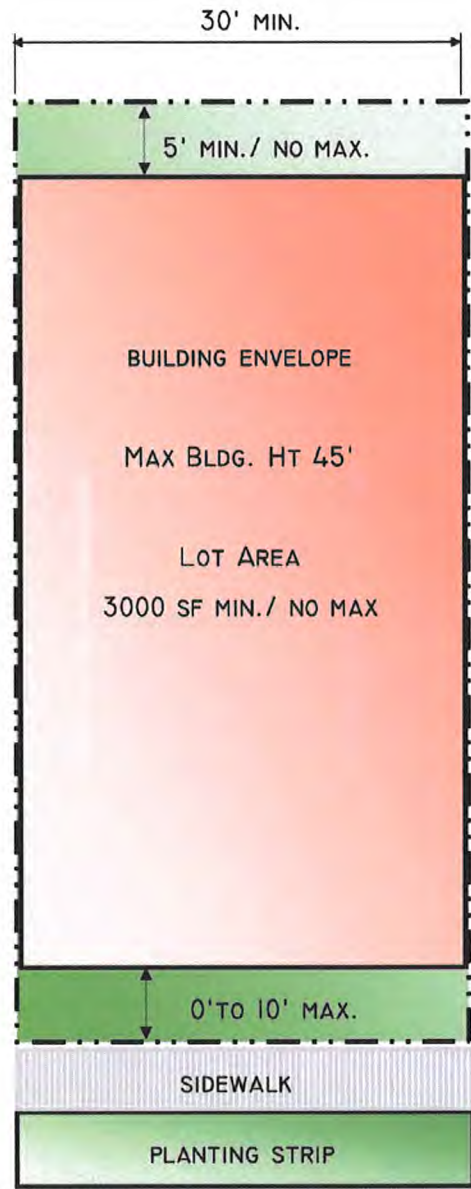
There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

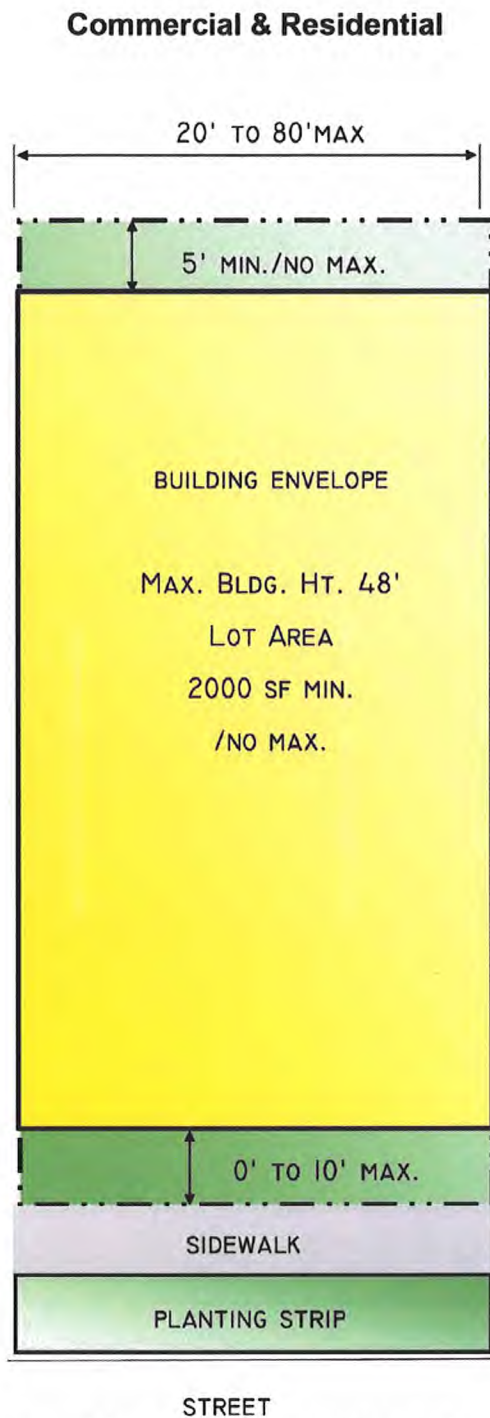


1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, D: Commercial & Residential

