

# Resolution

No. 23-106

REFERRING TO THE MAUI PLANNING  
COMMISSION A PROPOSED BILL TO AMEND THE STATE LAND USE  
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO  
URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT)  
FOR 9.798 ACRES SITUATED AT WAIEHU, MAUI, HAWAII,  
TAX MAP KEY (2) 3-3-001:106

WHEREAS, the Council is considering a proposed bill to amend the State land use district classification from agriculture district to urban district for certain real property situated in Waiehu, Maui, Hawaii, identified for Real Property Tax purposes as Tax Map Key (2) 3-3-001:106, comprising 9.798 acres for purposes of developing a 100 percent affordable housing (rental) project; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:


1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 9.798 ACRES SITUATED AT WAIEHU, MAUI, HAWAII, TAX MAP KEY (2) 3-3-001:106" a copy of which is attached as Exhibit "1," to the Maui Planning Commission for appropriate action, in accordance with Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible, but no later than 120 after a final public hearing; and
3. That certified copies of this Resolution be transmitted to the Mayor, Maui Planning Commission, and the Planning Director.

**Resolution No. 23-106**

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins  
MIMI DESJARDINS  
Deputy Corporation Counsel  
LF 2021-1056  
2023-02-10 Hale Mahaolu DBA Reso

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2022)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT  
CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL  
BOUNDARY AMENDMENT) FOR 9.798 ACRES SITUATED AT WAIEHU, MAUI, HAWAII, TAX  
MAP KEY (2) 3-3-001:106

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District Classification is reclassified from the Agricultural District to the Urban District (Conditional Boundary Amendment) for that certain land situated at Waiehu, Maui, Hawaii, identified for real property tax purposes by tax map key (2) 3-3-001:106, containing a total of 9.798 acres, and more particularly described in **Exhibit "A"**, attached hereto and made a part hereof, and in District Boundary Amendment Map \_\_\_\_, attached hereto as **Exhibit "B"** and made a part hereof.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification 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 of Conditions for State Land Use District Boundary Amendment, 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:

\_\_\_\_\_  
Department of the Corporation Counsel

County of Maui

**EXHIBIT A.**

**Land Use Commission Letter Dated  
June 24, 2021 and Description of Property**



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

June 24, 2021

Harrison Herzberg  
Project Analyst  
Highridge Costa Housing Partners  
330 West Victoria Street  
Gardena, CA 90248-3527

Dear Mr. Herzberg,

Subject: BOUNDARY INTERPRETATION No. 21-02  
Tax Map Key No.: 3-3-001: 106,  
Paukukalo, Waiehu, Wailuku, Maui, Hawaii

Pursuant to your letter dated February 23, 2021, requesting a boundary interpretation for the subject parcel and your survey map, dated June 09, 2021.

The State Land Use (SLU) Urban / Agricultural District Boundaries are based on the Commission's records, your survey map, and the official maps currently on file at our office. We especially reviewed the current SLU District Boundaries Map M-5, Wailuku Quadrangle, dated December 20, 1974.

Enclosed for your reference is your survey map entitled, "*NSPS / ALTA Land Title Survey, Lot 1-C of the Paukukalo, Large Lot Subdivision (Subdivision No. 3.1744)*" with the certified location of the SLU Agricultural / Conservation District Boundaries. Should you require clarification or further assistance, please feel free to call Fred Talon at 808.587.3822.

Sincerely,

DANIEL E. ORODENKER  
Executive Officer

Enclosures

- c Michele Chouteau McClean, Director, Department of Planning, County of Maui, (w/enclosures)
- John Rapacz, Administrator, Zoning Administration & Enforcement Division, County of Maui (w/enclosures)
- Dawn Matney, Real Property Tax Supervisor, County of Maui (w/enclosures)
- Bill Medeiros, GIS Coordinator, County of Maui (w/enclosures)





