

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

May 3, 2002

**Committee
Report No.**

02-56

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

Chair and Members:

Your Planning Committee, having met on February 28, 2002, and March 14, 2002, makes reference to the following:

1. 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).

2. Committee Report No 00-182, from the prior Council's Planning Committee, recommending the following.

- A. That a public hearing be held on 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 (2000)", and the proposed update of the Wailuku-Kahului Community Plan.

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" (2000).

- B. That the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050, MAUI

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COUNTY CODE, PERTAINING TO THE ADOPTION OF THE UPDATED WAILUKU-KAHULUI COMMUNITY PLAN (2000)", and the proposed update of the Wailuku-Kahului Community Plan be scheduled for consideration following the public hearing.

- C. That a 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" be adopted.

The purpose of the proposed resolution is to refer a 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.

- D. That the following communications be filed:
- a. County Communication No. 93-127, from former Councilmember Manuel Moniz, Jr., Chair of the Planning Committee, relating to the proposed update of the Wailuku-Kahului Community Plan;
 - b. County Communication No. 93-508, from former Councilmember Alice L. Lee, transmitting a letter dated November 22, 1993, from

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Reverend Robb Y. Kojima, Pastor of Wailuku Union Church, in opposition to designating the Wailuku Union Church property as a historical district; and

- c. Miscellaneous Communication dated January 20, 1998, from the County Clerk, referring the matter of the recommendations of the "Ad Hoc Committee on Waiale Road Improvements" for consideration during the update of the Wailuku-Kahului Community Plan.

Your Committee notes that Committee Report No. 00-182 was considered at the Council meeting of September 15, 2000. At that meeting, the Council voted to recommit five Wailuku-Kahului Community Plan land use matrix items to the prior Planning Committee, and to lay Committee Report No. 00-182, and its communications, and proposed legislation on the County Clerk's desk until the Council was ready to act on the recommitted matrix items.

The prior Committee reported on the recommitted matrix items through Committee Report No. 00-240. In that report, the prior Committee recommended that the recommitted matrix items be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition. At its meeting of January 12, 2001, the Council referred the recommitted matrix items to your Committee (County Communication No. 01-22).

Following meetings on September 20, 2001, September 24, 2001, and September 26, 2001, your Committee voted to incorporate its recommendations regarding the recommitted matrix items into the proposed bill adopting the Wailuku-Kahului Community Plan (2001). Your Committee then reported on this matter through Committee Report No. 01-199. In that report, your Committee recommended that a public hearing be held on the proposed bill. The public hearing was held on December 12, 2001.

At its meeting of January 11, 2002, the Council recommitted the proposed bill adopting the Wailuku-Kahului Community Plan (2001), and Committee Report No. 00-182 to your Committee for further discussion.

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By correspondence dated February 19, 2002, the Chair of your Committee transmitted the written testimony submitted at the public hearing of December 12, 2001. Among the testimony were six requests to revise the proposed bill, five were for land use redesignations, and one was for text revisions relating to the use of the word "guide" in decision-making pertaining to the Wailuku-Kahului Community Plan.

By correspondence dated February 25, 2002, the Council Chair transmitted correspondence from the Director of the State Department of Transportation (DOT), providing comments on two requests for land use redesignations: Matrix No. 33, the Dairy Road Light Industrial Expansion; and Matrix No. 34, the Airport Triangle (Light Industrial). In general, the DOT did not believe that the proposed light industrial areas would result in any adverse operational or safety concerns for the current or planned facilities at Kahului Airport. Moreover, the DOT had already accepted the traffic assessment from the landowner, A&B Properties Inc., for a proposed collector roadway from Puunene Avenue to Hana Highway.

By correspondence dated February 27, 2002, Daniel Grantham, Chair of the Maui Sierra Club, requested a text revision to protect water from being exported out of the Wailuku-Kahului Community Plan region.

By correspondence dated February 27, 2002, Lynne Woods, President of the Maui Chamber of Commerce, notified your Committee that the Chamber was in support of Matrix No. 33, the Dairy Road Light Industrial Expansion, and Matrix No. 34, the Airport Triangle.

