

CHARMAINE TAVARES
Mayor



BRIAN T. MOTO
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7740 Fax (808) 270-7152

July 18, 2007

MEMO TO: Michael J. Molina, Chair
Land Use Committee

F R O M: James A. Giroux, Deputy Corporation Counsel

SUBJECT: **DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT,
AND CHANGE IN ZONING FOR FOUR-UNIT SINGLE-FAMILY
CONDOMINIUM AT KAEO, HONUULA (MAKENA) (LU-23)**

This memorandum is in response to a memorandum, dated December 1, 2006, from Robert Carroll, Chair, Land Use Committee, and to your memorandum, dated April 26, 2007, regarding a request for (1) a State District Boundary Amendment from Agricultural to Urban, (2) a Change in Zoning from Interim District to R-3 Residential District, and (3) a Community Plan Amendment from Hotel to Single-Family, to facilitate the development of a four-unit single-family condominium project on approximately 1.552 acres in Makena (TMK:(2)2-1-007:066). A portion of the subject property abuts Makena-Keoneoio Road.

The memoranda requested advice on the following issues:

1. Given the mandate of Section 2.80B.030(B), MCC, must the Department of Public Works and Environmental Management adhere to the above objective and policy set forth in the Kihei-Makena Community Plan when reviewing and imposing requirements on proposed land use entitlements and/or subdivision approvals involving property fronting Old Makena Road?
2. If the Department of Public Works and Environmental Management concludes that the scope of a project requires that the urban roadway standards be applied to Old Makena Road, would it be more appropriate for the project to be downsized to one that the Department would view as compatible with rural roadway standards?

Michael J. Molina, Chair
July 18, 2007
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This application involves circumstances and issues similar to those in an application for a District Boundary Amendment, Community Plan Amendment, and Change in Zoning requested by Papaanui, LLC, (LU-50), for development of a seven-lot subdivision fronting Makena-Keoneoio Road in Makena, Maui. The Land Use Committee sought a written opinion from Corporation Counsel regarding Makena-Keoneoio Road and applicable roadway standards. Corporation Counsel replied in a memorandum dated January 19, 2007, a copy of which is attached hereto as Exhibit "A".

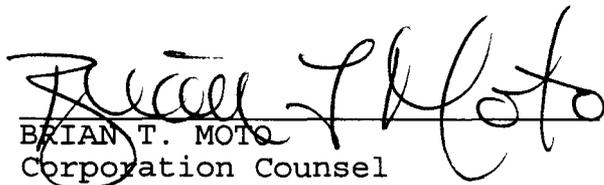
Please refer to the attached memorandum for an analysis and discussion of required right-of-way and pavement widths, relevant community plan policies and implementation considerations, and possible courses of action.

JAG:ln

S:\ALL\Advisory\JAG\LU-23 four unit condo at Kaeo(makena).wpd
Enclosure

cc: Jeffrey Hunt, Planning Director
Colleen Suyama, Deputy Planning Director
Milton M. Arakawa, Director of Public Works
Cindy Y. Young, Deputy Corporation Counsel
Michael J. Hopper, Deputy Corporation Counsel
Michele White, Legal Assistant

APPROVED FOR TRANSMITTAL:


BRIAN T. MOTO
Corporation Counsel

CHARMAINE TAVARES
Mayor



BRIAN T. MOTO
Acting Corporation Counsel

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TELEPHONE: (808) 270-7740 Fax (808) 270-7152

January 19, 2007

MEMO TO: Michael J. Molina, Chair
Land Use Committee

F R O M: James A. Giroux, Deputy Corporation Counsel

SUBJECT: **DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT,
AND CHANGE IN ZONING FOR PAPAANUI, LLC (MAKENA) (LU-50)**

I. Introduction.

This memorandum is in response to your memorandum, dated July 18, 2006, requesting legal advice relating to a request from Papaanui, LLC ("applicant"), for a district boundary amendment, community plan amendment, and a change in zoning to facilitate the development of a seven-lot subdivision on approximately 3.498 acres in Makena, Maui.

II. Questions posed.

In light of the complexity of the facts and laws pertaining to the subdivision, this memorandum addresses the following questions regarding right-of-way and pavement widths for Makena-Keoneoio Road:

1. Why does the applicant need to obtain a variance in order to maintain Makena-Keoneoio (also known as old Makena Road) as a rural road, as stated in the Kihei-Makena Community Plan?
2. Does the Director of Public Works and Environmental Management have the discretion to allow the applicant to provide a right-of-way that is 30 feet wide, with 20-foot wide pavement, on Makena-Keoneoio Road, consistent with existing roadway conditions?
3. Can the Council incorporate as a Change in Zoning condition a requirement that the roadway be a stated width which is narrower than the urban standard, based on the Kihei-Makena Community Plan?

EXHIBIT "A"

Michael J. Molina, Chair
January 19, 2007
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III. Background.

The applicant proposes to subdivide approximately 3.498 acres of land into seven residential lots ranging in size from 16,000 square feet to 23,600 square feet. (See map attached hereto as Exhibit "A".) To subdivide, applicant has requested a district boundary amendment from agricultural to urban, a community plan amendment from multi-family to single-family, and a change in zoning from interim to R-3 residential.