## AGRICULTURAL STATE LAND DISTRICT AREA

**Being a portion of Land Commission Award 8559-B, Apapa 20 to William C. Lunalilo,  
and a portion of Grant 3343 to Claus Spreckels  
being also a portion of Lot 1-C of the Paukukalo Large Lot Subdivision  
Subdivision File No. 3.1744**

at  
Waiehu, Wailuku, Maui, Hawaii

Beginning at the Southeast corner of this parcel, also being the Northeast corner of Lot 1-B, being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunailo, and a portion of Grant 3343 to Claus Spreckels, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 11,352.04 feet North, 887.43 feet West and running by azimuths measured clockwise from true South:

- |    |              |              |   |
|----|--------------|--------------|---|
| 1. | 10° 44'      | 413.27 feet  | along Lot 1-B, being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunailo, and a portion of Grant 3343 to Claus Spreckels; |
|    |              |              | thence along Kahekili Highway, on a curve to the right, with a radius of 1800.00 feet, the chord azimuth and distance being                     |
| 2. | 198° 44' 43" | 110.24 feet; |   |
| 3. | 200° 30'     | 1664.46 feet | along the same;   |
|    |              |              | thence along the same, on a curve to the right, with a radius of 1050.91 feet, the chord azimuth and distance being                             |
| 4. | 203° 46' 15" | 119.92 feet; |   |
| 5. | 297° 02' 30" | 18.97 feet   | along the same;   |
| 6. | 207° 02' 30" | 150.00 feet  | along the same;   |
| 7. | 297° 02' 30" | 20.00 feet   | along the same;   |

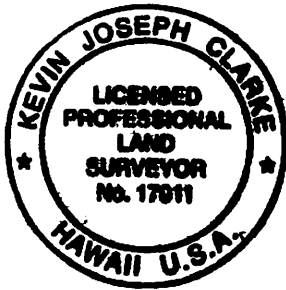


8. 207° 02' 30" 12.11 feet along the same;  
  
thence along the same, on a curve to the left, with a radius of 776.20 feet, the chord azimuth and distance being
9. 203° 11' 30" 104.24 feet;
10. 282° 46' 30" 111.07 feet along Waiehu Beach Road;
11. 12° 46' 30" 43.44 feet along Lots 81 of the Waiehu Heights Subdivision Unit II (File Plan No. 1567), being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo;
12. 323° 18' 20" 28.89 feet along the same;
13. 22° 28' 45" 1427.95 feet over 1-C of the Paukukalo Large Lot Subdivision, being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo, and a portion of Grant 3343 to Claus Spreckels;
14. 18° 13' 30" 222.62 feet along Lots 59, 58, and 57 of the Waiehu Heights Subdivision Unit II (File Plan No. 1567), being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo and Lot 157 of Waiehu Heights Subdivision (File Plan No. 1482), being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo;
15. 347° 51' 40" 73.62 along Lot 157 of Waiehu Heights Subdivision (File Plan No. 1482), being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo;
16. 349° 07' 40" 176.08 feet along the same;
17. 348° 11' 30" 135.68 feet along Lot 157 of Waiehu Heights Subdivision (File Plan No. 1482), being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo and Lot 92 Waiehu Heights Subdivision III (File Plan No. 1715)

being a portion of Land Commission Award 8559-B,  
Apana 20 to William C. Lunalilo;

18. 353° 25' 30"

88.66 feet along Lot 93 Waiehu Heights Subdivision III (File Plan  
No. 1715) being a portion of Land Commission Award  
8559-B, Apana 20 to William C. Lunalilo to the point of  
beginning and containing an area of 9.798 acres;



Kevin J. Clarke  
Licensed Professional Land Surveyor  
Certificate No. 17011-LS  
Exp. 04/2022

05/29/2021

TOPO Ke Kahua (SLU Ag)  
File 20-0559

**EXHIBIT B.**

**District Boundary Amendment Map from  
Agricultural District to Urban District**

TO BE COMPLETED BY COUNTY OF MAUI

## **EXHIBIT C.**

### **Council Chapter 2.97 Resolution Conditions**

TO BE COMPLETED BY COUNTY OF MAUI

**EXHIBIT D.**

**Unilateral Agreement and Declaration of  
Conditions for District Boundary  
Amendment**



DRAFT

TO BE COMPLETED BY COUNTY OF MAUI