

MICHAEL P. VICTORINO  
Mayor

ROWENA M. DAGDAG-ANDAYA  
Director

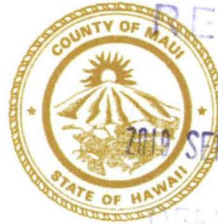
Deputy Director

GLEN A. UENO, P.E., L.S.  
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

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2019 SEP 16 PM 2:12 2019 SEP 16 PM 2:11

OFFICE OF THE COUNTY COUNCIL OFFICE OF THE COUNTY COUNCIL

COUNTY OF MAUI

**DEPARTMENT OF PUBLIC WORKS**

200 SOUTH HIGH STREET, ROOM 434  
WAILUKU, MAUI, HAWAII 96793

September 16, 2019

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Alice L. Lee, Chair  
Water and Infrastructure Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

Michael P Victorino 9/16/19  
Mayor Date

Dear Chair Lee:

**SUBJECT: EXISTING STREETS (WAI-38)**

This is in response to your letter dated September 3, 2019, in which you requested:

*1. Comments on the bill.*

- A. Section 4 refers to construction plan approval for "grandfathering" of active subdivision applications. Many of the subdivisions that may use the current version of Section 18.20.040, Maui County Code, do not have construction plan approval and, in fact, may not have been required to submit construction plans, in part or in whole, due to the existing exemption. Past practice for ordinance amendments to Title 18 of the Maui County Code would be to use the date of preliminary subdivision approval as the method of grandfathering.
- B. During discussion of the bill, the term "family subdivisions" was used. In reference to Title 18, the general public typically refers to family subdivisions as the practice of subdividing land for family members where a small amount of new lots are created.

This is separate from the Family Subdivision process referred to in Section 18.20.280 (Family Subdivisions), Maui County Code. There are strict criteria on the types of family members that may use this process and the end result is not an

exemption of requirements; it is only a postponement of completing all the requirements. If roadway improvements are required as a result of the Family Subdivision process, these improvements must still be completed prior to obtaining building permits or additional water service.

- C. Limiting the use of the existing streets exemption to those affected only by the priority list of the Upcountry water system may pose limitations on the smaller subdivisions which are often used to provide increased housing opportunities. One possible suggestion would be to limit the exemption to land zoned residential or rural along with smaller tracts of agricultural land.
  - D. If this bill should pass in its current form, the following are a couple examples of how the ordinance would be applied to those properties no longer exempted. Please note that for both these examples, a survey of the existing roadway and engineered construction plans would be required which are a substantial cost increase to the subdivision action:
    - a. In Lanai City, a residential lot is bordered on two sides by existing roadways that are narrow, paved and with grassed shoulders. If a homeowner wants to subdivide the property in half, with each lot having access directly onto the existing roads, they would be required to install the pavement widening, curbs, gutters, sidewalks and due to the increased impervious areas address the drainage as well with subsurface drains along both roadway frontages and also 100 lineal feet further down the road.
    - b. In Haiku, there may be an existing agricultural lot that is along a roadway that is currently paved 19 feet in width. The property owner would be required to pave an additional 1 foot of asphalt to widen the roadway to 20 feet of pavement width along the property frontage and also 100 lineal feet further down the road.
2. *Since Section 18.20.040, Maui County Code, was revised in 2015:*
- a. *What types of improvements to existing streets were not completed because of two-lot subdivisions received an exemption?*

The types of improvements exempted would be those described in Section 18.20.040(B), Maui County Code. It would typically be roadway improvements to streets within, adjoining or providing access to the land being subdivided. The roadway improvements may include pavement widening, sidewalks, curbing, drainage swales, striping and grading of the roadway shoulders.

Please note that the Department of Public Works defers to the State of Hawaii, Department of Transportation if the affected roadway is a State Highway. Therefore, the existing exemption is not applicable to State Highways.

