

ORDINANCE NO. 2053

BILL NO. 70 (1991)

A BILL FOR AN ORDINANCE TO ESTABLISH  
WAILUKU-KAHULUI PROJECT DISTRICT 3 ZONING  
(CONDITIONAL ZONING) FOR PROPERTY  
LOCATED AT WAILUKU, MAUI, HAWAII


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

SECTION 1. Pursuant to Chapters 19.42 and 19.45 of the Maui County Code, Wailuku-Kahului Project District 3 Zoning (conditional zoning) is hereby established, subject to Section 2 of this ordinance, for those certain parcels of land located at Wailuku and Waikapu, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Numbers 3-4-07:2, 3-5-01: Portion of 1, and 3-5-01: Portion of 17, comprised of approximately 547.256 acres, more particularly described in Exhibit "A", which is attached hereto and made a part hereof, and in Land Zoning Map No. L-409, which is on file in the Office of the County Clerk of the County of Maui and which is by reference made a part hereof.

SECTION 2. Pursuant to Section 19.42.060 of the Maui County Code, the zoning established by this ordinance shall be subject to the conditions set forth in Exhibit "B", which is attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, which is attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
ROBERT K. KEKUNA, JR.  
Deputy Corporation Counsel  
County of Maui  
waiaq/ords/c(cs)

RECEIVED AT LU MEETING ON 7/18/18

from LU  
Committee  
Cher Carroll

CONDITIONS

Pursuant to Section 19.42.060 of the Maui County Code, the zoning established by this ordinance is subject to the following conditions:

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 Hawaii;

| <u>Income Range</u>           | <u>%</u>   |
|-------------------------------|------------|
| 51% to 65% of median income   | 5%         |
| 66% to 80% of median income   | 10%        |
| 81% to 120% of median income  | 15%        |
| 121% to 140% of median income | <u>20%</u> |
| TOTAL                         | 50%        |

Affordable housing units shall be allocated between Project Districts 2 and 3, to avoid undue concentration of any particular housing type or category in either project;

This condition may be fulfilled through construction and distribution of units in the Property or through other projects within the same Community Plan District as the Property, under such terms as may be mutually agreeable, between Petitioner and the Housing Finance and Development Corporation of the State and the County of Maui.

This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation and the County of Maui, through construction of rental units to be made available at rents which families in the specified income ranges can afford.

EXHIBIT "B"

In addition, Petitioner may obtain the special credit, as determined by the Housing Finance and Development Corporation and the County of Maui, for the provision of more than ten percent (10%) of the total units of housing affordable to persons with income less than eighty percent (80%) of Maui's median income and for the provision of housing for special needs groups, as determined by the Housing Finance and Development Corporation and the County of Maui.

Insofar as possible, the Petitioner shall implement this affordable housing requirement concurrently with the completion of market priced units for the residential project. The determination of median income, as the term is used in this condition, shall be based on median income figures published by the United States Department of Housing and Urban Development at the time that construction of such housing units is commenced.

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. 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;
  - 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 Honoapiilani Highway with the Project District in conformance to the requirements of the Highways Division of the Department of Transportation of the State of Hawaii 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;
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, provided that;
- a. No building permits will be issued for any structures mauka of Honoapiilani Highway until a construction contract has been executed and notice to proceed with construction has been issued for

Waiale Drive, from Kaohu Street to Honoapiilani Highway, and the extension of Mahalani Street, from the vicinity of the Maui Memorial Hospital to Waiale Drive.

5. The applicant shall participate in drainage improvements required by the drainage master plans and Director of Public Works of the County of Maui. In addition, the applicant shall fund an independent drainage study to be done by an independent consultant chosen by the Director of Public Works to verify the representations of the applicant regarding the proposed on-site disposal and over flow connection system which the applicant proposes to connect to the wastewater reclamation facilities or collection systems;
6. The applicant shall connect to the new Central Maui Wastewater Reclamation Facility or expanded Wailuku Wastewater Reclamation Facility, if and when capacity is available. In addition, the applicant shall conform to any impact fees assessed by the County of Maui pertaining to construction and expansion of wastewater reclamation facilities or collection systems;
7. The applicant shall provide its fair and equitable share of park improvements generated by the project as is deemed necessary by the Director of Parks and Recreation of the County of Maui. The applicant's participation shall include, but shall not be limited to, the dedication of land in fee simple, free and clear of all encumbrances, for park use and a community center site for use by the community;
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 Hawaii 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
9. The applicant shall enter into and execute appropriate agreements with the appropriate agencies of the State of Hawaii 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 Hawaii upon their execution.