

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

October 19, 2001

**Committee**  
**Report No.**

01-196

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

Chair and Members:

Your Land Use Committee, having met on October 1, 2001, makes reference to the following:

1. County Communication No. 99-195, from the Planning Director, transmitting pertinent documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT IN ORDER TO CONTINUE TO OPERATE THE FONG CONSTRUCTION EQUIPMENT AND MATERIAL BASEYARD WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII".

The purpose of the proposed bill is to provide a five-year extension of a Conditional Permit for the operation of a baseyard by Fong Construction Company, Limited, on a four-acre parcel of land on Waiko Road in Waikapu, identified as TMK No. 3-8-007:portion of 102.

2. County Communication No. 99-223, from the Planning Director, transmitting pertinent documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT IN ORDER TO OPERATE A CONSTRUCTION EQUIPMENT AND MATERIAL BASEYARD PRIMARILY FOR BUSINESS WITHIN THE CONSTRUCTION INDUSTRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII".

The purpose of the proposed bill is to provide a five-year Conditional Permit for the establishment of a construction baseyard on an adjacent 31-acre parcel of land on Waiko Road in Waikapu, identified as TMK No. 3-8-007:089 and portion of 102.

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3. Committee Report No. 99-189, from the Land Use Committee, recommending that the two aforementioned proposed bills pass first reading and be ordered to print, and that County Communication Nos. 99-195 and 99-223 be filed. Committee Report No. 99-189 was recommitted by the Council at its November 5, 1999 meeting.

Your Committee notes that it previously reported on this matter by Committee Report No. 01-70. Your Committee notes that, pursuant to the recommendation of Committee Report No. 01-70, the Council granted a Conditional Permit for the 23.164-acre property identified as TMK No. 3-8-007:089 ("parcel 89"). Your Committee deferred consideration of a Conditional Permit for a remaining 11.836 acres, identified as TMK No. 3-8-007:portion of 102, which sits astride TMK No. 3-8-007:089 in 7.836- and 4-acre portions, respectively, on the north side of Waiko Road ("the subject property"). The 7.836-acre portion of the subject property is located at the corner of Waiko Road and Kuihelani Highway, and the 4-acre portion of the subject property is located on the opposite side of parcel 89.

At its meeting, your Committee met with the Director of Public Works and Waste Management; the Planning Director; a Staff Planner from the Department of Planning; a Deputy Corporation Counsel; and Roderick Fong, representing Consolidated Baseyards, LLC, the applicant.

Mr. Fong provided a map of the subject property. He informed your Committee that the subject property, like parcel 89, would be used for baseyard purposes. Mr. Fong also informed your Committee that he would provide notarized written authorization from the owner of the subject property to confirm the applicant's eligibility for the requested Conditional Permit.

Your Committee voted to recommend passage on first reading of a proposed bill to grant a Conditional Permit to the applicant for the subject property, pending the receipt of notarized written authorization from the owner. Your Committee also voted to recommend filing of County Communication Nos. 99-195 and 99-223, and Committee Report No. 99-189.

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Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO CONSOLIDATED BASEYARDS, LLC, IN ORDER TO OPERATE A COMMERCIAL BASEYARD PRIMARILY FOR BUSINESS WITHIN THE CONSTRUCTION INDUSTRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII". The purpose of the revised proposed bill is to grant a Conditional Permit to the applicant to use the subject property for baseyard purposes until September 30, 2004.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO CONSOLIDATED BASEYARDS, LLC, IN ORDER TO OPERATE A COMMERCIAL BASEYARD PRIMARILY FOR BUSINESS WITHIN THE CONSTRUCTION INDUSTRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII" PASS FIRST READING and BE ORDERED TO PRINT;
2. That County Communication No. 99-195 be FILED;
3. That County Communication No. 99-223 be FILED; and
4. That Committee Report No. 99-189 be FILED.

Adoption of this report is respectfully requested.

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**ALAN M. ARAKAWA** Chair

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**DAIN P. KANE** Member

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**PATRICK S. KAWANO** Vice-Chair

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**MICHAEL J. MOLINA** Member

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**ROBERT CARROLL** Member

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**WAYNE K. NISHIKI** Member

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**G. RIKI HOKAMA** Member

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**CHARMAINE TAVARES** Member

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**JO ANNE JOHNSON** Member