- b. *For the two-lot subdivisions that did not conduct street improvements because of this exemption, please provide a list, including owner, tax map key, subdivision name, subdivision number, and the types of improvements that were not made.*



Honorable Michael P. Victorino  
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Honorable Alice L. Lee, Chair  
September 16, 2019  
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Please refer to Exhibit "A". For all subdivision actions, roadway improvements listed in 2.a. above, were exempted. We do not have a detailed list of the improvements that were not made being that engineered construction drawings for the roadway improvements were not required.

3. *Do requirements for improvements to existing streets vary by zoning district? If so, please describe.*

Yes, improvements vary by County zoning. Please refer to Title 18 of the Maui County Code and the Hawaii Standard Details for Public Works Construction. As an example, please see attached County of Maui Standard Details R-52 and R-53. Typically, rural and agricultural adjoining roadway improvements would require grassed swales while urban roadway adjoining roadway improvement would require curb and gutter. Please refer to Exhibit "B" and Exhibit "C".

If you have any questions, please feel free to contact me at Ext. 7845.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rowena M. Dagdag-Andaya', with a long horizontal flourish extending to the right.

ROWENA M. DAGDAG-ANDAYA  
Director of Public Works

Attachments

| File No. | Subdivision Name                   | TMK:        | Owner listed with Subd.   |
|----------|------------------------------------|-------------|---|
| 1.0322   | Kaupo Ranch Subdivision            | 1-7-002:018 | Kaupo Ranch, Limited  |
| 2.2765   | Hillman-Adams Subdivision          | 2-2-016:034 | Marilyn Hillman, Randall L. Adams   |
| 2.2914   | Eric & Willa Romanchak Subdivision | 2-2-016:018 | Erik G. Romanchak & Willa A. Romanchak Family Trust   |
| 2.2919   | Wong Tract                         | 2-2-004:054 | Clayton Matchett, Shae Martin   |
| 2.2926   | Waiohuli-Keokea Subdivision        | 2-2-016:099 | Dane Dingerson, Lydie Baudry, John Papazian, Claudia Gerbaulet  |
| 2.3222   | Raymond Subdivision                | 2-2-012:062 | Spalding Family Revocable Trust, Megan Luana Bouhey Revocable Trust                                     |
| 2.3284   | Land Court Application 1804        | 2-1-008:118 | SCTC Deyoung, LLC, Wailea Old Blue LLC, Bunham Lake Forrest Associates, LP, Fresno Renaissance SPE, LLC |
| 2.3287   | Hui Kuai Aina O Peahi Partition    | 2-8-005:019 | Thomas Rosenbaum, Deborah Rosenbaum   |
| 2.3300   | Jackson Subdivision                | 2-7-002:035 | Michael W. Jackson Revocable Living Trust   |
| 2.3307   | Omaopio Homesteads                 | 2-3-003:173 | Revocable Trust of Howard Y. Takishita  |
| 2.3308   | Pauwela Farm Lots Subdivision      | 2-7-012:086 | Robert Copp, Jr., D & S Ventures, LLC, LCRC Ohana LLC   |
| 2.3311   | Kaonoululu Lots Subdivision        | 2-2-006:058 | Jore Park, Wylci Fables   |
| 2.3323   | Hui Kauai Aina O Ulumalu           | 2-8-001:019 | Jack Licha, Tom Optiz   |
| 2.3347   | Peahi Hui Partition                | 2-8-004:063 | Thomas A. Hunt Trust  |
| 2.3353   | Richard Hoehn Subdivision          | 2-8-003:012 | Erik Aeder, Bonni Aeder   |
| 2.3367   | Kuiaha-Pauwela Homesteads          | 2-7-008:123 | HGH Enterprises, LLC  |
| 2.3376   | Fleming Lots                       | 2-4-040:044 | Jeffrey Takemoto  |
| 2.3377   | Fleming Lots                       | 2-4-040:045 | Iris Akemi Imamura  |
| 2.3378   | Alae 3 & 4 Homesteads              | 2-2-013:035 | Declaration of Revocable Living Trust of Eleanor M. Martin  |
| 3.2312   | Uluniu Acre Subdivision            | 3-9-008:014 | Jacob Freeman, Cheryl King, Cory Jacobson   |
| 3.2377   | First Assembly of God Subdivision  | 3-8-006:003 | Alexander & Baldwin, LLC  |
| 3.2390   | Waikapu East Subdivision No. 3     | 3-5-002:011 | Emmanuel Lutheran Church of Maui  |
| 3.2403   | Iao Valley Homesteads              | 3-3-018:002 | Robert Horcajo Trust, Tamara Horcajo Trust  |
| 4.996    | Mailepai Hui Land                  | 4-3-003:048 | 5106 Lower Road, LLC  |
| 4.1004   | Land Court Application 1599        | 4-5-005:007 | Robert Wintner Trust  |
| 4.1011   | Wahikuli House Lots Third Series   | 4-5-014:049 | Doris H. Nakamura Trust   |
| 5.691    | Lamkin Subdivision                 | 5-2-012:036 | Lucille A. Lamkin Revocable Trust Agreement, David Lunney Revocable Trust Agreement                     |

