

**BILLS 28 AND 29**

**WAIKAPU COUNTRY TOWN**

**PUBLIC PRIVATE PARTNERSHIP  
AGREEMENT**

**&**

**CONTROLLING PLAN AMENDMENT**

# Waikapu Country Town

- 1433 Unit
  - 500 RWHUs (with the PPP)
    - 212 Multi-Family Rental Units
    - 213 Single-Family For-Sale Units
    - 75 Multi-Family Units (TBD)
  - 933 Market Units
  - 1.86 Market:RWHU
- 495 Total Acres
  - Approximately 25 acres for a school site
  - Approximately 100 acres of parks/open space

# BACKGROUND OF THE PPP

- RESOLUTION 22-51, CD1, FD1 (April 22, 2022)
- PPP executed (April 28, 2022)
- Resolution 22-242, FD1, sales prices (October 21, 2022)
- LUC Order amending conditions of DBA (October 26, 2022)
- Maui Planning Commission Recommendation (December 21, 2022)

# TERMS OF THE PPP

- WCT will contain an **ADDITIONAL** 213 Single Family RWHUs
  - Project size **does not** increase, still a total of 1433 units
  - 500 RWHUs and 933 market units
  - Opportunity cost of approximately \$75M (per 2022 calculations)
- County will “assume” WCT’s obligations:
  - Waiale Road Extension
    - RAISE Grant
  - Wastewater Fees (650,000 gpd)
    - State of Hawaii funding
- **Interim** connection into the Kahului WWTF for 100,000 gpd
- Requires amendments to the Conditions of Zoning and the DBA Conditions

# WCT's Obligations

- Traffic (MOA required)
  - Waiale Road Extension - estimated cost of \$40M
  - RAISE Grant - \$25M
  - WCT Pro Rata Share – 42.7% of \$15M ~ \$6.5M
  - Intersection Improvements - TBD
- Wastewater
  - Central WWTF capacity is expected to be 3M Gallons
  - WCT's needs are expected to be 675,000 Gallons
  - WCT would use about 21.67% of the capacity at the Central WWTF
  - WCT's pro-rata share would be approximately \$21.67M
    - Assumes a \$100M cost to construct
    - There may be State of Hawaii funds available

# Projected Sales Prices (High End)

(3-bedroom, \$101,100 AMI, 6% Interest)

| <b>Income Group</b>   | <b>AMI</b> | <b>Income</b>         | <b>Units</b> | <b>Sales Price</b> | <b>5% Down Payment</b> | <b>Monthly Payment</b> |
|-----------------------|------------|-----------------------|--------------|--------------------|------------------------|------------------------|
| <b>Below Moderate</b> | 81-100%    | \$80,801 - \$101,100  | 64           | <b>\$443,800</b>   | \$22,190               | \$2,528                |
| <b>Moderate</b>       | 101-120%   | \$101,101 - \$121,320 | 107          | <b>\$532,500</b>   | \$26,625               | \$3,033                |
| <b>Above Moderate</b> | 121-140%   | \$121,321 - \$141,540 | 42           | <b>\$621,300</b>   | \$31,065               | \$3,539                |

# Additional RWHUs

3-Bedroom, 2022 AMI, 6% Interest  
Market Price at 180% AMI, \$757,620

|                        | <b>Below -Moderate<br/>81-100</b> | <b>Moderate<br/>101-120</b> | <b>Above-Moderate<br/>121-140</b> |
|------------------------|-----------------------------------|-----------------------------|-----------------------------------|
| <b>Add'l 63 RWHUs</b>  | 19                                | 32                          | 12                                |
| <b>Add'l 150 RWHUs</b> | 45                                | 75                          | 30                                |

|                                      | <b>Below -Moderate<br/>81-100</b> | <b>Moderate<br/>101-120</b> | <b>Above-Moderate<br/>121-140</b> |
|--------------------------------------|-----------------------------------|-----------------------------|-----------------------------------|
| <b>Average Sales Price</b>           | \$421,600                         | \$510,300                   | \$599,100                         |
| <b>Opportunity Cost of Each RWHU</b> | \$336,020                         | \$247,320                   | \$158,520                         |
| <b>Opportunity Cost (63 RWHUs)</b>   | \$6,384,380                       | \$7,914,240                 | \$1,902,240                       |
| <b>Opportunity Cost (150 RWHUs)</b>  | \$15,120,900                      | \$18,549,000                | \$4,755,600                       |

|  |                     |
|--|---------------------|
| <b>Total Opportunity Cost of 63 RHWUs</b>  | \$16,200,860        |
| <b>Total Opportunity Cost of 150 RHWUs</b> | \$38,425,500        |
| <b>Total</b>                               | <b>\$54,626,360</b> |