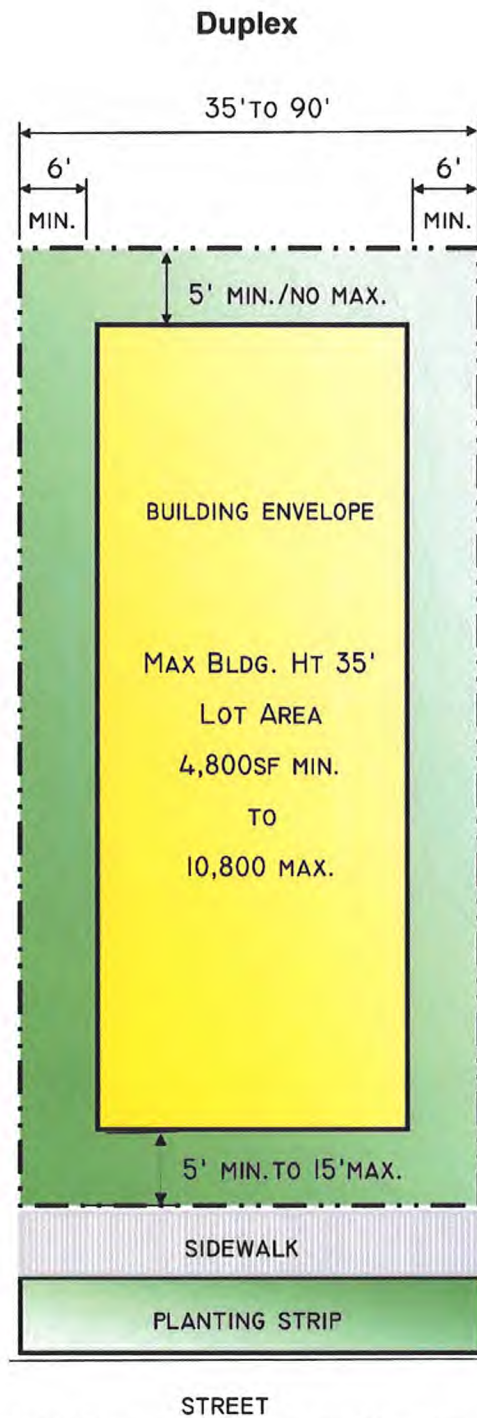


Neighborhood Block & Lot Example



1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Figure 2, E: Duplex



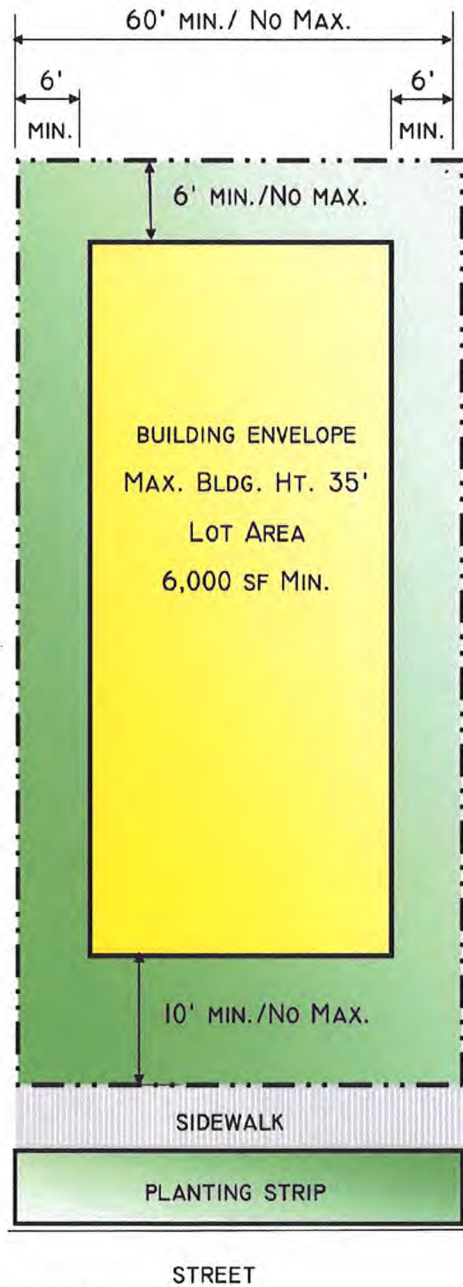
1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, F: Light Industrial

