

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

March 5, 2004

Committee  
Report No.

04-47

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

Chair and Members:

Your Planning and Land Use Committee, having met on January 13, 2004 and February 17, 2004, makes reference to County Communication No. 03-285, from Councilmember Michael J. Molina, transmitting the following:

1. A 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)".

The purpose of the draft bill is to correct a mistaken community-plan designation for a 5,160-square-foot parcel currently in residential use.

2. A 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) 2-6-008:019)".

The purpose of the draft bill is to correct a mistaken zoning designation for a 5,160-square-foot parcel currently in residential use.

3. A draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY 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)".

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The purpose of the draft resolution is to refer the above-referenced legislation to the Maui Planning Commission, pursuant to Charter Sections 8-8.4 and 8-8.6.

By correspondence dated December 8, 2003, the Chair of your Committee requested that the Corporation Counsel approve the draft resolution as to form and legality.

By correspondence dated December 17, 2003, the Department of the Corporation Counsel transmitted a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY 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", incorporating technical revisions. The purpose of the proposed resolution is to refer the draft bills to the Maui Planning Commission.

At its meeting of January 13, 2004, your Committee met with the Planning Director; the Planning Program Administrator, Long Range Planning Division, Department of Planning; and the Corporation Counsel.

Your Committee received testimony from the daughter of the subject property's owner in support of the proposed resolution. She said that the erroneous land-use designations have created hardships for her family.

The Department of Planning representatives advised that the current zoning and community-plan designations were adopted by mistake.

Your Committee expressed interest in the history of the subject property's land-use designations and in determining whether State law would require an environmental assessment before the draft bill to approve a Community Plan Amendment could be enacted.

Your Committee noted the County's moral responsibility to rectify the errors and voted to recommend adoption of the proposed resolution.

By correspondence dated January 15, 2004, the Chair of your Committee requested that the Corporation Counsel provide a legal opinion on whether an

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environmental assessment is required for a Council-initiated Community Plan Amendment.

By correspondence dated January 15, 2004, the Chair of your Committee requested that the Planning Director provide information on the history of the subject property's land-use designations.

By correspondence dated January 21, 2004, the Planning Director informed your Committee, contrary to information previously provided, that the subject property is currently zoned Interim, rather than P-1 Public/Quasi-Public.

Your Committee notes that, as revealed by the new information provided by the Planning Director, the proposed resolution recommended for adoption on January 13, 2004 was technically flawed. Therefore, the Chair of your Committee decided to reschedule this matter for further consideration.

By correspondence dated February 2, 2004, the Chair of your Committee requested that the Corporation Counsel revise the proposed resolution and draft bills to reflect the subject property's current zoning.

By correspondence dated February 6, 2004, Deputy Corporation Counsel Dudley Akama transmitted a revised proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY AND CHANGE THE ZONING FROM INTERIM TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI". The purpose of the revised proposed resolution is to transmit the following proposed bills, identified as Exhibits "A" and "B", respectively, to the Maui Planning Commission for findings and recommendations pursuant to Charter Sections 8-8.4 and 8-8.6:

1. "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI".
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM TO RESIDENTIAL FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI".

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At its meeting of February 17, 2004, your Committee met with the Planning Director; the Deputy Planning Director; the Administrative Planning Officer, Department of Planning; a Staff Planner, Department of Planning; the Director of Public Works and Environmental Management; the Deputy Director of Transportation; three Police Officers, Department of Police; and a Deputy Corporation Counsel.

The Department of Planning representatives explained that the previously considered proposed resolution did not correctly identify the subject property's current zoning.

Your Committee voted to recommend adoption of the revised proposed resolution.

Your Planning and Land Use Committee RECOMMENDS that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY AND CHANGE THE ZONING FROM INTERIM TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI", be ADOPTED.

Adoption of this report is respectfully requested.

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