Makena-Keoneoio Road runs through the makai (southern) portion of the proposed subdivision (Tax map key number ("TMK") (2)2-1-007:009) and through TMK (2)2-1-007:060. Tax map key number (2)2-1-007:060 is not included in the change in zoning application. The applicant owns that portion of Old Ulupalakua Road that runs along the northern boundary of the proposed subdivision; however, that portion of Old Ulupalakua Road is also not included in the change in zoning application.¹

In a letter dated March 11, 2005, attached hereto as Exhibit "B", the applicant proposed the following to the Director of Public Works and Environmental Management:

Roadway Improvements along Makena Keoneoio Road. The applicant proposes to provide 30 feet of Right-of-Way and 20-feet of pavement width along Makena-Keoneoio Road fronting the project site. The proposed roadway geometric is consistent with the existing roadway condition on either side of the project and is also in accordance with the provisions of the Kihei-Makena Community Plan, which states that the traditional rural scale and character of existing portions of old Makena Road should be protected and preserved in a manner similar to that existing at Keawalai Church. The proposed ROW is also due to topographical constraints, i.e. rock out crops on the mauka side of the road and a steep drop-off on the makai side of the road.

In a letter dated April 4, 2005, attached hereto as Exhibit "C", the Department of Public Works and Environmental Management responded to the applicant as follows:

¹ Applicant's original application included the roadway parcels as part of the proposed change in zoning; however, applicant withdraw those parcels after concern was expressed over the adequacy of notice provided for the project parcels on a Maui Planning Commission agenda.

1. Frontage improvements should be consistent with County standards for urban designation.
2. We would not support the 30 foot right-of-way that the developer is proposing due to the fact previous subdivisions in that area were required to allow for a 48 foot right-of-way along Makena-Keoneoio Road corridor.

There are portions of Makena-Keoneoio Road where the existing right-of-way is 30 feet. However, in a letter dated July 24, 2006, attached hereto as Exhibit "D", the Department of Public Works and Environmental Management stated that the right-of-way width along Makena-Keoneoio Road fronting the subject project is a minimum of 40 feet. The pavement width at various points in front of the property is anywhere from 18 feet to 21 feet. (See map attached to letter dated August 30, 2006, attached hereto as Exhibit "E".)

IV. Analysis.

- A. Right-of-way and pavement widths are determined by the Director of Public Works and Environmental Management in the administration of Title 18, Maui County Code ("MCC").

Section 18.16.040, MCC, states:

The location, width and grade of all streets shall conform to the general plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of land to be served by such streets. Where location is not shown in a general plan, the arrangement of streets in a subdivision shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

B. Conform to a plan for the neighborhood which has been approved or adopted by the director to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Section 18.16.050, MCC, regarding minimum right-of-way and pavement widths, states, in relevant part:

Unless otherwise indicated in the Maui County general plan and community plans, or as approved by the department of public works and waste management pursuant to section 18.20.105 of this code and consistent with the

Maui County general plan and community plans, the widths of streets and pavements in feet shall not be less than the minimums shown in the following table:

Type of Street	Right-of-way Width	Pavement Width	Area or Zone
...			
Collector Streets	56'	36'	Urban
	50'	24'	Rural
	48'	22'	Agricultural
Minor Streets	44'	28'	Urban
	40'	22'	Rural
	40'	20'	Agricultural
...			

Section 18.040.350, MCC, defines "Rural" as areas designated rural by the State Land Use Commission. Section 18.04.490, MCC, defines "Urban" as areas designated urban by the State Land Use Commission.

- B. The Kihei-Makena Community Plan calls for the preservation of the rural character of Makena-Keoneoio Road; however, neither the Community Plan nor the Maui County Code specifies standards for historic or unique roads, and the Department of Planning has yet to develop legislation to allow departures from urban road standards despite having been assigned the responsibility under the Community Plan.

The Kihei-Makena Community Plan, Part III(B), as it pertains to physical and social infrastructure, lists as one of the Plan's objectives and policies the following:

- f. Protect and preserve the traditional rural scale and character of existing portions of old Makena Road in a manner similar to that existing at Keawalai Church.²

The Kihei-Makena Community Plan does not further specify the meaning of terms such as "traditional rural scale and character" and there is no provision in the Kihei-Makena Community Plan or Maui County Code that clearly and unambiguously specifies which roadway improvement standard should be used in the event of a conflict or inconsistency between the Community Plan and the Maui County Code. Further, to our knowledge, no legislation is pending

² Kihei-Makena Community Plan, Ordinance No. 2641 (1998), at 32.

Michael J. Molina, Chair
January 19, 2007
Page 5

to amend the Maui County Code (in particular, Title 18 thereof) to set forth the appropriate right-of-way and pavement widths for Makena-Keoneoio Road.

Part IV of the Kihei-Makena Community Plan, pertaining to "Implementation Considerations", lists, among other "implementation responsibilities" of the Department of Planning, projects to "[f]ormulate and adopt rural and historic district roadway standards for old Makena Road" and to "[e]xplore modifying zoning, building and subdivision codes to incorporate minimum lot sizes, compact parking ratios, and roadway and utility standards which meet resident needs but which may depart from customary urban standards."³ Based on inquiries made in researching and drafting this memorandum, we have been informed that the Department of Planning has not implemented the projects described in Part IV of the Kihei-Makena Community Plan and that no bill has been prepared to adopt rural and historic district roadway standards for Makena-Keoneoio Road or to amend current zoning or subdivision codes so as to expressly permit departures from customary urban standards.⁴

In light of the applicant's request for a district boundary amendment from agricultural to urban and a change in zoning from interim to R-3 residential, and given the minimum right-of-way and pavement widths prescribed by Section 18.16.050, MCC, the Director of Public Works and Environmental Management is requiring the applicant to improve the roadway to urban standards. The Director has taken the position that the Kihei-Makena Community Plan does not specify the exact standards to be used in improving Makena-

³ Kihei-Makena Community Plan (Ordinance No. 2641 (1998)), at 50.

