

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001

**Committee
Report No.**

01-199

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

Chair and Members:

Your Planning Committee, having met on September 20, 2001, September 24, 2001, and September 26, 2001, makes reference to a Miscellaneous Communication dated September 19, 2000, from the Deputy County Clerk, reporting that at its meeting of September 15, 2000, the Council recommitted the following land use matrix items relating to the proposed update of the Wailuku-Kahului Community Plan:

1. Matrix No. 1, Boundary Changes;
2. Matrix No. 33, Dairy Road Light Industrial Expansion;
3. Matrix No. 34, Airport Triangle Light Industrial;
4. Matrix No. 38, Maui Country Club Expansion; and
5. Matrix No. 39, Spreckelsville Beach Single Family.

Your Committee notes that the above matrix items were previously reported on in Committee Report No. 00-182. In that report, the prior Council's Planning Committee recommended approval of the following.

1. A revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2000)".

The purpose of the revised proposed bill is to repeal the "Wailuku-Kahului Community Plan" having an effective date of December 7, 1987, as amended, and to adopt the updated "Wailuku-Kahului Community Plan" (2000).

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 2

Committee
Report No. 01-199

2. A revised proposed resolution entitled "REFERRING A PROPOSED BILL TO THE MAUI PLANNING COMMISSION RELATING TO REDISTRICTING OF THE SPRECKELSVILLE AREA (INCLUDING LAND USE DESIGNATIONS AND RELATED TEXT) INTO THE PA'IA-HA'IKU COMMUNITY PLAN REGION".

The purpose of the revised proposed resolution is to refer the revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 2415 (1995), AS AMENDED, RELATING TO THE PA'IA-HA'IKU COMMUNITY PLAN TO REDISTRICT THE SPRECKELSVILLE AREA (INCLUDING LAND USE DESIGNATIONS AND RELATED TEXT) INTO THE PA'IA-HA'IKU COMMUNITY PLAN REGION" to the Maui Planning Commission for appropriate action pursuant to Section 8-8.4 and Section 8-8.6 of the Charter of the County of Maui. The purpose of the proposed bill is to amend the Pa'ia-Ha'iku Community Plan to redistrict the Spreckelsville area (including land use designations and related text) into the Pa'ia-Ha'iku Community Plan region.

However, at the Council meeting of September 15, 2000, the Department of the Corporation Counsel recommended that the five matrix items be recommitted. Although the prior Planning Committee had fully complied with all legal requirements relating to public notice and testimony, potential litigation by one individual warranted a recommittal of these items in order to offer another opportunity for public testimony and another vote as a precautionary measure.

The Council voted to recommit the five matrix items and to lay the remainder of the proposed legislation on the County Clerk's desk until the Council was ready to act on the recommitted matrix items.

Your Committee further notes that the prior Planning Committee reported on the recommitted matrix items through Committee Report No. 00-240. In that report, the prior Committee recommended that the Miscellaneous Communication be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 3

Committee
Report No. 01-199

By memorandum dated November 20, 2000, the Council Chair transmitted eight written testimonies (by e-mail, facsimile, and letter) in opposition to the Maui Country Club Expansion.

By memorandum dated December 6, 2000, the Chair of the prior Committee transmitted to the Department of the Corporation Counsel for comment, a letter dated November 28, 2000, from Jim Smith, requesting the recommittal of all proposed legislation relating to this matter.

By memorandum dated December 20, 2000, the Department of the Corporation Counsel provided a comparison between the procedures and requirements for approving community plan amendments as a part of the ten-year update process, and as a part of the individual application process.

At its meeting of January 12, 2001, the Council referred the Miscellaneous Communication to your Planning Committee (County Communication No. 01-22).

By memorandum dated August 15, 2001, the Council Chair transmitted a petition containing 41 signatures in opposition to the Maui Country Club Expansion.

By memorandum dated September 12, 2001, the Chair of your Committee transmitted a document entitled "SPRECKELSVILLE PLANTATION VILLAGE" submitted by Mr. Mercer Vicens, Vice President, A&B Properties, Inc. The document contained the revised plans for the Maui Country Club Expansion. Some of the revisions to the original project plans included the following.