## Condition 1.a

State Department of Transportation  
Traffic Mitigation

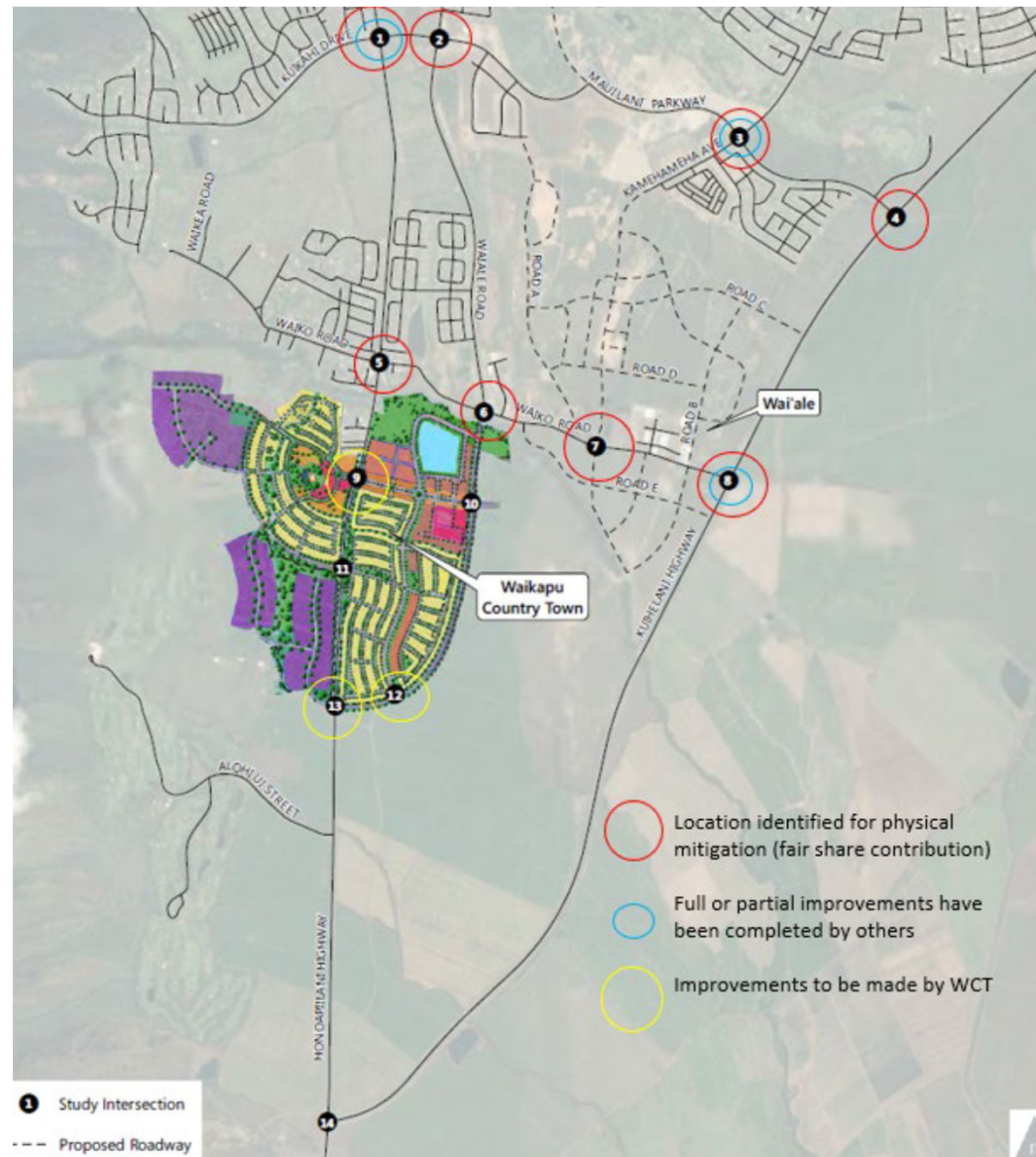
Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. **Alternatively, landowners may, subject to agreement with SDOT-H, provide additional residential workforce housing units in the project in lieu of providing funding or constructing traffic improvements to mitigate the traffic related impacts of the project.** The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.