R-52

STANDARD  
DETAILS

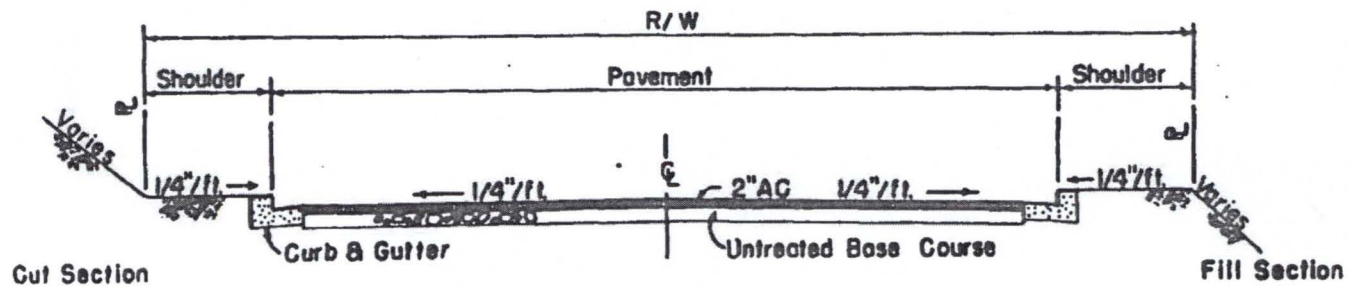
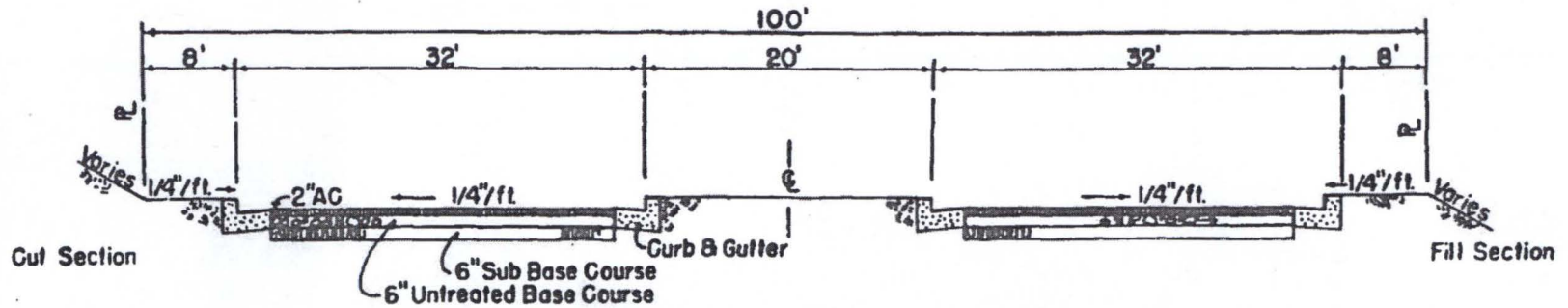
SEPTEMBER 1984