By correspondence dated February 27, 2002, the Department of the Corporation Counsel requested consideration of a land use redesignation from Single Family to Agriculture for a subdivision at Makahiki Street in Spreckelsville, identified as TMK: 3-8-2:101 to 117. According to the Department, a lawsuit pertaining to the subject property "required" your Committee's consideration of the proposed redesignation.

By correspondence dated February 28, 2002, Councilmember Jo Anne Johnson proposed text revisions to prohibit agricultural

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subdivisions larger than 15 acres unless active agricultural endeavors are mandated, and there is a method for a public hearing and Council approval.

At its meeting of February 28, 2002, your Committee met with the Planning Director, the GIS Coordinator from the Department of Management, and a Deputy Corporation Counsel.

Your Committee received public testimony from 12 persons. Eight persons testified in support of a Light Industrial designation for Matrix No. 33, the Dairy Road Light Industrial Expansion; and for Matrix No. 34, the Airport Triangle. One person testified in support of Matrix No. 1, to redistrict Spreckelsville into the Pa'ia-Ha'iku Community Plan District. Another person testified in support of a Single Family designation for his property in Matrix No. 48, the Pestana Property. Another person requested that the proposed Waiolani Elua Subdivision (TMK: 3-5-4:95) be designated Park instead of Single Family. Finally, one person requested a text revision to delete the provision that shoreline setbacks for multi-family and hotel uses be calculated by using 25 percent of the average lot depth. In addition, four written testimony was submitted.

Following due discussion, your Committee voted to approve the following.

1. Redesignate Matrix No. 48, the Pestana Property, from Open Space to Single Family.
2. Redesignate Matrix No. 51, the Grace Bible Church, from Park to Single Family.

Your Committee further requested the following.

1. An update on the status of all properties currently being sold by C. Brewer, Inc., including the County's policy regarding use of those properties.
2. The projected plans by the Department of Parks and Recreation for a park in the Waiolani area.

Your Committee deferred this matter pending further discussion.

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By correspondence dated March 8, 2002, the Director of Water Supply informed your Committee that the Board of Water Supply was proposing to obtain an interest in approximately 13,000 acres of land and water improvements from Wailuku Agribusiness (a subsidiary of C. Brewer, Inc.). The Director also provided maps to identify the subject lands in the watersheds of Waikapu, Iao, Waiehu, and Waihee.

By correspondence dated March 12, 2002, Councilmember Dain P. Kane proposed text revisions relating to the need for a water allocation plan to be adopted and implemented.

By correspondence dated March 13, 2002, the Chair of your Committee transmitted a summary of all unresolved land use redesignations and text revisions that had been received to date relating to the proposed Wailuku-Kahului Community Plan.

At its meeting of March 14, 2002, your Committee met with the Planning Program Administrator, Long Range Planning Division, Department of Planning; the Chief of Planning and Development, Department of Parks and Recreation; the Director of Public Works and Waste Management; the Geographic Information Systems (GIS) Coordinator from the Department of Management; and two Deputy Corporation Counsel.

Your Committee received public testimony from four persons. One person testified in support of a Light Industrial designation for both Matrix No. 33, the Dairy Road Light Industrial Expansion, and Matrix No. 34, the Airport Triangle; one person testified in opposition to Matrix No. 33. One person testified in support of a Business/Industrial designation for Matrix No. 16, the Waiale Road Industrial Expansion; and one person testified in opposition. In addition, one written testimony was submitted.

Regarding the plans for a park in the Waiolani area, the Chief of Planning and Development from the Department of Parks and Recreation testified that his Department was planning to obtain cash instead of land from two new subdivisions in the area for their park assessment. The anticipated revenue

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would total approximately \$350,000, and this would be sufficient to purchase and develop park land in the Waiolani area.