⁴ Other community plans have similar implementation provisions. For example, Part IV of the Pa'ia-Ha'iku Community Plan, pertaining to "implementation responsibilities", assigns to the Department of Planning a "project" to "[f]ormulate and adopt rural and historic district roadway standards." Pa'ia-Ha'iku Community Plan (Ordinance No. 2415 (1995)), at 42. It is our understanding that the Department of Planning has yet to fulfill this responsibility. Further, Part IV of the Hana Community Plan assigns to the Department of Public Works and Waste Management projects to "[d]evelop and implement appropriate 'rural standards' for public facilities and privately sponsored building improvements, roadways and subdivisions" and to "[d]evelop appropriate and achievable rural standards for infrastructural improvements." Hana Community Plan (Ordinance No. 2347 (1994)), at 32. It is our understanding that the Department of Public Works and Environmental Management has yet to fulfill this responsibility.

Keoneoio Road and that the Kihei-Makena Community Plan objective of protecting and preserving "the traditional rural scale and character of existing portions of old Makena Road" does not, by itself, give the Director clear direction as to the right-of-way and pavement widths to be required of a subdivision fronting Makena-Keoneoio Road.⁵

Our Department has been informed that certain portions of Makena-Keoneoio Road fronting Keawalai Church have already undergone improvements that are inconsistent with the character and rural scale of the Road as it existed at the time that the Kihei-Makena Community Plan was adopted. (See map attached as Exhibit "F".)

- C. Absent a provision or condition expressly exempting the applicant from Section 18.16.050, MCC, applicant's proposed minimum right-of-way and pavement widths are deviations from Title 18 that would require a variance from the Board of Variances and Appeals.

Section 8-8.7 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), states, in relevant part:

In accordance with such principles, conditions and procedures prescribed by the council, the board of variances and appeals shall:

1. Hear and determine applications for variances from the strict application of any zoning, subdivision or building ordinances....

In this case, the applicant proposes to have a minimum right-of-way and pavement width that is narrower than the urban standard required under the subdivision code (in particular, Section 18.16.050, MCC). Unless a provision or condition is incorporated in the subject change in zoning bill to exempt or supersede the

⁵ By contrast, the Pa'ia-Ha'iku Community Plan sets forth specific roadway standards for roadways within the Community Plan region. For example, the Plan states that roadways (excluding Hana Highway, Baldwin Avenue, and Ha'iku/Kokomo Roads) shall have a maximum width of twenty feet of pavement, except in residential areas where on-street parking is desired, or around tight turns and blind corners. Pa'ia-Ha'iku Community Plan (Ordinance No. 2415 (1995)), at 39.

The Hana Community Plan states, among other things, that roadways, including highways, shall not exceed twenty feet in pavement width, except in residential areas where on-street parking is desired. Hana Community Plan (Ordinance No. 2347 (1994)), at 27.

minimum right-of-way and pavement widths set forth in Section 18.16.050, MCC, the applicant will be required to obtain a variance from the Board of Variances and Appeals.⁶

V. Possible courses of action.

Based on the foregoing discussion, and in view of the desire expressed to preserve the rural scale and character of Makena-Keoneoio Road, we summarize below possible courses of action that the Committee may take regarding the subject request:

A. Deny the change in zoning request.

By denying the change in zoning request the subdivision will not be able to proceed as proposed and the subdivision code requirement that the roadway be improved to urban standards will no longer be applicable.

B. Grant the change in zoning request with conditions.

The Committee may consider incorporating in the change of zoning bill a condition or conditions relating to the minimum right-of-way and pavement widths of Makena-Keoneoio Road. While the precise wording of such conditions will depend on the Committee's policy aims, the conditions could, for example, state an intent to supersede Section 18.16.050, MCC, and exempt Makena-Keoneoio Road from the roadway improvement standards for urban land use districts.⁷ The conditions could also require that the right-

⁶ On August 10, 2006, the Board of Variances and Appeals granted variances from Section 18.20.070, MCC, pertaining to "Sidewalks", and Section 18.20.080, pertaining to "Curbs and gutters", for Keaka LLC's 71-unit condominium located off of Makena-Keoneoio Road, north of Makena Alanui Drive, in part to protect and preserve the traditional rural scale and character of the existing portions of Makena Road. (BVAV 20060001). *But see* Exhibit "G", letter dated April 3, 2000, from Charles Jencks, Director, to Ken Kurokawa, regarding right-of-way and pavement widths for Makena-Keoneoio Road in the context of the Palauea Subdivision, Project District Phase I and II.