Light Industrial



1. Minimum street frontage is 60%

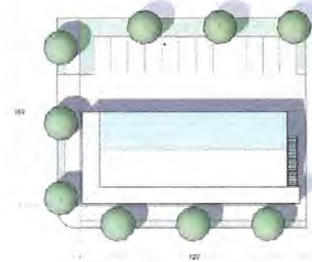
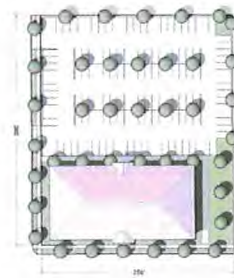
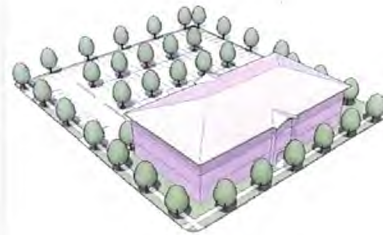
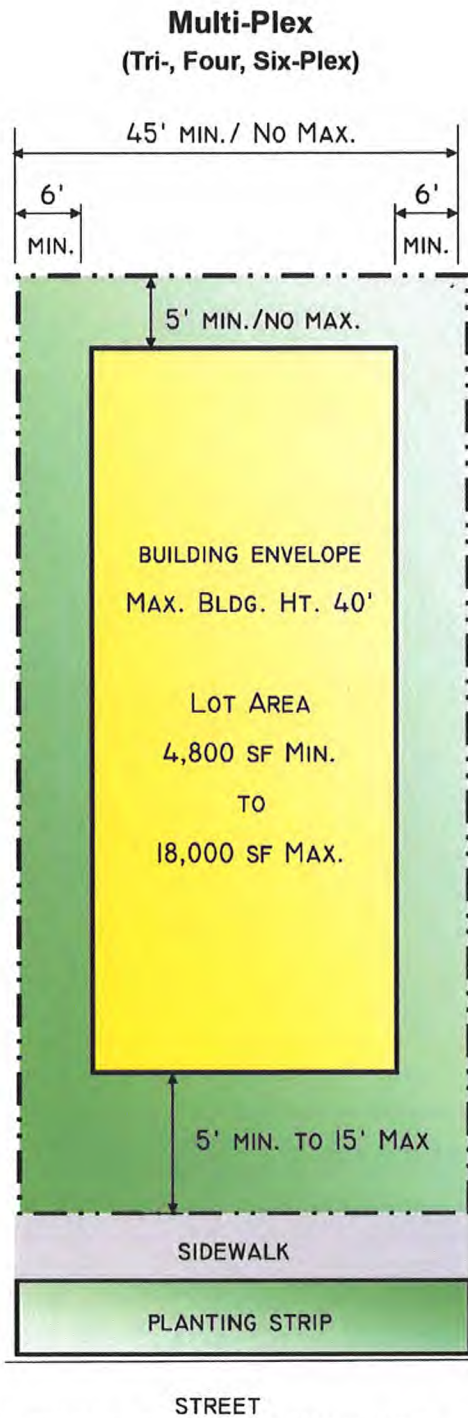