Regarding text in the plan to maintain the existing width of Waiale Road in order to preserve significant archaeological sites, the Director of Public Works and Waste Management urged your Committee to revise the text in order to maintain the existing roadway width "to the maximum extent possible." The Director felt that a small amount of road widening at Waiale Drive may be necessary in order to implement other transportation goals and objectives, and to provide for safety. He noted that replacing the support girders for the Waiale Bridge may have to be performed.

Following due discussion, your Committee voted to approve the following.

1. Redesignate Matrix No. 16, the Waiale Road Industrial Expansion, from Business/Industrial to Single Family.
2. Redesignate Matrix No. 33, the Dairy Road Light Industrial Expansion, from Agriculture to Light Industrial and Open Space.
3. Redesignate Matrix No. 34, the Airport Triangle, from Agriculture to Light Industrial.
4. Redesignate Matrix No. 52, the Existing Makahiki Street Subdivision, from Single Family to Agriculture.
5. Insert text on page 8, relating to the need for a water allocation plan to be adopted.
6. Delete and insert text on page 11, relating to the use of population forecasts as planning guides in decision-making.
7. Delete text on page 13, relating to the need to permit long-term leases on agricultural land without requiring subdivision, made obsolete through ordinance.

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8. Delete and insert text on page 14, relating to encouraging the planning commissions to utilize an interim shoreline setback of 150 feet, or 25 percent of the average lot depth, whichever is greater, for any undeveloped property.
9. Delete and insert text on page 30, relating to protecting ground water recharge areas and wellhead protection areas from contamination.
10. Insert text on page 30, relating to the adoption of a water allocation plan and the conformance of future development to the allocations.
11. Insert text on page 30, relating to promoting and implementing programs for ground water and wellhead protection.
12. Delete text on page 35, relating to maintaining the existing roadway width of Waiale Road.
13. Delete and insert text on page 44, relating to the use of planning standards as guides for development and design.
14. Insert text on page 44 and 45, relating to the Dairy Road Light Industrial Expansion and the Airport Triangle, pertaining to planning standards for landscaping, alternative energy, and the phasing of construction.
15. Authorize the Committee staff to make nonsubstantive revisions to the plan.

Your Committee further voted to recommend first reading of the proposed bill, as revised by your Committee, and that all communications and recommittals be filed.

Your Committee, however, requested the following.

1. That, prior to first reading, A&B Properties, Inc., consider inserting text pertaining to Matrix Nos. 33 and 34 for buffer-type landscaping

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and a possible realignment of the proposed Ho'okele Street extension in order to lessen the visual impact of light industrial development in the area.

2. That, prior to first reading, the Department of Planning and the Department of the Corporation Counsel comment on Councilmember Johnson's proposed text revisions relating to agricultural subdivisions.
3. That, prior to first reading, the County Cultural Resources Commission and the State Maui/Lanai Island Burial Council comment on the text to maintain the existing width of Waiale Road in order to preserve significant archaeological sites.
4. That, prior to first reading, the Department of Planning provide information on the projected need for light industrial land in the Wailuku-Kahului community plan region within the next ten years.
5. That the matter of designating a park in the Waiolani area be referred to your Parks and Recreation Committee.
6. That a letter be sent to the Department of Planning, urging the submittal of proposed zoning districts for all community plan land use designations which do not have such zoning districts.

Your Committee is in receipt of 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 (2002)". The revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, includes the proposed update of the Wailuku-Kahului Community Plan as revised by your Committee, identified as Exhibit "1" attached thereto.

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" (2002).

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Your Committee notes that the text revisions for the proposed Wailuku-Kahului Community Plan (2002) are illustrated in a document attached hereto as Exhibit "Z".

Your Planning Committee RECOMMENDS the following:

1. That Bill No. _____ (2002), 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 (2002)", PASS FIRST READING and BE ORDERED TO PRINT;
2. That the matter of designating a park in the Waiolani area be REFERRED to the Parks and Recreation Committee;
3. That Committee Report No 00-182 be FILED;
4. That County Communication No. 93-127 be FILED;
5. That County Communication No. 93-508 be FILED; and
6. That the Miscellaneous Communication be FILED.

Adoption of this report is respectfully requested.

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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