⁷ Such conditions could arguably prevail over the subdivision code under rules of statutory construction that provide: that a specific policy embodied in a later statute should control construction of an earlier statute, even though it has not been expressly amended; and that, where there is a plainly irreconcilable conflict between a general and a specific law concerning the same subject matter, the specific provision will be

of-way and pavement widths of those portions of Makena-Keoneoio Road fronting the subdivision remain as is, or be improved to rural, and not urban, standards.⁸

Adopting conditions relating Makena-Keoneoio Road, although possible, would not resolve the underlying, and more fundamental, issue of the conflict between the literal provisions of the Kihei-Makena Community Plan and the subdivision code as it currently exists. Appropriately written conditions may guide Papaanui Subdivision roadway improvements, but such conditions are not the equivalent of amendments to the Maui County Code and would not prevent the same or similar legal issues from arising in connection with other projects that may be proposed along Makena-Keoneoio Road. For these reasons, we strongly recommend that the Department of Planning and the Council consider legislation to amend the Maui County Code and, possibly, the Kihei-Makena Community Plan, so as to clarify roadway improvement standards, eliminate conflicts between provisions, and set forth unambiguous requirements for historic and rural roads such as Makena-Keoneoio Road.

C. Defer the change in zoning until:

1. Title 18 is amended to allow for the preservation of roads that are rural in scale and character, notwithstanding the development of subdivisions in the urban district; or
2. Title 18 is amended to specifically address design standards for Makena-Keoneoio Road; or
3. The Kihei-Makena Community plan is amended to specify standards to be used to ensure that the character and scale of Makena-Keoneoio Road are preserved.

favored. See Kienker v. Bauer, 110 Hawai'i 97, 129 P.3d 1125 (2006).

⁸ Given that changes in zoning sometimes require applicants to make off-site improvements or to submit to requirements or limitations relating to parcels that are not the subject of the zoning action, we do not believe the absence of the roadway parcels from the change in zoning bill prevents Council from adopting conditions relating to the roadway parcels.

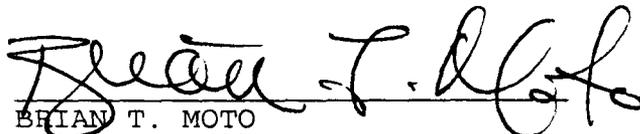
Michael J. Molina, Chair
January 19, 2007
Page 9

JAG:ln

Attachment: Exhibits "A" - "G"

cc: Jeffrey Hunt, Planning Director
Colleen Suyama, Deputy Planning Director
Milton M. Arakawa, Director of Public Works and Environmental
Management
Robyn Loudermilk, Department of Planning
Cindy Y. Young, Deputy Corporation Counsel
Michael J. Hopper, Deputy Corporation Counsel
Michele White, Legal Assistant

APPROVED FOR TRANSMITTAL:



BRIAN T. MOTO
Corporation Counsel

S:\ALL\Advisory\JAG\Papaanui road improvements.wpd

PAPAAU LLC SUBDIVISION
 TALK. CD 8-1-007; COA. ORD. & PER. CD 8
 & TALK. CD 8-1-008 FOR CD
 WAIKANA, MAUI HAWAII
 SIGHT DISTANCE MAP