## Condition 1.b

### Funding Intersection Improvements

Landowners shall fully fund the project ~~[intersections]~~ intersection with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), ~~[and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS).]~~ Landowners are solely responsible for funding the Main Street ~~[and Waiale Road Extension]~~ intersection improvements. Landowners may, subject to agreement with the County, provide additional residential workforce housing units in the project in lieu of providing funding or constructing the intersection with Honoapiilani Highway at the Waiale Road Extension intersection (also referred to as Study Intersection #13 in the TIAR/EIS).



## Condition 1.d

### Pedestrian Crossings

Landowners shall provide pedestrian crossings on Honoapiilani Highway at the ~~[intersections]~~ intersection of Main Street ~~[and Waiale Road Extension,]~~ and ensure that the development layout provides pedestrian routes to ~~[these]~~ this pedestrian ~~[crossings.]~~ crossing. Landowners are not constructing the Waiale Road Extension or the Waiale Road Extension intersection with Honoapiilani Highway. Landowners may, subject to agreement with the County, provide additional residential workforce housing units in the project in consideration of the County providing pedestrian crossings on Honoapiilani Highway at the intersection of the Waiale Road Extension.

## Condition 3.c

### Waiale Road Extension

Landowners shall enter into an agreement with DPW regarding the project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. **Alternatively, landowners may, subject to agreement with the County, provide additional residential workforce housing units in lieu of contributing funding for the design and construction of the future Waiale Road Extension.** ~~[The agreement will also consider the project's actual traffic generated inasmuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future.]~~ Further, Landowners shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. DPW shall confirm compliance with this condition.

## Condition 5 – Residential Workforce Housing

- Request that WCT be allowed to follow Chapter 2.96, MCC.
- Please modify Bill 28, Section 5, to state:

*Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements and the PPP.*

*Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statutes, or similar project approvals for this project.*

## Condition 6

### Wastewater

Wastewater. Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural ~~[districts,]~~ district. Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). **Alternatively, landowners may, subject to agreement with the County, provide additional residential workforce housing units in the project in lieu of participating in the funding and construction of adequate private or public wastewater facilities. Subject to agreement with the County, an interim connection to the Wailuku/Kahului Wastewater Treatment Facility for 100,000 gallons per day of wastewater may be made available for the project, provided that upon the County's new wastewater treatment facility in the vicinity of the project coming online, the project's wastewater may be diverted to the County's new wastewater treatment facility.** If Landowners desire to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.

# DIRECT REFERENCE TO PPP

- PPP was executed on April 28, 2022
- The PPP are contingent upon these amendments
- Current language states *subject to agreement with the County*
- To avoid future confusion we would prefer to make a direct reference to the PPP in the Conditions of Zoning

# INCREASED SCHOOL SITE

- Additional 12 acres (approximately) for an intermediate school site
  - Acreage of WCT does not increase, housing will be “denser” to accommodate increase in school site
- Loss of intermediate school site in A&B’s Waiale Project
- Bill 29 accommodates this by allowing Educational uses in the WCT “Residential” Zoning District



