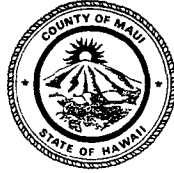


JAMES "KIMO" APANA
Mayor



JAMES B. TAKAYESU
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
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TELEPHONE: (808) 270-7740 FAX (808) 270-7152

February 8, 2002

Mr. David Goode, Director
Department of Public Works and
Waste Management
County of Maui
Wailuku, Hawaii 96793

SUBJECT: MAUNAOLU PLANTATION SUBDIVISION (PWT-60)
Request Regarding Processing of Subdivision

Dear Mr. Goode:

This letter is sent in response to your request for our opinion regarding the Public Works and Transportation Committee's request to administratively suspend the processing of the subdivision application for Maunaolu Plantation.

Your duties relating to the administration of the subdivision ordinance are executive in nature under Sections 6-1 and 8-5 of the Maui Charter. There are no Maui County Code provisions that allow you to administratively suspend a subdivision application upon request by the County Council. Therefore, there is no legal basis on which you may rely to suspend Maunaolu's application unless the Council should decide to amend the zoning ordinance. You may wish to suggest that the Committee consider calendaring this item at its earliest convenience since Chair Molina has indicated that this matter is pending thorough consideration by the Committee and the County Council.

You also asked us to review the draft of your letter dated January 30, 2002 to A&B Properties regarding the landowner's request for a time extension for the Maunaolu subdivision. Please refer to our opinion dated February 7, 2002. Specifically in our answer to Questions 1 & 2, we described your discretion relating to determining "good cause" and suggested some of the factors that you may wish to consider. It is, of course, within your discretion to grant or deny the extension request at this time.

Mr. David Goode, Director
Maunaolu Plantation Subdivision
February 8, 2002
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With regards to the notice provision in your letter (third paragraph), the notice is in compliance with the applicable code provisions and implements the suggestion that we offered in our February 7, 2002 opinion. We have made minor changes to the letter and also suggest that you add a reference the Maui County Code section for this requirement.


Very truly yours,



Gregory J. Garneau
Deputy Corporation Counsel

GJG:ko

Approved for transmittal:



James B. Takayesu
Corporation Counsel

S: \\ALL\GJG\Public Works\ltr regarding maunaolu suspension.wpd