EX. A

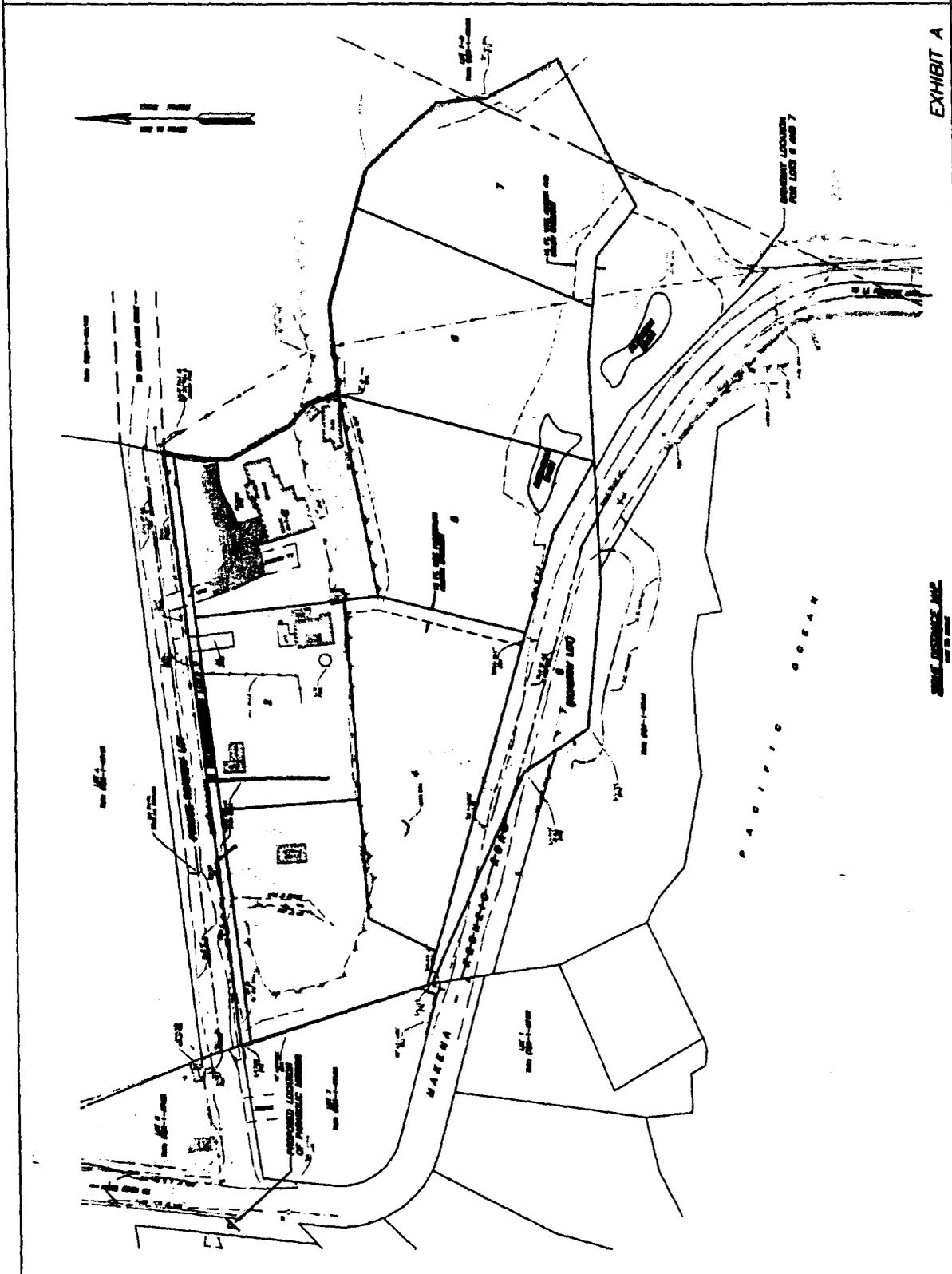


EXHIBIT A

SCALE: AS SHOWN

EXHIBIT "A"



March 11, 2005

Mr. Milton M. Arakawa, A.I.C.P.
Director
Department of Public Works and Environmental Management
200 South High Street, Room 322
Wailuku, Maui, Hawaii 96793

Dear Mr. Arakawa:

RE: Draft Environmental Assessment and Special Management Area (SMA)
Permit for the Proposed Papaanui Residential Subdivision located along
Makena-Keoneoio Road, Makena, Maui, Hawaii on property identified as
TMK No. 2-1-007:009.

Thank you for your letter dated February 10, 2005, regarding the above-
referenced project. We are pleased to address your comments as follows:

1. On-street parking along Makena-Keoneoio and Old Ulupalakua Roads. The applicant understands that your agency concurs that there should not be any on-street parking along Makena-Keoneoio and Old Ulupalakua Roads fronting the project site. Signs designating "No Parking" will be installed during construction of the subdivision improvements.
2. Street Lights. A stub-out for a streetlight has been installed on the makai side of the intersection of Makena Keoneoio Road and Old Ulupalakua Road. The applicant also acknowledges that street lighting is a concern of the existing residents within Makena. The applicant will cooperate with the Department in determining appropriate street lighting during the public review stage of the entitlement process.
3. Construction Waste. A plan for handling construction waste will be filed prior to initiation of grubbing and grading activities.
4. Tsunami and Flood Inundation. According to the applicable Flood Insurance Rate Map (Panel No. 15003 0330 B) the entire property is located in Flood Zone C. Flood Zone C represents areas of minimal flooding.

EXHIBIT " B "

5. Roadway Improvements along Makena Keoneoio Road. The applicant proposes to provide 30-feet of Right-of-Way and 20-feet of pavement width along Makena-Keoneoio Road fronting the project site. The proposed roadway geometric is consistent with the existing roadway condition on either side of the project and is also in accordance with the provisions of the Kihei-Makena Community Plan, which states that the traditional rural scale and character of existing portions of old Makena Road should be protected and preserved in a manner similar to that existing at Keawalai Church. The proposed ROW is also due to topographical constraints, i.e. rock out crops on the mauka side of the road and a steep drop-off on the makai side of the road.

It is our understanding that pursuant to MCC Sections 18.16.050 "Minimum right-of-way and pavement widths", 18.16.060 "Widening of existing rights-of-way, and 18.16.040 "Streets generally" the Director of the Department of Public Works and Environmental Management has flexibility to determine the appropriate ROW and pavement widths. We are hopeful that in consideration of the unique topographical conditions fronting the project site and the community's desire to maintain the traditional roadway scale and character of Makena-Keoneoio Road, that the proposed ROW will be acceptable.

The project will go through extensive public review and comment periods during the development permitting and entitlement process. We look forward to working with your Department during the course of this process to determine the appropriate standards.

6. Removal of Structures within Road-widening Strip. All structures will be removed or relocated from the road-widening strip and the rear boundaries of the strip will be clearly marked to determine that such structures have been properly removed and relocated.
7. Grading and runoff. A Preliminary Drainage Report was prepared by Otomo Engineering, Inc., a Licensed Professional Engineer in the State of Hawaii, which identifies the additional runoff to be generated by the project and necessary mitigation measures so that there will be no adverse impact on adjacent and downstream properties. The plan is in conformance with Chapter 4, Rules for the Design of Storm Drainage Facilities.
8. Final Drainage Report and Best Management Practices (BMP) Plan. A final drainage report and BMP plan will be submitted with the grading plans for review and approval prior to issuance of grading permits.
9. Existing Features. All existing features such as structures, driveways, drainage ways, edge of pavement, etc. will be shown on the project plat plan.