Figure 2, G: Multi-Plex

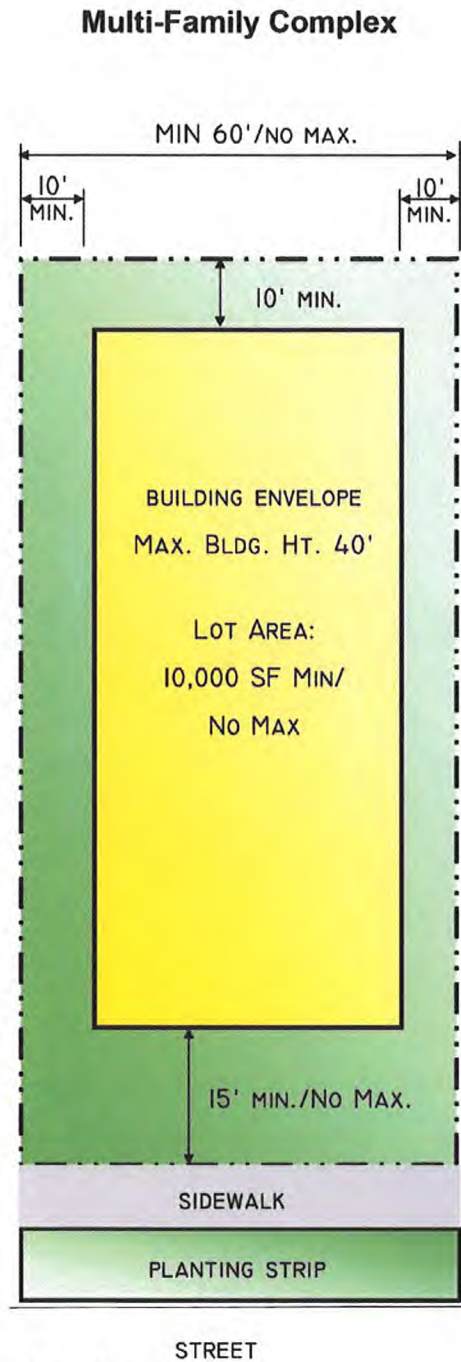


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples



Figure 2 H, b: Multi-Family Complex

Multi-Family Complex



Neighborhood Block & Lot Examples



The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior of the lot and the buildings oriented towards a common open space and the primary street (3) and (4). All multi-family complex lots are required to locate surface parking within the interior of the lot and it is to be screened from the adjoining roadways by landscape planting. Setback areas along primary and secondary streets are to provide professionally designed and maintained landscape planting to create a garden like setting.