1. The amount of dwelling units will decrease slightly from 400 to 380, with approximately 50 units targeted for buyers in the "affordable" income range, and approximately 100 units in the "median income" range.
2. A neighborhood commercial center is being proposed.
3. There are 11 development conditions being proposed by the landowner, including a proposal that the project will be developed

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 4

Committee
Report No. 01-199

only if another project, the Paia School Community Project District, is not developed.

Prior to its meeting of September 20, 2001, your Committee received 11 written testimonies (by e-mail, facsimile, and letter) regarding this matter. Ten of the written testimonies were in opposition to the Maui Country Club Expansion and in favor of redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region. One written testimony provided comments regarding future planning.

At its meeting of September 20, 2001, your Committee met with the Planning Director; the Deputy Planning Director; a Deputy Corporation Counsel; the GIS Coordinator from the Department of Management; Mercer Vicens, Vice President, A&B Properties, Inc. (landowner of the properties pertaining to Matrix Nos. 33, 34, 38, and 39); and Tom Witten, PBR Hawaii, Planning Consultant for A&B Properties, Inc.

The Deputy Corporation Counsel reiterated his Department's opinion that the recommitted items should undergo public testimony and another vote as a precautionary measure against potential litigation.

Mr. Vicens and Mr. Witten provided an overview of the following matrix items:

1. For Matrix Nos. 33 and 34, the Airport Triangle and the Dairy Road Light Industrial Expansion, a land use redesignation from Agriculture to Light Industrial was being requested;
2. For Matrix No. 38, the Maui Country Club Expansion, a redesignation from Agriculture to Project District was being requested;
3. For Matrix No. 39, the Spreckelsville Beach Single Family, there was no objection in having the property remain designated as Open Space; and
4. For Matrix No. 1, A&B Properties opposed redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 5

Committee
Report No. 01-199

Your Committee received verbal testimony from 30 persons. Seventeen persons testified in opposition to the Maui Country Club Expansion, and generally in favor of redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region. Thirteen persons testified in support of the Maui Country Club Expansion. In addition, three written testimonies providing related information were received.

Your Committee recessed its meeting until September 24, 2001.

At its reconvened meeting of September 24, 2001, your Committee met with the Planning Director; the Deputy Planning Director; a Deputy Corporation Counsel; the GIS Coordinator from the Department of Management; Mercer Vicens, Vice President, A&B Properties, Inc.; Tom Witten, PBR Hawaii, Planning Consultant for A&B Properties, Inc.

Your Committee received five written testimonies (by e-mail, facsimile, and letter). Four written testimonies were in opposition to the Maui Country Club Expansion and in favor of redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region. One written testimony was in support of the Maui Country Club Expansion.

The GIS Coordinator (who handled the proposed Wailuku-Kahului Community when he was employed by the Department of Planning) testified that Spreckelsville had never been an official part of the Pa'ia-Ha'iku Community Plan region. The County has always separated the Pa'ia-Ha'iku and Wailuku-Kahului regions at Kailua Gulch where the State judicial boundary occurs. The Wailuku-Kahului Citizen Advisory Committee had considered redistricting Spreckelsville into the Pa'ia-Ha'iku region, but they had recommended against it. It was felt that Kahului Airport, which is in the Wailuku-Kahului region, had more of a direct impact upon Spreckelsville than did the Pa'ia-Ha'iku region. As such, Kahului Airport and Spreckelsville would be better served by being grouped together in the Wailuku-Kahului Community Plan region.

Responding to your Committee's questions, the Deputy Planning Director opined that the State's expansion plans for Kahului Airport were uncertain.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 6

Committee
Report No. 01-199

Previous plans had either been canceled or postponed. Moreover, recent world events had made future planning at the airport even more uncertain.

Your Committee noted that any State plans to expand Kahului Airport had the potential to impact not only Spreckelsville, but the Airport Triangle and Dairy Road Light Industrial areas as well. Redesignating land at this point may serve as a hindrance to future plans to expand or reconfigure Kahului Airport.

Your Committee further noted that the update of the County's General Plan was pending. That process would provide an opportunity for the boundaries of community plan regions to be reassessed on an island-wide basis.

Your Committee voted on the following matrix items.

- Matrix No. 1 Extended the Wailuku-Kahului Community Plan boundary to Kuihelani Highway, but disapproved redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region.

- Matrix No. 33 Designated the Dairy Road Light Industrial area to remain as Agriculture.

- Matrix No. 34 Designated the Airport Triangle to retain its current land use designations of Agriculture and Light Industrial.

- Matrix No. 39 Designated the Spreckelsville Beach Single Family to remain as Open Space.

Your Committee recessed its meeting until September 26, 2001.

By memorandum dated September 26, 2001, the Council Chair transmitted three facsimile letters in opposition to the Maui Country Club Expansion, one of which was also in favor of redistricting Spreckelsville into the Pa'ia-Ha'iku Community Plan region.

At its reconvened meeting of September 26, 2001, your Committee met with the Planning Director; the Deputy Planning Director; a Deputy Corporation Counsel; the GIS Coordinator from the Department of Management;

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 7

Committee
Report No. 01-199

Mercer Vicens, Vice President, A&B Properties, Inc.; and Tom Witten, PBR Hawaii, Planning Consultant for A&B Properties, Inc.

Your Committee voted on Matrix No. 39 by designating the Maui Country Club Expansion to remain as Agriculture.

Your Committee was not necessarily opposed to the Maui Country Club Expansion; the project had merit in the area of affordable and gap-group housing. However, your Committee felt that having the project go through an individual community plan amendment would give the public more opportunities to provide input into the project plans, and would ensure that an environmental assessment is prepared before approvals are given.

In view of your Committee's wish to see the Maui Country Club Expansion processed separately from the community plan, the Deputy Planning Director testified that his Department would process land use applications for the Maui Country Club Expansion on a timely basis.

By memorandum dated October 8, 2001, to the Department of the Corporation Counsel, the Chair of your Committee transmitted a revised proposed Wailuku-Kahului Community Plan (2001) which incorporated the actions of your Committee. Also transmitted was a copy of the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2000)". The Chair of your Committee requested that a new proposed bill be drafted to adopt the Wailuku-Kahului Community Plan (2001).

Your Committee is in receipt of a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2001)".

The purpose of the proposed bill is to repeal the "Wailuku-Kahului Community Plan" having an effective date of December 7, 1987, as amended, and to adopt the updated "Wailuku-Kahului Community Plan" (2001).

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 8

Committee
Report No. 01-199

Your Committee notes that its actions involving the recommitted matrix items permit the previous legislation laying on the County Clerk's desk to be filed.

Your Committee further notes that its actions involving the recommitted matrix items necessitated the deletion of text relating to the Maui Country Club Expansion, the Airport Triangle, the Dairy Road Light Industrial area, and the redistricting of Spreckelsville. The revised text revisions for the proposed Wailuku-Kahului Community Plan (2001) is attached hereto as Exhibit "Z".

Your Planning Committee **RECOMMENDS** the following:

1. That a PUBLIC HEARING be HELD on the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2001)", and the proposed update of the Wailuku-Kahului Community Plan attached thereto as Exhibit "1";
2. That the proposed bill, as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2001)", and the proposed update of the Wailuku-Kahului Community Plan attached thereto as Exhibit "1" be SCHEDULED for consideration following the public hearing; and
3. That the Miscellaneous Communication be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2001
Page 9

Committee
Report No. 01-199

CHARMAINE TAVARES **Chair**

JO ANNE JOHNSON **Member**

MICHAEL J. MOLINA **Vice-Chair**

DAIN P. KANE **Member**

ALAN M. ARAKAWA **Member**

PATRICK S. KAWANO **Member**

ROBERT CARROLL **Member**

WAYNE K. NISHIKI **Member**

G. RIKI HOKAMA **Member**