

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING COMMITTEE**

July 1, 2011

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on June 13, 2011, makes reference to County Communication No. 11-141, from Council Chair Danny A. Mateo, transmitting correspondence dated April 12, 2011, from Charles Jencks, authorized representative of Honua`ula Partners, LLC (“Partners”). The correspondence transmits an annual compliance report in accordance with Condition No. 29 of Ordinance No. 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Conditional Zoning, for approximately 670 acres situated at Paehu, Palauea, Keauhou, Maui, Hawaii.

Your Committee notes that Ordinance No. 3554 (2008) established Kihei-Makena Project District 9 (Wailea 670) Conditional Zoning for two parcels, collectively comprising the entire 670-acre project district in Wailea, also known as “Honua`ula”. The project district will incorporate single-family residential, multi-family residential, recreation and open space/utility, and village mixed-use sub-districts, and one golf course. To mitigate the impacts of the project district, the Council imposed 30 conditions. These conditions addressed issues relating to infrastructure improvements, transportation management, parks, the public golf course, wastewater, contributions by the Department of Education, civil defense measures, police and fire control, resource management, and other development issues.

Due to concerns that these conditions be regularly monitored for compliance, Condition No. 29 of Ordinance No. 3554 (2008) provides that “Honua`ula Partners, LLC, its successors and permitted assigns, shall provide annual compliance reports to the Department of Planning and the Maui County Council. The reports would include the status of the project and the Partners’ progress in complying with the conditions, commencing within one year of the effective date of the ordinance.”

Your Committee notes that Honua`ula has been and is currently involved in several legal proceedings. Charles Jencks, authorized representative of the Partners, summarized legal filings, responses, decisions by the court, and the status of the legal challenges. He stated that the legal proceedings affect all of the Partners’ decisions and

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project commitments, and that groundbreaking for the project is delayed until legal matters have been settled.

In the meantime, Mr. Jencks noted that preliminary work continues. Initial work for the first phase of the project, relating to highway and other roadway improvements, is nearing completion, pursuant to Condition No. 2. He projected that this phase will commence during the middle of 2012 and will take approximately one year to complete.

He stated that the project has been further delayed due to the requirements of Condition No. 5, relating to workforce housing. He explained that the Partners have been unable to secure a contractor to build the required 125 ownership units. Mr. Jencks expressed interest in pursuing your Committee's suggestion that the requirement for 250 rental and ownership units in Condition No. 5 be amended to allow for more rental units.

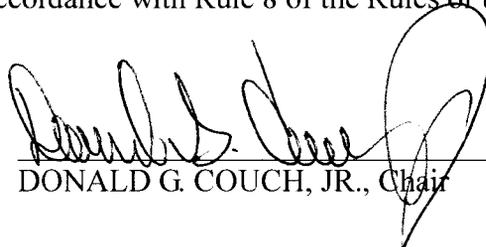
Mr. Jencks stated that the project is exempt from the requirements of Chapter 14.12, Maui County Code, entitled "Water Availability"; however, he is uncertain if the County will have an available water supply for Honua`ula. He has not received a response from the Department of Water Supply regarding this matter.

Mr. Jencks assured your Committee that although Honua`ula continues to be delayed, it remains a financially viable project.

Your Committee voted 4-0 to recommend filing of the communication. Committee Vice-Chair Baisa, and members Mateo, Cochran, and White voted "aye". Committee Chair Couch and members Pontanilla and Victorino were excused.

Your Planning Committee RECOMMENDS that County Communication No. 11-141 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
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DONALD G. COUCH, JR., Chair