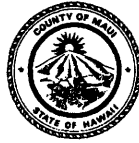


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Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 2, 2018

Ms. Michele Chouteau McLean, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Ms. McLean:

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

On May 18, 2018, the Council adopted the recommendations in Budget and Finance Committee Report 18-79, as amended, referring to the Land Use Committee the matter relating to the Waiale Road Extension Project (CBS-1069).

The item was referred to the Committee to clarify the party obligated to assume the costs of extending Waiale Road. In the attached correspondence from the Chair of the Budget and Finance Committee to the Department of the Corporation Counsel, dated April 16, 2018, the following question was posed:

“As it relates to the Waiale Road Extension capital improvement project, under the Department of Public Works (CBS-1069 on page 800 of the Program Budget), is there an obligation by any private party to fund this project?”

Ordinance 2053 (1991), Condition 3(a), is referenced as a potential source of funding for the improvement. For your ease of reference, the relevant page of Ordinance 2053 (1991) is attached.

Given your Department's role in enforcing conditions of zoning and accounting for current individuals/entities responsible for compliance with conditions of zoning, please explain whether a private party is obligated to assume the costs of executing the Project. If a private party is responsible, please disclose the entity in your response.

Ms. Michele Chouteau McLean
July 2, 2018
Page 2

May I request your response by **July 9, 2018**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Alec Wagner at ext. 7662, or Rayna Yap at ext. 8007).

Sincerely,



ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:058apl01:ajw

Attachment

2017-0093

RECEIVED
CORPORATION COUNSEL

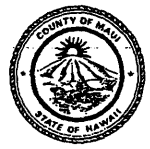
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April 16, 2018

MEMO TO: Patrick K. Wong
Corporation Counsel

F R O M: Riki Hokama, Chair *Riki Hokama*
Budget and Finance Committee

SUBJECT: **FISCAL YEAR ("FY") 2019 BUDGET** (CC-8) (BF-1)

As it relates to the Waiale Road Extension capital improvement project, under the Department of Public Works (CBS-1069 on page 800 of the Program Budget), is there an obligation by any private party to fund this project? Please explain. See item 3.a. on page 2 of Exhibit "B" of Ordinance 2053 (1991), attached for your reference.

I would appreciate receiving a response by **April 19, 2018**, to assist the Committee in reviewing the FY 2019 Budget. To ensure efficient processing, please duplicate the coding in the subject line above for easy reference.

Should you have any questions, please contact me or the Committee staff, Michele Yoshimura (ext. 7663), Shelly Espeleta (ext. 7134), Maggie Clark (ext. 7661), or Yvette Bouthillier (ext. 7758), at your earliest convenience.

bf:2019bgt:180415acc03:mcc

Attachment

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

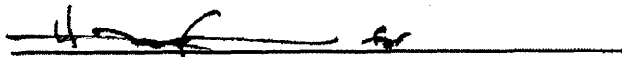
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

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
waiag/ords/c(cs)

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