Figure 2, I: Multi-Family Courtyard



1. Parking access is by alley, side drive, or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

Neighborhood Block & Lot Examples



Figure 2, J: Parking

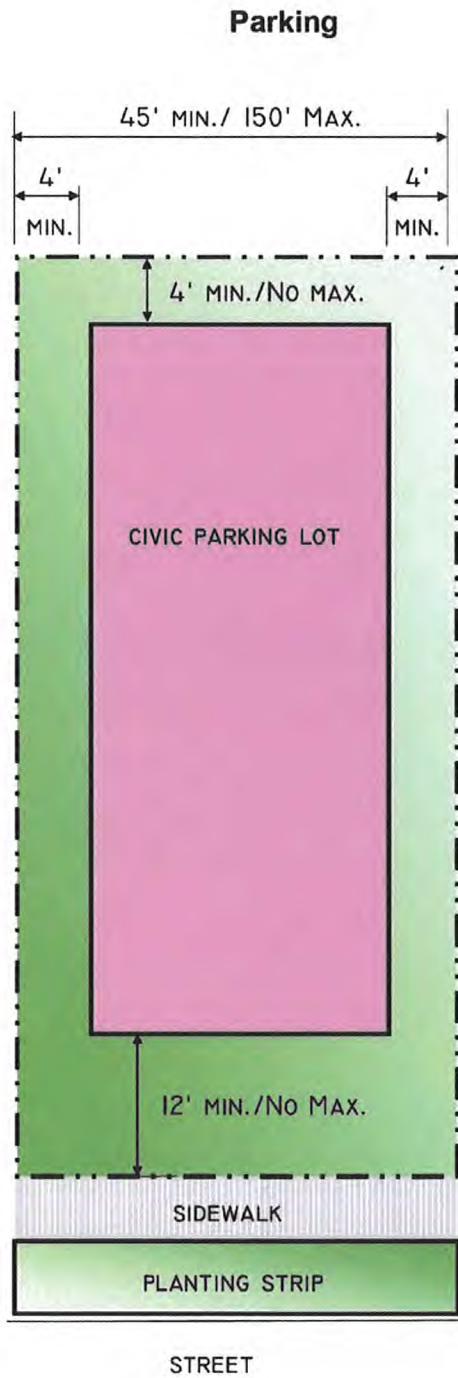
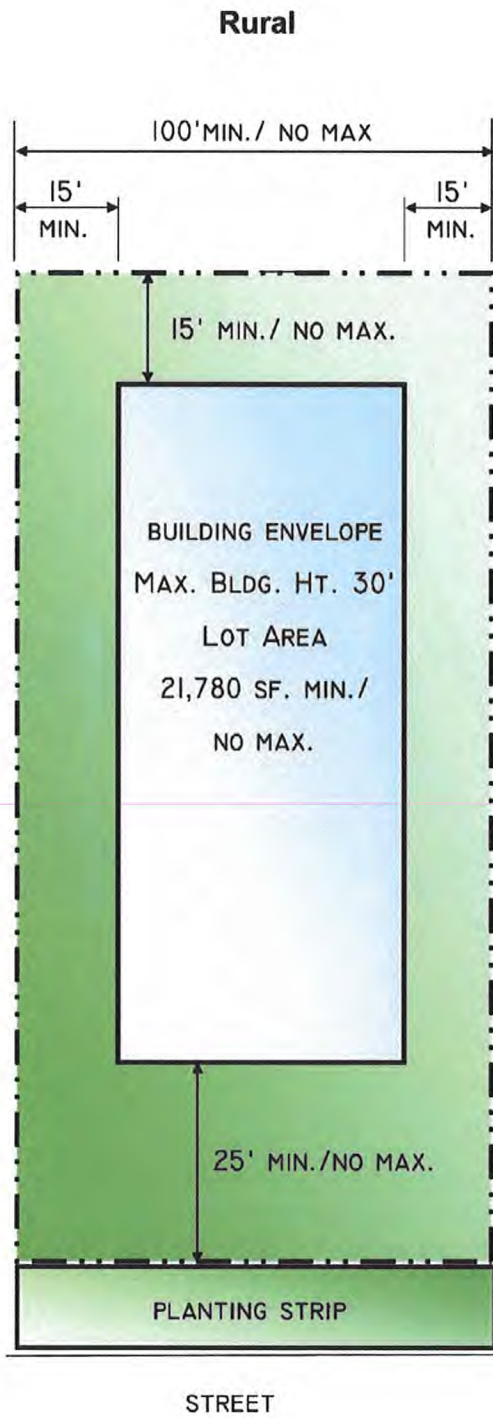


