

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

BILL NO. 28, CD1 (2024)

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

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

SECTION 1. Under Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural District to Urban District (Conditional District Boundary Amendment) for that certain portion of real property situated at Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-3-001:106, comprising 9.798 acres, and more particularly described in and attached as Exhibit "A," and in Land Use District Boundary Amendment Map 415, attached as Exhibit "B" ("Property").

SECTION 2. Under Section 19.68.040, Maui County Code, the State Land Use District classification granted by this Ordinance is subject to the conditions in Exhibit "C," as attached, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached as Exhibit "D," which must be recorded in the Bureau of Conveyances of the State of Hawaii.

SECTION 3. This Ordinance takes effect on approval.

RECEIVED AT HLU MEETING ON 3/13/2024  
From Committee Chair Kama

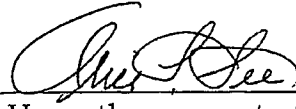
APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

hlu:misc:026abill02:cmn

INTRODUCED BY:

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

Upon the request of the Mayor.

# EXHIBIT "A"

## AGRICULTURAL STATE LAND DISTRICT AREA

Being a portion of Land Commission Award 8559-B, Apana 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 Southerly 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. Lunalilo, 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. 102° 44' 413.27 feet along Lot 1-B, being a portion of Land Commission Award 8559-B, Apana 20 to William C. Lunalilo, 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;



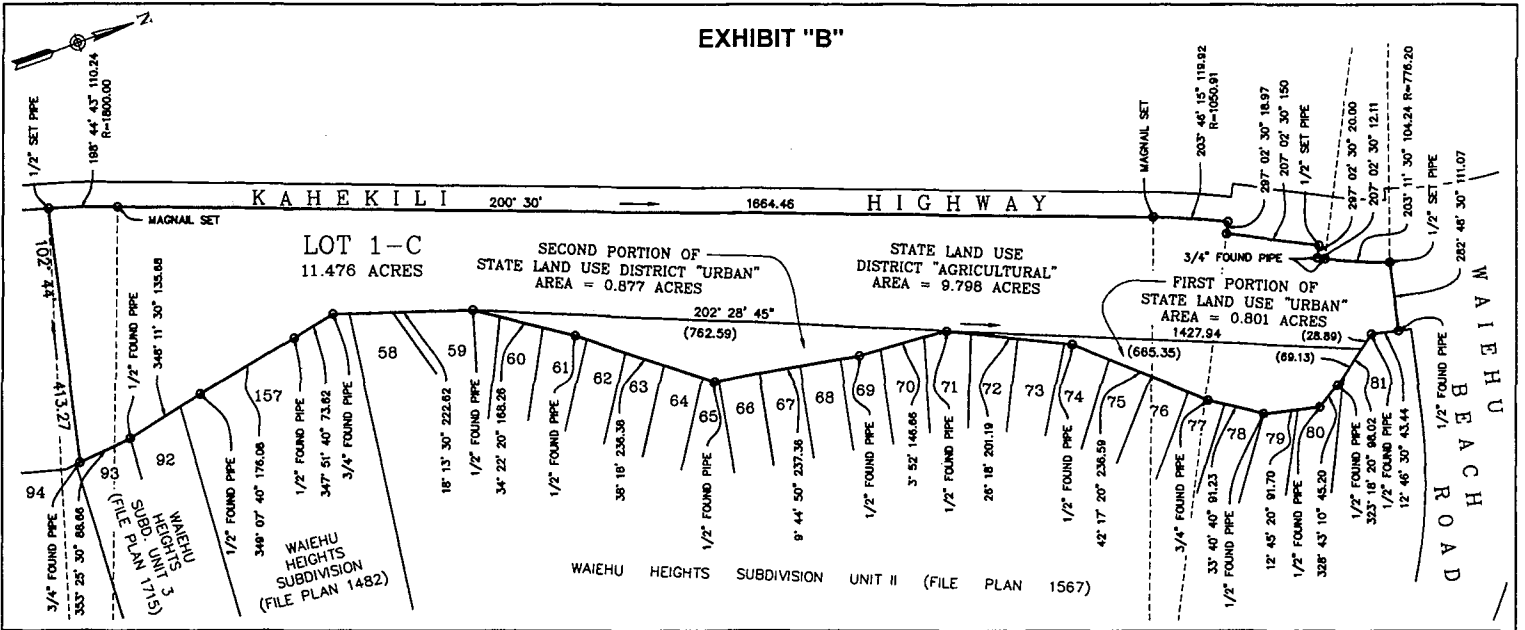
A handwritten signature in black ink, appearing to read "Kevin J. Clarke", written over a horizontal line.

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

11/16/2023

TOPO Ke Kahua (SLU Ag)  
File 20-0559

EXHIBIT "B"



Land Use District Boundary Amendment Map No. 415  
 District Boundary Amendment  
 Paukukalo, Waiehu, Wailuku, Maui, Hawaii  
 From Agricultural District to Urban District

## **EXHIBIT “C”**

### **CONDITIONS**

1. The Property must be developed as a one hundred per cent residential workforce housing project under the letter dated May 4, 2023, from the director of housing and human concerns, approving, with modifications, the independent development of the Hale Mahaolu Ke Kahua Affordable Housing Community Project under Chapter 2.97, Maui County Code (“DHHC Approval Letter”).
2. The Property must be developed in substantial compliance with the representations made to the department of housing and human concerns in obtaining the DHHC Approval Letter and to the Maui County Council in obtaining the State District Boundary Amendment.
3. The developer must work with the State Department of Transportation to inspect the drainage culvert located to the east of the Kahekili Highway and Waiehu Beach Road intersection for blockage and request that the State Department of Transportation clear the culvert before occupancy of the first dwelling unit.
4. Before occupancy of the first dwelling unit, the developer must replace the ginger, heliconia, fern tree, tropha, golden glory, and Singapore plumeria in the landscape planting plan with native plants, fruit trees, or non-invasive lei plants, and substitute the fern tree with koai’a in the landscape planting plan.