Mr. Milton Arakawa
March 11, 2005
Page 2

10. Sight Distance Analysis. A sight distance analysis to determine required sight distance and available sight distance will be provided to your department for review and approval.
11. Ownership of Ulupalakua Road. Ulupalakua Road is privately owned by Papanui, LLC, and will remain privately owned after the proposed development.
12. Compliance with Title 18 (Subdivision Ordinance). The applicant is aware that compliance with Title 18 of the Maui County Code is required.
13. Best Management Practices. The applicant is aware that all grading/grubbing work for the project must comply with Chapter 20.08 (Soil Erosion and Sedimentation Control) of the Maui County Code. Best Management Practices will be implemented to the maximum extent practicable to prevent pollutants including dust and sediment from discharging off the project site. Many of these mitigation measures are discussed in Sections III.A.5 and III.D.2 of the Draft EA.

Thank you for your consideration of the application. Should you have any questions, please contact myself, or Mr. Michael Summers, at 242-1955.

Sincerely yours,


Rory Frampton
Principal Planner

cc. Mr. Bill Frampton, Frampton & Ward, LLC.
Project File

ALAN M. ARAKAWA
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT**
200 SOUTH HIGH STREET, ROOM 322
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.I.
Development Services Administrator

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

Solid Waste Division

April 4, 2005

Mr. Rory Frampton
CHRIS HART & PARTNERS, INC.
1955 Main Street, Suite 200
Wailuku, Maui, Hawaii 96793

Dear Mr. Frampton:

SUBJECT: PROPOSED PAPAANUI SUBDIVISION
RESPONSE TO COMMENTS
TMK: (2)2-1-007:009

1. Frontage improvements should be consistent with County standards for urban designation.
2. We would not support the 30 foot right-of-way that the developer is proposing due to the fact previous subdivisions in that area were required to allow for a 48 foot right-of-way along the Makena-Keoneoio Road corridor.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,


MILTON M. ARAKAWA, A.I.C.P.
Director

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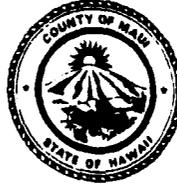
EXHIBIT "C"

ALAN M. ARAKAWA
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7745
Fax: (808) 270-7975



06 AUG -2 11:20
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
ENGINEERING DIVISION
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

July 24, 2006

Honorable Alan M. Arakawa
Mayor, County of Maui
Wailuku, Hawaii 96793

For transmittal to:

Honorable Robert Carroll, Chair
Land Use Committee
Maui County Council
Wailuku, Hawaii 96793



8/2/06

Dear Chair Carroll:

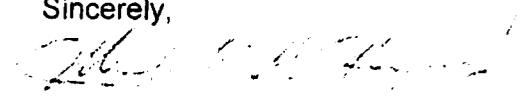
**SUBJECT: DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN
AMENDMENT, AND CHANGE IN ZONING FOR PAPAANUI, LLC
(MAKENA) (LU-50)**

We are in receipt of your letter dated July 26, 2006 requesting information related to improvements on Makena-Keoneoio Road. Upon review of your request, we offer the following responses corresponding to each item in your letter:

1. Improvements along Makena-Keoneoio Road since 1998 consist of signage, striping, and minor roadway shoulder repairs.
2. Repairs, signage, and striping appear to conform with the Kihei-Makena Community Plan.
3. The right-of-way (ROW) width along Makena-Keoneoio Road fronting the subject project is a minimum of 40 feet. The ROW width on other portions of the Makena-Keoneoio Road varies along the roadway's length.

Should you have any questions, please feel free to contact me at 270-7845.

Sincerely,



MILTON M. ARAKAWA, A.I.C.P.
Director of Public Works
and Environmental Management

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EXHIBIT " D "

xc: Engineering Division

ALAN M. ARAKAWA
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT**
200 SOUTH HIGH STREET, ROOM 322
WAILUKU, MAUI, HAWAII 96793

August 30, 2006

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

OFFICE OF THE
COUNTY CLERK
06 SEP -1 10:28

Honorable Alan M. Arakawa, Mayor
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

For transmittal to:

Alfa 8/31/06

Honorable Robert Carroll, Chair
Land Use Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Carroll:

**SUBJECT: DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN
AMENDMENT, AND CHANGE IN ZONING FOR PAPAANUI,
LLC (MAKENA) (LU-50)**

Enclosed is a sketch summarizing the measurements taken in the vicinity of the proposed project. The pavement widths of Makena Road varies throughout the project area and the information represents a limited sampling of measurements.

If you have any questions, please call me at Ext. 7845.

Sincerely,

MILTON M. ARAKAWA, A.I.C.P.
Director

MMA:MMM:jso

Enclosure

xc: Engineering Division

s:\mike\transmittals\rcarroll_papaanui pavement widths lu_50

EXHIBIT " E "