Figure 2, K: Rural



Neighborhood Block & Lot Example

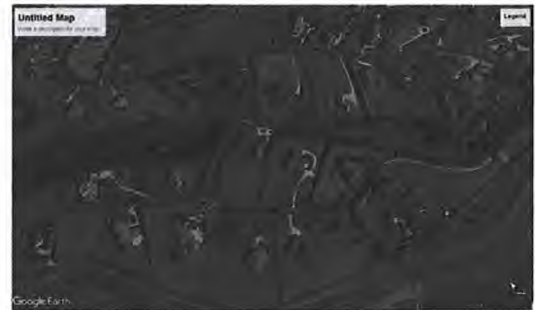
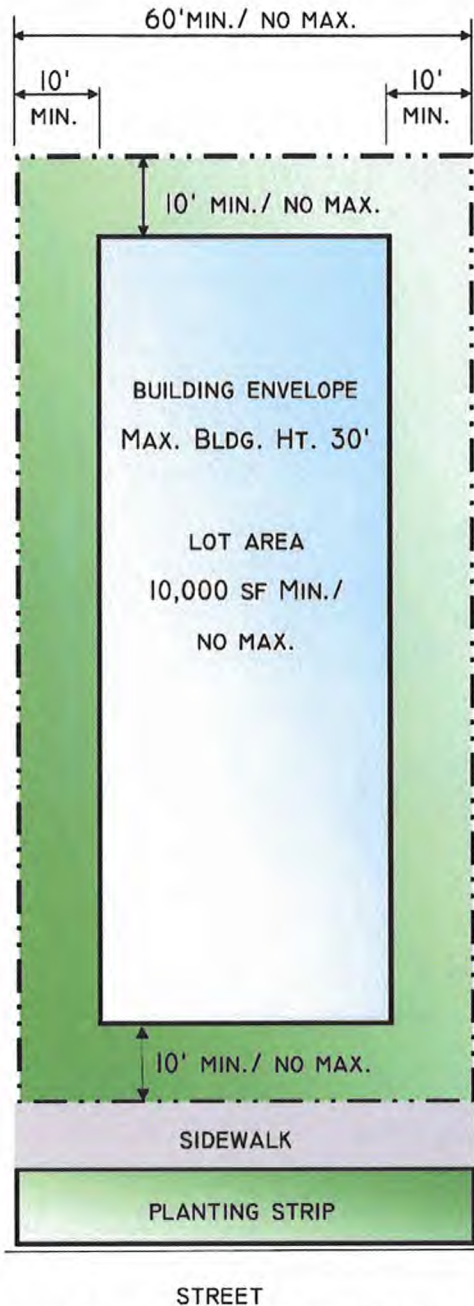


Figure 2, L: Single-Family Cottage Complex

Single-Family Cottage Complex



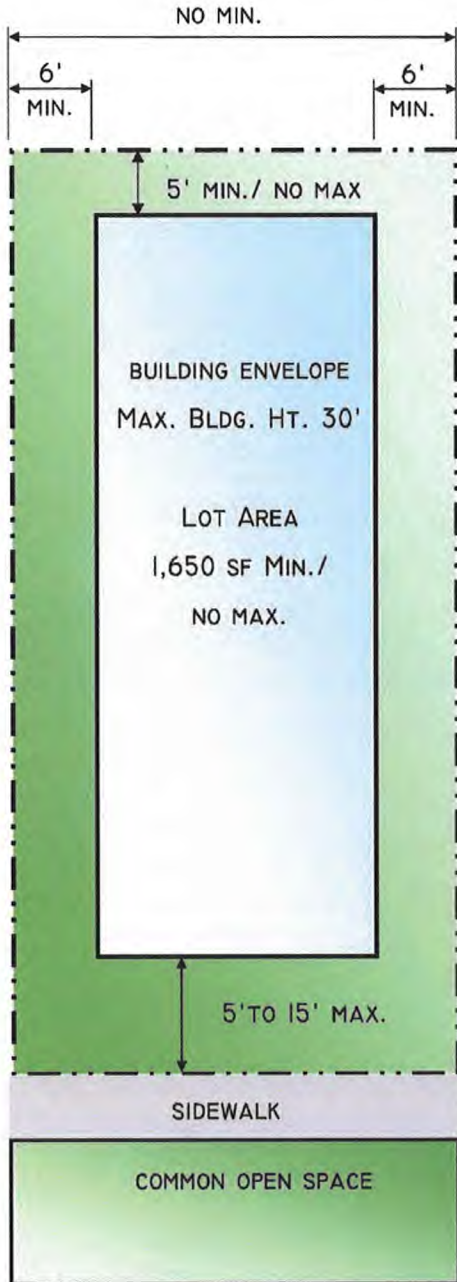
1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court