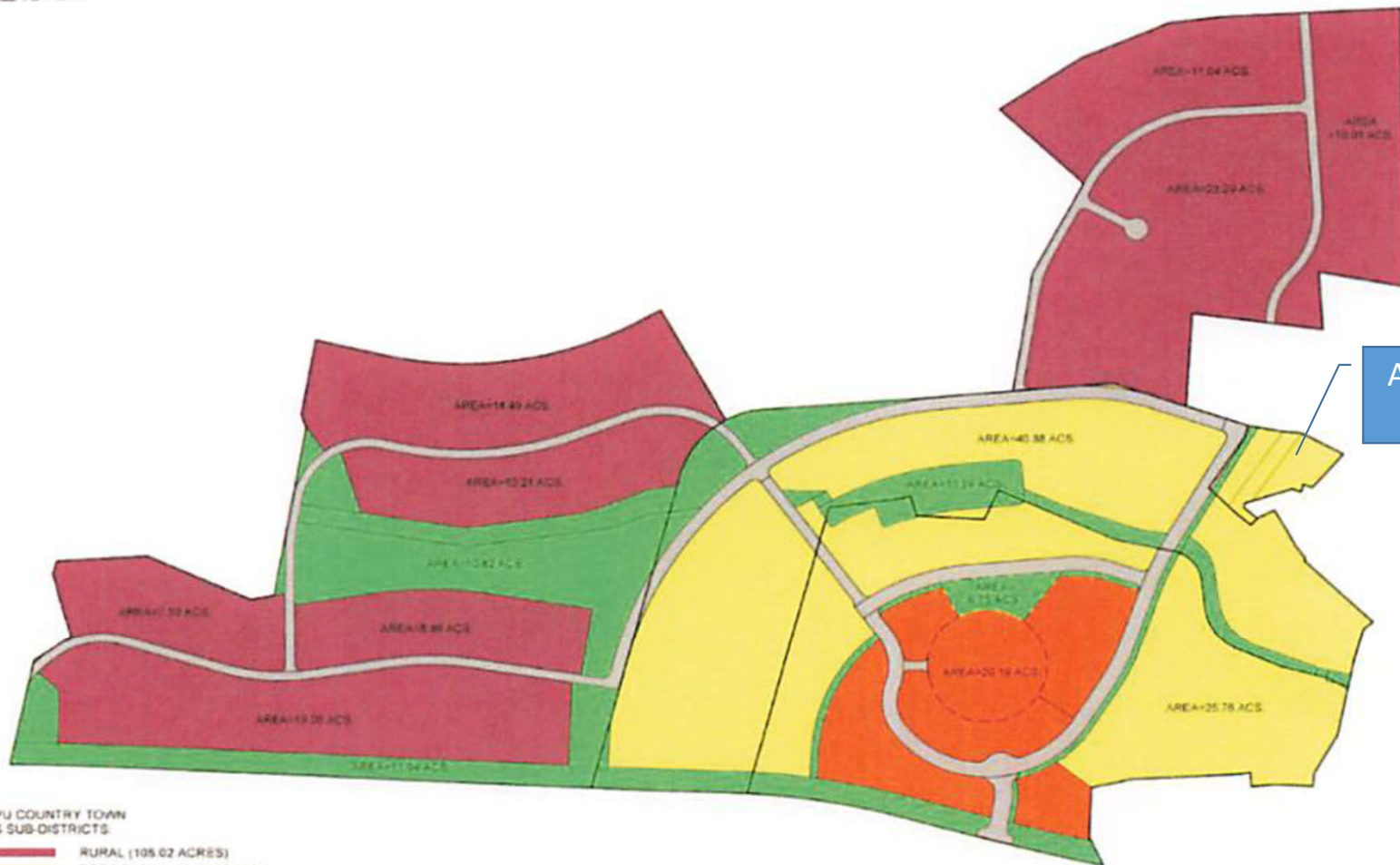
## Condition 8

### Schools

Education Contribution Agreement. Landowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education, **as may be amended**. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement, **as may be amended**. Such notice shall be recorded and run with the land.

# CONTROLLING PLAN AMENDMENT

- Includes a small area in the Mauka area that was inadvertently omitted
- Provides a general understanding of acreages
- Request to amend Bill 28, Section 2, to reference Figure 1A



Added Area

WAIKAPU COUNTRY TOWN  
ZONING SUB-DISTRICTS

- RURAL (105.62 ACRES)
- RESIDENTIAL (96.64 ACRES)
- ROAD (20.41 ACRES)
- OPEN SPACE (39.77 ACRES)
- TOWN CENTER (20.19 ACRES)
- VILLAGE GREEN

CONTROLLING PLAN  
SCALE: 1 IN. = 200 FT.



WAIKAPU COUNTRY TOWN  
ZONING SUB-DISTRICTS:

- RESIDENTIAL (142.11 ACRES)
- (13.51 ACRES - NOT INCLUDING WAIKALE RD. EXT.)
- OPEN SPACE (16.91 ACRES)
- PARK (33.74 ACRES)
- MAIN STREET (10.64 ACRES)
- COMMERCIAL/EMPLOYMENT (9.32 ACRES)
- SCHOOL (12.08 ACRES)

CONTROLLING PLAN  
SCALE: 1 IN. = 200 FT.

## HLU Committee

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**From:** Jeffrey Ueoka <jueoka@mrwlaw.com>  
**Sent:** Friday, May 26, 2023 3:29 PM  
**To:** HLU Committee  
**Subject:** Bills 28 and 29 - Waikapu Country Town  
**Attachments:** BILLS 28 AND 29\_WCT Presentation\_HLU Committee 5.30.2023.pdf; Bill 28 and 29 Revisions\_Transmittal Letter.pdf

You don't often get email from jueoka@mrwlaw.com. [Learn why this is important](#)

Good Afternoon,

Waikapu Country Town would like to present the attached presentation at the HLU Committee on 5/30/2023.

Please see attached letter transmitting a proposed revision to Bill 28 and a request for a non-substantive revision to Bill 29.

Please let me know if you have any questions or concerns.

Thanks,  
Jeff

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