PAPAANUI SUBDIVISION
PAVEMENT WIDTH
FIELD MEASUREMENTS

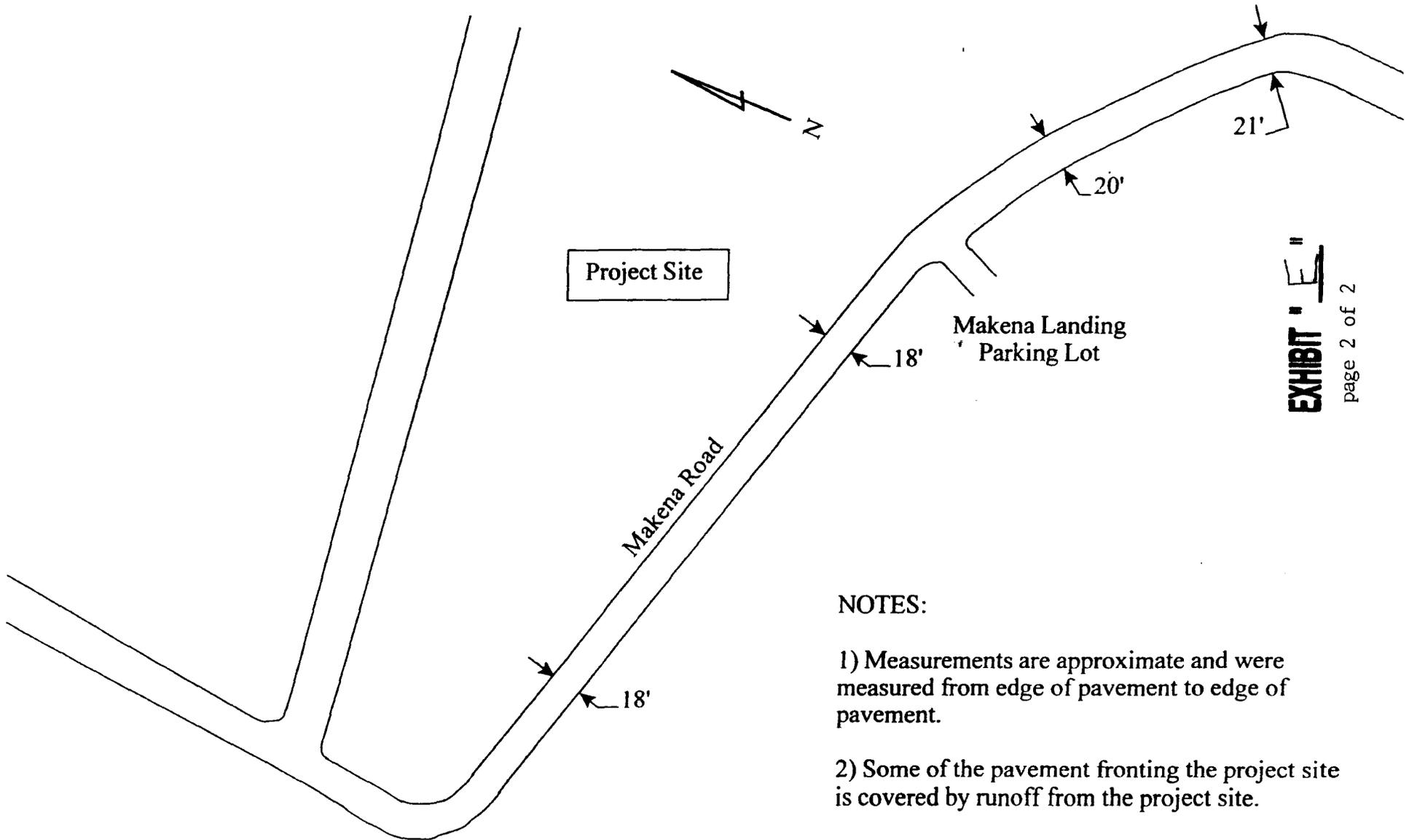


EXHIBIT "E"

page 2 of 2

NOTES:

- 1) Measurements are approximate and were measured from edge of pavement to edge of pavement.
- 2) Some of the pavement fronting the project site is covered by runoff from the project site.