Single-Family Green Court

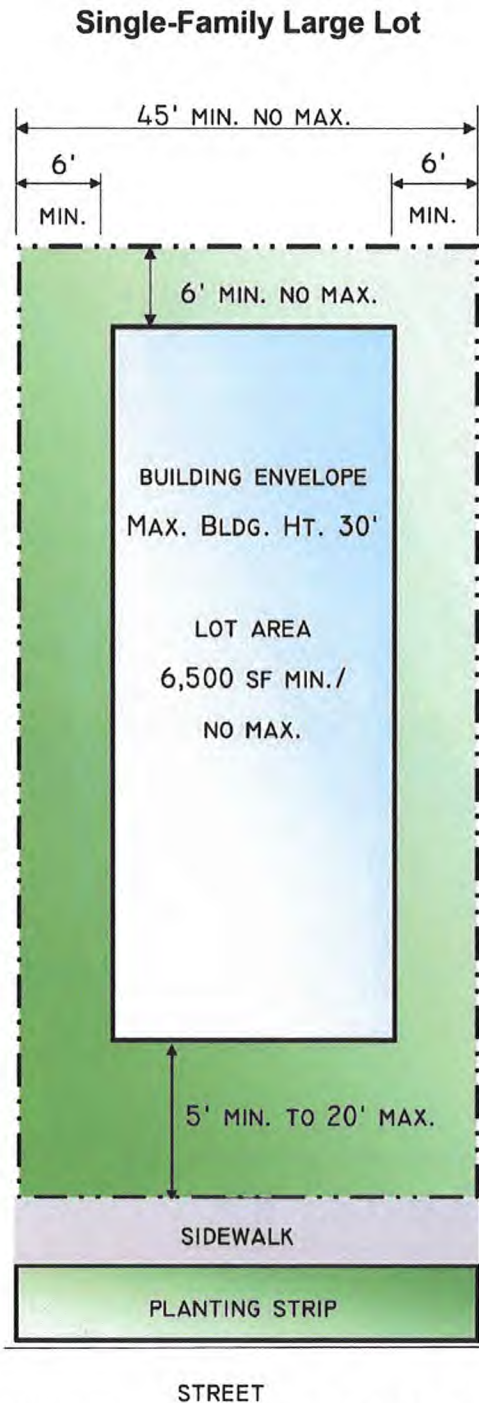


Neighborhood Block & Lot Example



1. Parking access is by alley
2. Front setback applicable to portion of building fronting upon the street
3. Minimum street frontage is 60%

