

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2001

Committee
Report No.

01-193

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 County Communication No. 00-215, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT IN ORDER TO OPERATE AN EQUIPMENT AND STORAGE BASEYARD WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII" and related documents.

The purpose of the proposed bill is to grant Diversified Machinery, Inc. a Conditional Permit for the continued operation of an equipment and storage baseyard on approximately 2.5 acres of land located within the County Agricultural District in Waikapu, Maui, Hawai'i identified for real property tax purposes as TMK: 3-5-002:001 (por.).

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the Conditional Permit application on July 11, 2000. At the public hearing, there was no testimony. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JULY 11, 2000 MEETING", and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 11, 2000 MEETING", the Commission voted to recommend approval of the request for a Conditional Permit subject to the following conditions:

1. That the Conditional Permit shall be valid until April 30, 2005.
2. That the Conditional Permit shall be nontransferable without the prior written approval of the Maui County Council.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following conclusions:

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1. The proposed use is similar, related to, or compatible to those permitted uses allowed on the subject property.

2. The proposed use will not create any significant adverse impacts on public infrastructure and services.

Your Committee notes that County Communication No. 00-215 was referred to the prior Council's Land Use Committee at the Council meeting of August 4, 2000.

At its meeting of October 5, 2000, the Committee met with the Planning Director; the Deputy Planning Director; a Staff Planner from the Department of Planning; a Deputy Corporation Counsel; and Bert Shiroma, representing Diversified Machinery, Inc.

The Deputy Planning Director provided a brief overview of the proposed bill.

The Committee noted that Diversified Machinery, Inc. did not own the subject property and was, therefore, required to produce a recorded lease of at least five years' duration to establish eligibility for a Conditional Permit. Although the subject application had been previously deemed complete by the Department of Planning, Diversified Machinery, Inc. had not produced a recorded five-year lease. Therefore, the Committee deferred consideration of the proposed bill.

By memorandum dated October 31, 2000, the Council Chair transmitted a letter dated October 27, 2000, from the Planning Director, transmitting the minutes of the July 11, 2000 Maui Planning Commission meeting.

At its meeting of November 16, 2000, the Committee recommended that County Communication No. 00-215 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 County Communication No. 00-215 to your Land Use Committee (County Communication No. 01-21).

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At its meeting, your Committee met with the Planning Director; a Staff Planner from the Department of Planning; a Deputy Corporation Counsel; and Bert Shiroma, representing Diversified Machinery, Inc.

Your Committee noted that the recently enacted Ordinance No. 2984 loosened the eligibility standards to apply for a Conditional Permit by allowing a non-owner to simply produce the owner's written authorization for the application (as an alternative to the requirement for a recorded five-year lease). Mr. Shiroma produced such authorization from the subject property's owner, Wailuku Agribusiness, Inc.

The Staff Planner provided a brief overview of the proposed bill. Your Committee noted that the baseyard-related uses at the subject property appeared to be compatible with other uses in the surrounding area.

Your Committee voted to recommend passage of the proposed bill on first reading and filing of the communication.

Your Committee is in receipt of a revised proposed bill, incorporating technical revisions.

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 IN ORDER TO OPERATE AN EQUIPMENT AND STORAGE BASEYARD WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII" PASS FIRST READING and BE ORDERED TO PRINT; and
2. That County Communication No. 00-215 be FILED.

Adoption of this report is respectfully requested.

