

prior to installing either a 4-way stop or traffic signal.

11. That Maui Land & Pineapple Company, Inc. shall notify all prospective buyers and/or lessees of the property of potential adverse impacts of aircraft and airport activity from the adjacent Kapalua-West Maui Airport, including but not limited to noise, right of flight, emissions, vibrations, and other incidences of aircraft operations. Maui Land & Pineapple Company, Inc., shall provide covenants in the deed to initial purchasers releasing the County of Maui, State of Hawaii and the United States Government from all liability related to aircraft and airport activity from the adjacent Kapalua-West Maui Airport, including but not limited to noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.
12. That Maui Land & Pineapple Company, Inc., shall plan and prepare for lateral roadway connections from the Property to adjoining lands in cooperation with the respective neighboring landowners to provide potential alternate roadway routes to improve transportation capabilities in the area.
13. That the two 5-acre parks within Pulelehua shall be privately owned, maintained and dedicated for public use. The two 5-acre parks shall be developed to the satisfaction of the Department of Parks and Recreation in fulfillment of the Park Dedication ordinance.
14. That all other park sites within Pulelehua serving community, recreational, and neighborhood use shall be privately owned and maintained.
15. That Maui Land & Pineapple Company, Inc. designate and offer for sale to the County of Maui, at agricultural land rates, a 50-acre park site presently identified in the West Maui Community Plan at an alternate site mauka of the Honoapiilani Highway and along the Honoapiilani Highway in the vicinity of residential uses. The 50-acre park site shall be determined during the Community Plan Update process, provided that the park site not be located mauka of the Kapalua West Maui Airport.
16. That Maui Land & Pineapple Company, Inc. shall construct a private wastewater treatment plant, as approved by the Department of Health in the event the County of Maui's Lahaina Wastewater Reclamation Facility ("LWWRF") does not have the capacity or cannot be expanded to service Pulelehua. If Maui Land & Pineapple Company, Inc.

ORDINANCE NO. 3889

BILL NO. 64 (2011)
DRAFT 1

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO WEST MAUI PROJECT
DISTRICT 5 (PULELEHUA) (CONDITIONAL ZONING) FOR PROPERTY
SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII

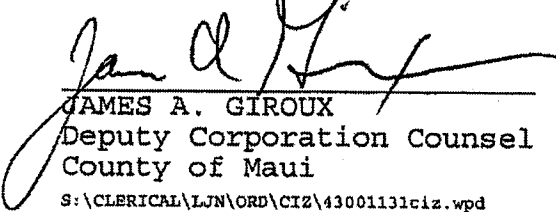
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.45 and 19.510, Maui County Code, a change in zoning from Agricultural District to West Maui Project District 5 (Pulelehua) (Conditional Zoning) is hereby granted for that certain parcel of land situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 4-3-001:082, of which 153.207 acres are contained in Lot 1, more particularly described in Exhibit "A", attached hereto and made a part hereof, and Tax Map Key Number (2) 4-3-001:083, of which 151.048 acres are contained in Lot 2, more particularly described in Exhibit "B", attached hereto and made a part hereof, comprising approximately 304 acres, and as shown in Land Zoning Map No. L-992, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "D".

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

APPROVED AS TO FORM AND LEGALITY



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 64 (2011), Draft 1

RECEIVED

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1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 4th day of November, 2011, by the following vote:

OFFICE OF THE MAYOR

Dennis A MATEO Chair	Joseph PONTANILLA Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 4th day of November, 2011.

DATED AT WAILUKU, MAUI, HAWAII, this 4th day of November, 2011.

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 18 DAY OF November, 2011.

ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3889 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on October 21, 2011.
Effective date of Ordinance November 18, 2011

RECEIVED

2011 NOV 18 AM 10:18

OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3889, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui