

# PLANNING AND LAND USE COMMITTEE

Council of the County of Maui

## Meeting Agenda

November 30, 2004

1:30 p.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/PLU/>

e-mail: [plu.committee@co.maui.hi.us](mailto:plu.committee@co.maui.hi.us)

### COMMITTEE MEMBERS

Wayne K. Nishiki, Chair

G. Riki Hokama, Vice-Chair

Robert Carroll

Jo Anne Johnson

Dain P. Kane

Danny A. Mateo

Michael J. Molina

Joseph Pontanilla

Charmaine Tavares

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (David Raatz or Yvette Bantilan) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

**PLU-50**

### **BILL NO. 53 (2004), RELATING TO A CONDITIONAL PERMIT TO OPERATE A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY AND ROCK CRUSHING OPERATION (WAILUKU) (HAWAIIAN CEMENT)**

**DESCRIPTION:**

The Committee is in receipt of the following:

1. Bill No. 53 (2004), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2669 (1998), AS AMENDED BY ORDINANCE NO. 2853 (2000), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII". The purpose of Bill No. 53 (2004) is to grant a five-year Conditional Permit extension to Pohakulepo Recycling, LLC to operate a facility for the composting of green waste and grubbed material and the recycling of concrete rubble on approximately 14.8 acres in Wailuku (TMK: 3-6-004:por. of 7).

MORE →

- 2. Correspondence dated November 3, 2004, from the Planning Director, advising that the Maui Planning Commission has recommended approval of a transfer of the Conditional Permit from Pohakulepo Recycling, LLC to Hawaiian Cement.

**STATUS:** The Committee may consider whether to recommend passage of Bill No. 53 (2004) on second and final reading, with or without revisions. The Committee may also consider the possible filing of Bill No. 53 (2004) and other related action.

**PLU-51                    COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE PLANTATION INN PROJECT (LAHAINA)**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 03-306, from the Planning Director, transmitting the following:

- 1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO HOTEL FOR THE PLANTATION INN PROJECT FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAWEA STREET, LAHAINA, MAUI, HAWAII". The purpose of the proposed bill is to change the Community Plan designation from Business/Commercial to Hotel for the Plantation Inn Project for properties located at 174 Lahainaluna Road and 7820 B Panaewa Street, Lahaina, comprising approximately 37,752 square feet.
- 2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-2 COMMUNITY BUSINESS DISTRICT AND THE R-1 RESIDENTIAL DISTRICT TO THE H-M HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAWEA STREET, LAHAINA, MAUI, HAWAII". The purpose of the proposed bill is to conditionally change the zoning from B-2 Community Business District and R-1 Residential District to H-M Hotel District for the Plantation Inn Project for properties located at 174 Lahainaluna Road and 7820 B Panaewa Street, Lahaina, comprising approximately 37,752 square feet.

**STATUS:** The Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider the possible filing of County Communication No. 03-306 and other related action.

**NOTE: THE COMMITTEE CHAIR HAS RECOMMENDED THAT THE FOLLOWING ITEMS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2005, PURSUANT TO SECTION 19 OF THE RULES OF THE COUNCIL.**

**PLU-1                    CHANGE IN ZONING AND COMMUNITY PLAN AMENDMENT FOR MAKAWAO HONGWANJI PROPERTY (HAIKU)**

Jan. 12/01            C.C. 00-289            Deputy Corporation Counsel, transmitting a request for a Change in Zoning and Community Plan Amendment for the Makawao Hongwanji property in Haiku on approximately 0.97 acres (TMK: 2-7-004:21). (C.C. 01-7 and C.C. 03-10)

**PLU-2 COMMUNITY PLAN DESIGNATION FOR 5.171-ACRE PARCEL AT SITE OF PREVIOUSLY PROPOSED KA ONO ULU COMMERCIAL DEVELOPMENT AND NEARBY 7-ACRE PARCEL (KIHEI)**

- Sep. 21/01 MISC. County Clerk, referring the matter relating to the community plan designation of approximately 5.171 acres of land located in Kihei, Maui, Hawaii, identified for real property tax purposes as TMK: 3-9-001:157. (LU C.R. No. 01-172) (C.C. 03-10)
- Feb. 15/02 G.C. 02-1 Doyle G. Betsill, President of Kenranes, Ltd., requesting that the Kihei-Makena Community Plan designation for TMK: 3-9-001:162 be redesignated from Park to Multi-Family. (C.C. 03-10)

**PLU-3 PREPARATION OF ENVIRONMENTAL ASSESSMENTS**

- Nov. 1/02 MISC. County Clerk, referring the matter of the responsibility and authority for preparing environmental assessments. (LU C.R. No. 02-153) (C.C. 03-5)

**PLU-5 REVISIONS TO “AG BILL” (AGRICULTURAL DISTRICT ZONING ORDINANCE); TEMPORARY MORATORIUM ON AG SUBDIVISIONS; PUBLIC REVIEW OF AG SUBDIVISIONS**

- May 3/02 C.C. 02-95 Councilmember Johnson, transmitting a draft bill entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 18 OF THE MAUI COUNTY CODE, PERTAINING TO SUBDIVISIONS”, relating to a proposed temporary moratorium on Ag subdivisions (MCC Chapter 18.51), and requesting correction of flaws in the Agricultural District Zoning Ordinance (“Ag bill”). (C.C. 03-5)

**PLU-6 MEO’S TRANSPORTATION FACILITY**

- Aug. 24/04 C.C. 04-207 Council Chair, transmitting a letter from the Executive Director of Maui Economic Opportunity, Inc., (MEO) requesting an opportunity to brief the Council on the status of MEO’s transportation facility.

**PLU-7 MAINTENANCE OF COUNTYWIDE SHORELINE ACCESS, SIGNAGE, AND ACCESS PARKING**

Sept. 21/01 C.C. 01-265 Councilmember Nishiki, relating to consideration of legislative action to insure shoreline access for present and future users. (C.C. 03-11)

**PLU-8 TRANSIENT VACATION RENTALS**

May 18/01 C.C. 01-150 Councilmember Arakawa, transmitting draft bill entitled "A BILL FOR AN ORDINANCE MODIFYING THE DEFINITION AND APPLICATION OF THE TERM 'LONG TERM RESIDENTIAL'". (C.C. 03-5)

Aug. 20/02 C.R. 02-94 Land Use Committee recommending adoption of resolution urging the Administration to reassess its enforcement practices with respect to vacation rentals. (Recommitted w/ amended resolution) (C.C. 03-5)

**PLU-10 CONDITIONAL PERMIT PROCESSING**

Nov. 2/01 C.C. 01-298 Councilmember Nishiki, relating to the matter of conditional permit processing. (C.C. 03-5)

**PLU-11 TRANSPORTATION INFRASTRUCTURE PLANNING WORKSHOP**

Sept. 21/01 C.C. 01-183 Councilmember Johnson, relating to a transportation infrastructure planning workshop. (PC C.R. 01-175) (C.C. 03-12)

**PLU-13 BED AND BREAKFAST OPERATIONS**

Jan. 9/97 C.C. 97-17 Planning Director, transmitting comments and recommendations of the Maui, Molokai, and Lanai Planning Commissions relating to a DRAFT proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19 OF THE MAUI COUNTY CODE BY ADDING CHAPTER 19.64 RELATING TO BED AND BREAKFAST HOMES AND AMENDING OTHER PORTIONS OF TITLE 19". (C.C. 01-21 and C.C. 03-5)

**PLU-14 PROPOSED KIHEI-MAKENA AND WEST MAUI TRANSPORTATION PLANNING MODELS**

Mar. 16/01 MISC. County Clerk, referring the matter relating to the transportation models for Kihei-Makena and West Maui. (C.C. 03-12)

Sept. 19/03 C.C. 03-235 Planning Director, transmitting the draft "Final Report Traffic Impact Fee Program for West Maui and South Maui".

**PLU-15 CONTROLLING FOWL IN RESIDENTIAL AREAS**

Oct. 4/01 C.C. 01-277 Council Vice-Chair, relating to the matter of crowing roosters in or near residential areas. (C.C. 03-5)

**PLU-16 RELATING TO PROJECT DISTRICT AMENDMENTS AND REVISIONS**

July 6/01 C.C. 01-190 Planning Director, transmitting the following:

1. Comments and recommendations from the Maui, Molokai, and Lanai Planning Commissions regarding proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.45 AND 19.510, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT AMENDMENTS AND REVISIONS" (transmitted via Resolution No. 00-181); and

2. Other related documents. (C.C. 03-10)

Mar. 1/02 C.R. 02-24 (Recommitted) Land Use Committee recommending the following:

1. FIRST READING of bill amending Chapters 19.45 and 19.510, Maui County Code, clarifying that project district amendments and revisions shall be processed pursuant to Chapter 19.45; and

2. FILING of communication. (C.C. 03-10)

**PLU-17 RE-ESTABLISHING INTERIM RESTRICTIONS ON THE DEVELOPMENT OF HOTELS**

Aug. 1/03 C.C. 03-196 Councilmember Johnson, transmitting the following:

1. Draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19 OF THE MAUI COUNTY CODE PERTAINING TO RESTRICTING THE CONSTRUCTION OF HOTELS FOR AN INTERIM PERIOD"; and
2. Draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING TITLE 19 OF THE MAUI COUNTY CODE PERTAINING TO RESTRICTING THE CONSTRUCTION OF HOTELS FOR AN INTERIM PERIOD".

**PLU-19            LAND-USE DEFINITIONS**

Feb. 2/01        C.C. 01-63        Land Use Committee Chair, transmitting 1) the matter of land-use definitions; and 2) a copy of County Communication No. 96-246, from the former Planning Director, transmitting a proposed bill entitled "A BILL FOR ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A SERVICE BUSINESS RESIDENTIAL DISTRICT". (C.C. 03-10)

**PLU-21            MAUI NUI PARK**

March 2/01      C.C. 01-82        Council Chair, transmitting a communication and petition from Steven C. Sipman, relating to the dolphin component of the Maui Nui Park. (C.C. 03-5)

**PLU-24            DEVELOPMENT NEAR BALDWIN BEACH (MONTANA BEACH CONDOMINIUM PROJECT)**

July 6/01        C.C. 01-193        Councilmember Arakawa, relating to the matter of the development of single-family homes near Baldwin Beach. (C.C. 03-5)

**PLU-25            RESIDENTIAL BUSINESS ORDINANCE**

Oct. 19/01      C.C. 01-286        Councilmember Johnson, transmitting a copy of a letter from MEO Business Development Corporation, relating to proposed legislation to allow home-based businesses in residential areas. (C.C. 03-5)

**PLU-31 CLARIFICATION OF AFFORDABLE HOUSING DEFINITIONS AND CONSOLIDATION OF MAUI COUNTY CODE CHAPTERS 19.09 (ZERO-LOT LINE RESIDENTIAL DISTRICT) AND 19.84 (ZERO-LOT LINE OVERLAY DISTRICT)**

Sep. 7/01 C.C. 01-250 Councilmember Johnson, relating to clarification of affordable housing definitions and possible consolidation of Chapter 19.09, “Zero-Lot Line Residential District” and Chapter 19.84, “Zero-Lot Line Overlay District” (Maui County Code). (C.C. 01-250 and C.C. 03-5)

**PLU-32 CONDOMINIUM PROPERTY REGIMES ON AGRICULTURAL LAND**

Dec. 15/03 C.C. 03-305 Councilmember Hokama, relating to condominium property regimes (CPR) in County Agricultural Districts.

**PLU-39 DRAFT BILLS PERTAINING TO CONDITIONAL ZONING AND REGULATION OF PERMITS AND WATER USE**

Feb. 21/02 C.C. 02-47 Council Vice-Chair, transmitting the following:

1. Draft bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, MAUI COUNTY CODE, PERTAINING TO CONDITIONAL ZONING”; and
2. Draft bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.90A, MAUI COUNTY CODE, PERTAINING TO REGULATION OF PERMITS AND WATER USE”. (C.C. 03-5)

**PLU-42 GOLF COURSE ZONING**

Sep. 21/04 C.C. 04-231 Councilmember Nishiki, relating to appropriate zoning for golf courses.

**PLU-47 CHANGE IN ZONING AND COMMUNITY PLAN AMENDMENT FOR FUKIYO UEOKA (PAIA)**

Nov. 21/03 C.C. 03-285 Councilmember Molina, transmitting the following:

1. Draft bill entitled “A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:019)”;
2. Draft bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:19)”;
3. Draft resolution entitled “REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITIY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY AND CHANGE THE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:019).

**PLU-48                    PERFORMANCE MEASURES**

June 6/03            C.C. 03-147            Chair, Budget and Finance Committee, relating to the matter of developing performance measures for departments and agencies under the purview of the Planning and Land Use Committee.

**PLU-49                    WATER ISSUES AND THE GENERAL PLAN**

Oct. 5/04            C.C. 04-247            Council Chair, referring the matter of incorporating the Water Use and Development Plan into the General Plan.

**PLU-52                    PROJECT DISTRICT PROCESSING REGULATIONS (CHAPTER 19.45, MAUI COUNTY CODE)**

May 18/04            C.C. 04-134            Councilmember Tavares, referring the matter relating to Project District Processing Regulations (Chapter 19.45, Maui County Code).

**PLU-53                    AMENDMENTS TO COUNTRY TOWN ZONING**

Jan. 16/04            C.C. 04-12            Councilmember Tavares, transmitting the following:



1. Draft bill entitled “A BILL FOR AN ORDINANCE TO EXPAND THE PERMITTED USES IN COUNTRY BUSINESS TOWN DISTRICTS”; and
2. Draft resolution entitled “REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A BILL TO AMEND THE COUNTRY TOWN ZONING ORDINANCE TO INCLUDE MULTI-FAMILY-RESIDENTIAL, EDUCATIONAL, RECREATIONAL, AND RELATED USES AS PERMITTED USES IN COUNTRY TOWN BUSINESS DISTRICTS”.

**PLU-55 MAUI PREPARATORY ACADEMY (NAPILI)**

Feb. 6/04 C.C. 04-40 Councilmember Johnson, referring the matter relating to land-use approvals for the Maui Preparatory Academy in Napili.

**PLU-62 TERRACES AT MANELE: COMPLIANCE WITH CONDITIONS (LANAI)**

March 19/04 C.C. 04-1 Ralph Masuda, Vice President of Planning and Zoning, Castle & Cooke Resorts, LLC, providing a status report regarding compliance with Ordinance No. 3137, amending the State Land Use District Boundary from Rural to Urban for property situated at Manele, Lanai, Hawaii (TMK: 4-9-017:por. 008).

**PLU-65 LAHAINA PROJECT DISTRICT 1 (KAPALUA RESORT PROJECT DISTRICT, MAUI COUNTY CODE CHAPTER 19.73)**

May 7/04 C.C. 04-125 Councilmember Nishiki, referring the matter to the Lahaina Project District 1 (Kapalua Resort Project District).

**PLU-67 PROHIBITION OF BACK-LIT SIGNS**

July 9/04 C.C. 04-168 Councilmember Tavares, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 16.13.150, MAUI COUNTY CODE, RELATING TO PROHIBITED SIGNS”.