ROADWAY TYPICAL SECTIONS

NOT TO SCALE

COUNTY OF MAUI

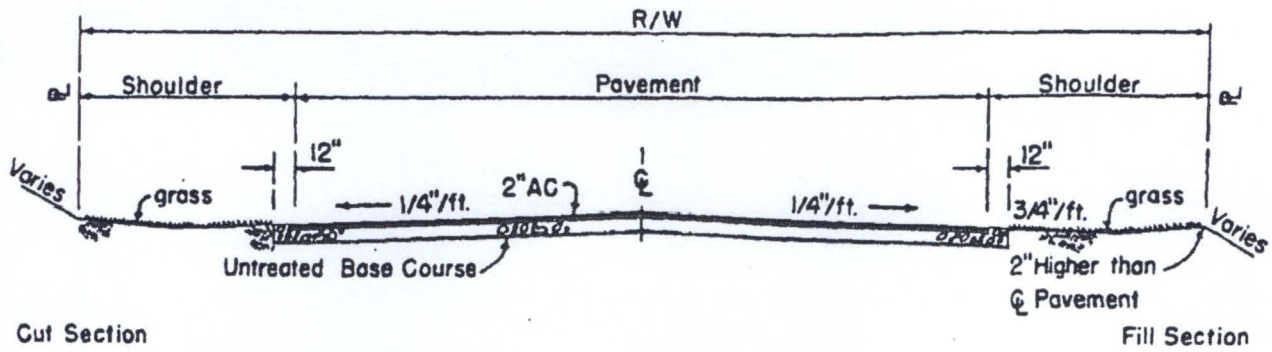
Exhibit "B"



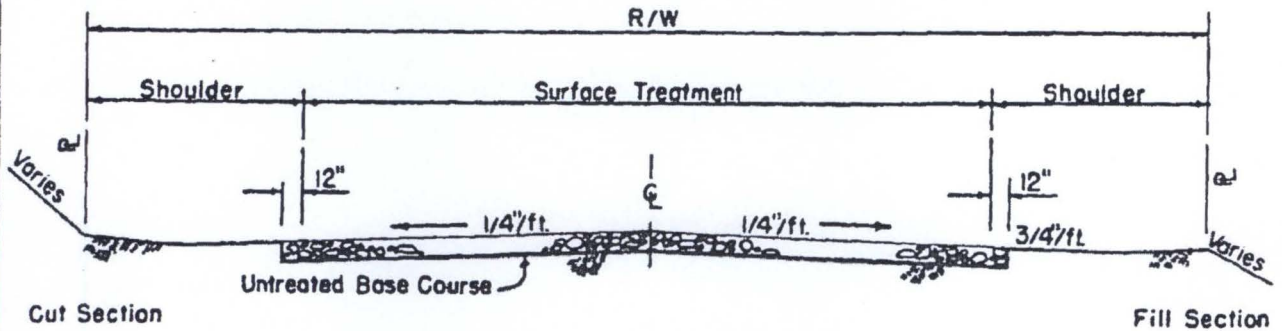
# ROADWAY TYPICAL SECTIONS

Scale None





## TYPICAL SECTION ROADWAY W/O CURBS



## TYPICAL SECTION GRAVEL ROAD - PRIVATE

# ROADWAY TYPICAL SECTIONS

|                |                             |                     |      |
|----------------|-----------------------------|---------------------|------|
| COUNTY OF MAUI | ROADWAY TYPICAL SECTIONS .. | STANDARD<br>DETAILS | R-53 |
| NOT TO SCALE   |                             | SEPTEMBER 1984      |      |