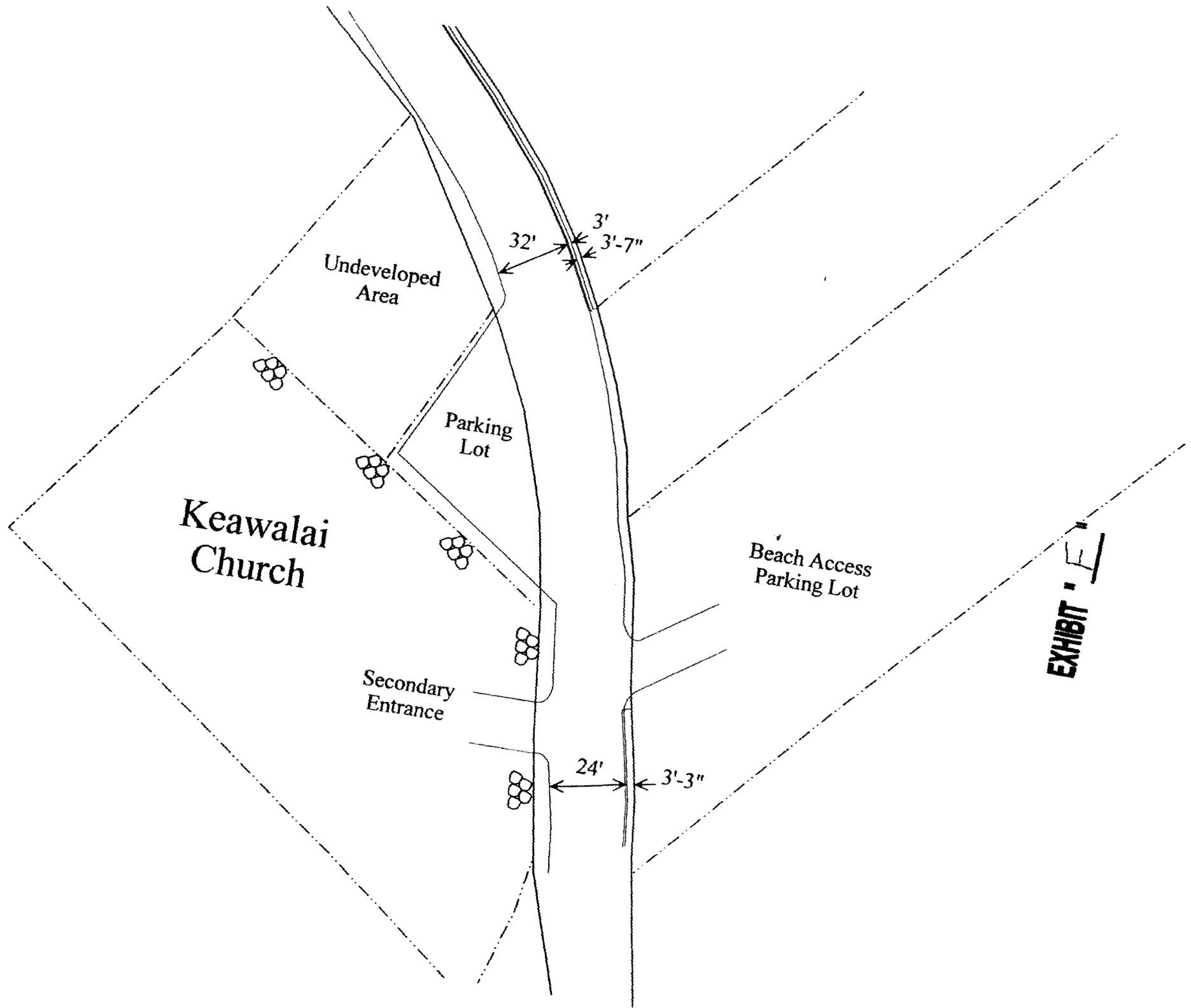


EXHIBIT - E

JAMES "KIMO" APANA
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

RON R. RISKA, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

ANDREW M. HIROSE
Solid Waste Division

April 3, 2000

Mr. Ken Kurokawa, P.E.
Vice President
Austin Tsutsumi & Associates, Inc.
1871 Wili Pa Loop
Wailuku, Hawaii 96793

Dear Mr. Kurokawa:

UUG File No. 2-2566.

**SUBJECT: SPECIAL MANAGEMENT AREA PERMIT APPLICATION
CHANGE IN ZONING, PROJECT DISTRICT PHASE I & II
PALAUEA SUBDIVISION
TMK: 2-1-023:002**

This is in response to your fax memo of January 18, 2000 regarding the proposed road improvements based on the existing right-of-way and pavement widths. The existing rights-of-way are sufficient for all three abutting roadways (Makena Alanui, Kaukahi Street, and Old Makena Road).

For Makena Alanui, construct some road widening along the beginning of the southbound lane to accommodate a 12-foot lane plus 6-foot bike lanes (including a gutter) to begin the bike lane immediately south of Kaukahi Street.

On Makena Alanui and Kaukahi Streets, place the 6-foot sidewalk up against the curb to allow the trees, utilities, and signs between the back of sidewalk and right-of-way.

With regard to the Old Makena Road, your plans should reflect the objectives and policies contained within the Kihei Community Plan for this road. Please reference item f on the attached sheet. This department recommends the road pavement section be maintained at 22 feet. Pavement resurfacing for the road section fronting the project area will be a requirement.

EXHIBIT "G"

Mr. Ken Kurokawa, P.E.

April 3, 2000

Page 2

If there are any questions, please call Lloyd Lee, Engineering Division Chief,
at 270-7745.

Sincerely



CHARLES JENCKS
Director of Public Works
and Waste Management

CJ:mt

Attachment

cc: Lloyd Lee, Engineering Division

✓Glen Ueno, Land Use and Codes Administration

should provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities.

- d. Support ridesharing, bicycle and pedestrian use, alternative work schedules, traffic signal synchronization, and/or other transportation demand management strategies.
- e. Support a new bypass highway *mauka* of Pi'ilani Highway, coordinated with a Ma'alaea-Kealia Pond bypass highway, and an Upcountry-Kihei connector road, to be constructed as growth in the region warrants.
- f. Protect and preserve the traditional rural scale and character of existing portions of old Makena Road in a manner similar to that existing at Keawalai Church.
- g. Plan, design, and construct a pedestrian and bikeway network throughout the Kihei-Makena region which considers the utilization of existing stream beds, drainageways, wetlands and public rights-of-way along coastal and inland areas.
- h. Encourage joint public/private participation in the planning, design and construction of roadway improvements, especially those identified in this plan.
- i. Support the planning and design of the Ma'alaea-Kealia bypass highway in order to address potential environmental concerns of North Kihei Road, and its proximity to the shoreline.

Implementing Actions

- a. Plan, design and construct a new Road "C", from South Kihei Road to Pi'ilani Highway, to provide an alternative connector roadway in Central Kihei, as described in the Kihei Traffic Master Plan. Said alignment shall extend in an easterly direction from its existing segment at South Kihei Road and link with Pi'ilani Highway. This is the highest priority for roadway improvements in the community plan region.
- b. Plan, design and construct appropriate sections of a new North-South Collector Road, from Uwapo Road to Keonekai Road, to facilitate improved traffic movement in Kihei proper. When