

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

December 14, 2004

**Committee
Report No.**

04-231

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 November 30, 2004, makes reference to the referrals noted on Exhibit "A", attached hereto and incorporated herein.

At its meeting, your Committee met with the Planning Director and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee noted that the end of the current Council term was approaching. In preparation for the new Council term, the Chair of your Committee recommended that certain pending matters be referred to the Council Chair for the term beginning January 2, 2005, pursuant to the following provision of the Rules of the Council:

Sec. 19. Filing of Items.

A. At the expiration of a Council term, all items pending before the Council and its committees shall be deemed filed and disposed of; provided that the following items shall be deemed referred to the Council Chair for the ensuing term, for consideration by the Council:

1. an item transmitted by another governmental agency to the Council, pursuant to a legal requirement, for Council action;
2. pending legislation that has passed only one of the required readings; and

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3. subject to Council approval, items recommended for referral by the Council Chair for matters pending before the Council, and items recommended for referral by a committee chair with the approval of that committee for matters pending before that chair's committee.

B. This provision shall not prevent the resubmittal of any matter to the Council in a subsequent term, for consideration as a new item.

Your Committee received public testimony from three people relating to controlling fowl in residential areas (PLU-15). Two testifiers expressed opposition to having the matter referred to the Council for the term beginning January 2, 2005, and one testifier expressed support for such an action.

After due consideration, the recommendation of the Chair of your Committee was approved with respect to the communications noted on Exhibit "A".

Your Planning and Land Use Committee RECOMMENDS that all communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2005.

Adoption of this report is respectfully requested.

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WAYNE K. NISHIKI Chair

DANNY A. MATEO Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

ROBERT CARROLL Member

JOSEPH PONTANILLA Member

JO ANNE JOHNSON Member

CHARMAINE TAVARES Member

DAIN P. KANE Member

EXHIBIT "A"

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-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 Land Use Committee recommending the following:
(Recommitted)

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-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)"; and
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-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".

END OF EXHIBIT "A"