

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

July 7, 2009

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Land Use Committee, having met on June 17, 2009, makes reference to County Communication No. 07-91, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII". The purpose of the proposed bill is to grant a District Boundary Amendment from Agricultural to Urban to allow for the establishment of an abandoned vehicle, scrap metal, and white goods facility (abandoned vehicle facility) on approximately 14.802 acres owned by the State of Hawaii in Puunene, Maui (TMK: (2) 3-8-08:001 (por.)) (the subject property).
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 10 TO HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII". The purpose of the proposed bill is to grant a Community Plan Amendment from Project District 10 to Heavy Industrial to allow for the establishment of an abandoned vehicle facility on the subject property.
3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII". The purpose of the proposed bill is to grant a Change in Zoning from Agricultural District to M-2 Heavy Industrial District to allow for the establishment of an abandoned vehicle facility on the subject property.

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

July 7, 2009  
Page 2

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee notes that the property is a portion of approximately 223 acres, which are the subject of Executive Order No. 4024, dated December 4, 2003, that sets aside the land for public and recreational purposes, to be under the control and management of the County.

Your Committee notes that the Council's Land Use Committee (2007-2009 Council term) met on June 20, 2007.

The Committee received revised proposed bills incorporating nonsubstantive revisions.

The Committee received testimony in support of the proposed M-2 Heavy Industrial District zoning, but opposing the use of the property as an abandoned vehicle facility because the facility would duplicate services already being provided by the private sector. Instead, testimony favored use of the property as a materials recovery facility.

According to the Deputy Director of Public Works, at the time the project was initiated, Maui was in a crisis over abandoned vehicles.

The Planner clarified that, although the proposal originally contemplated a County abandoned vehicle facility, the requested land use entitlements would allow for other types of industrial uses or solid waste uses. The Deputy Director of Public Works noted that the environmental assessment could be modified, if necessary, to accommodate other such uses.

The Committee discussed the scope of the Executive Order with Daniel Ornellas, Maui District Land Agent, State Department of Land and Natural Resources (DLNR). The Committee questioned whether the proposed use as an abandoned vehicle facility or some other solid waste or heavy industrial facility, if operated by either a private contractor or the County, would comport with the uses allowed under the Executive Order. Mr. Ornellas advised that the County would need to demonstrate that the facility would provide a public benefit. In its analysis, the State would consider fees collected from the operation, which might be more akin to a private, or money-making, venture. He noted that the use of public lands to generate revenue may not be consistent with the overall philosophy of the relationship between the County and State. The Deputy Corporation Counsel advised that, as the landowner, the State would need to consent to the recording of a unilateral agreement containing any conditions of zoning.

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

July 7, 2009  
Page 3

**Committee**  
**Report No.** \_\_\_\_\_

The Committee expressed concerns over the funds expended on the project prior to receiving clarification from the State as to whether the project would comport with the uses allowed under the Executive Order. While noting support for increasing the inventory of M-2 Heavy Industrial zoned land, the Committee found it premature to proceed until that information could be obtained.

The Committee received correspondence from Russell Tsuji, Administrator, Land Division, DLNR, stating that an abandoned vehicle facility, or a solid waste or heavy industrial facility, would not be consistent with the purpose of the Executive Order or the planned uses identified in the County's "Puunene Airport Area Master Plan", whether operated by the County or a private contractor.

Your Committee subsequently received correspondence from the Director of Environmental Management indicating that the Department no longer intends to pursue a County heavy industrial facility at this site.

The Director of Environmental Management summarized the reasons given by DLNR for its conclusion that the project was not consistent with the Executive Order, and the reasons the Department decided not to pursue the site. She also noted that the Department had identified 20 acres next to the Central Maui Landfill for consideration as a County heavy industrial facility, and that the Fiscal Year 2010 Budget provides funding to begin negotiations for that property.

Your Committee requested that the Director provide information relating to the costs expended for the project, and that the Administration consider ways in which the work that had been done on the environmental assessment could be used in the future.

Your Committee voted 6-0 to recommend filing of the communication. Committee Chair Baisa, Vice-Chair Molina, and members Johnson, Mateo, Nishiki, and Pontanilla voted "aye". Committee members Kaho'ohalahala, Medeiros, and Victorino were excused.

Your Land Use Committee **RECOMMENDS** that County Communication No. 07-91 be FILED.

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

July 7, 2009  
Page 4

Committee  
Report No. \_\_\_\_\_

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
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GLADYS C. BAISA, Chair

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