Figure 2, N: Single-Family Large Lot

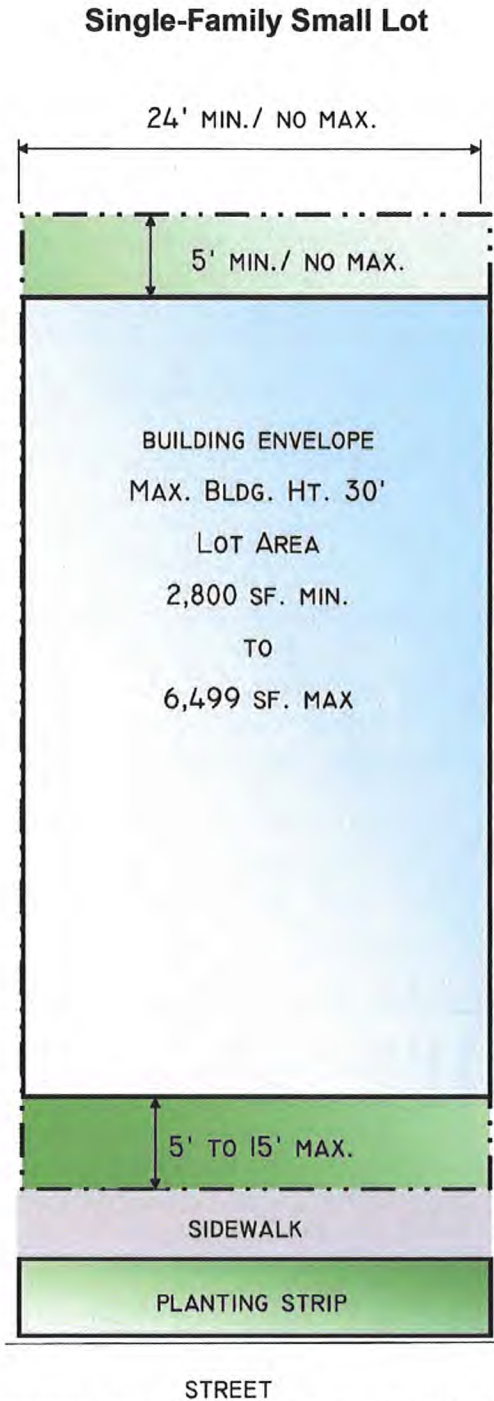


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

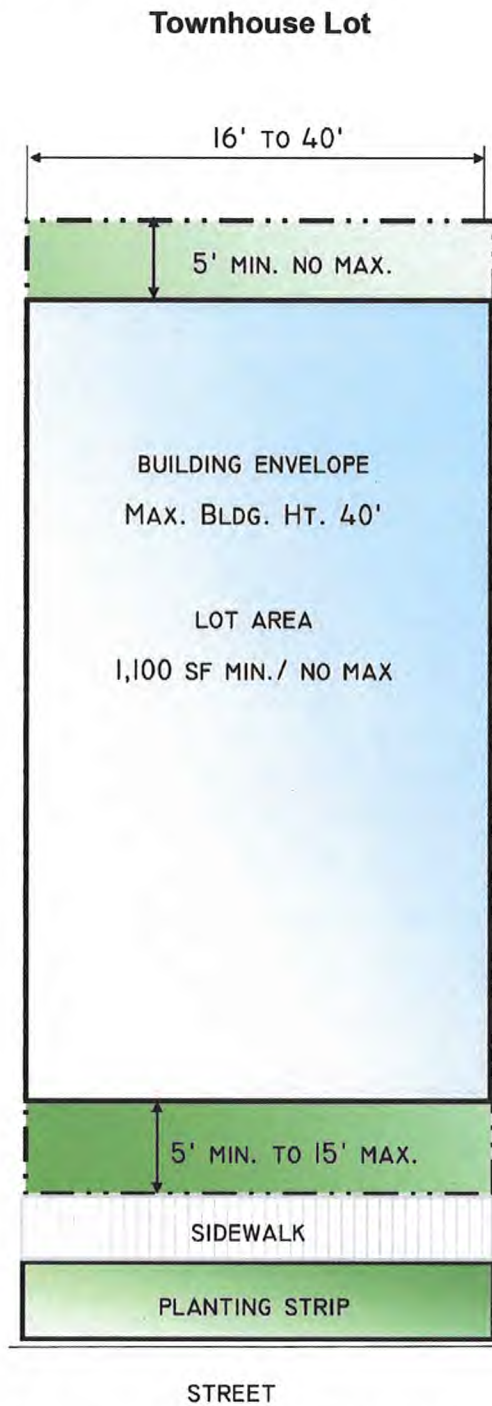


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
3. Minimum street frontage is 60%

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



19.96.150 Parking standards. Chapter 19.36B does not apply to the Waikapu country town.

19.96.160 Additional standards for all districts. A. Any tract of land or project site within the Waikapu country town for which development is sought shall be subject to any applicable statute, ordinance, rule, or regulation.

B. A dwelling or dwelling unit shall not be used for fractional ownership or as a transient vacation rental, time-share unit, short-term rental home, or bed and breakfast home.

19.96.170 Subdivision review. Before issuance of a final subdivision approval, the director shall review the subdivision to ensure the cohesive implementation of the following elements of the Waikapu country town: illustrative parks and open space plan; non-motorized pedestrian and bicycle network; and traffic calming elements within the Waikapu country town's roadways. These elements shall be generally consistent with the Waikapu country town design guidelines on file with the department at the time this ordinance is adopted.

19.96.180 Administrative rules. The director may adopt rules to implement the provisions of this chapter.”

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

pslu:misc:030abill02d:jgk/jsr