

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. 08-252, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT ZONING FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Willem and Maris Van Der Lee (the Van Der Lees) for a Change in Zoning from Interim District to R-3 Residential District to develop a three-lot family subdivision on approximately 1.33 acres, located at 898 Pakele Place, Wailuku, Maui, Hawaii (TMK: (2) 3-3-01:027).

By correspondence dated November 2, 2007, the State Historic Preservation Division (SHPD) recommended that no action be taken on the application until an archaeological inventory survey was conducted to determine whether significant historic properties were present. The Planning Director advised that the Change in Zoning is a "paper only" transaction and does not involve any earth moving. If and when the Van Der Lees propose to develop the property, the SHPD recommendation would apply.

The Planner informed your Committee that by correspondence dated August 20, 2008, SHPD indicated it had reviewed a revised archaeological inventory survey and determined that the property "now contains the required information as specified in [Hawaii Administrative Rules] § 13-276-5 regarding the documentation of inventory level fieldwork in general and is acceptable". The Planner advised that the Department of Planning finds that this confirmation adequately addresses Section 19.510.040(A)(4)(E), Maui County Code, as it relates to archaeological concerns.

Your Committee notes that the Change in Zoning will bring the property into conformance with its Single-Family Community Plan designation, while allowing the resulting lots to be shared with other family members.

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Your Committee voted 6-0 to recommend passage of the proposed bill on first reading and 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 Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating a nonsubstantive revision.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2009), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT ZONING FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 08-252 be FILED.

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



GLADYS C. BAISA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2009)

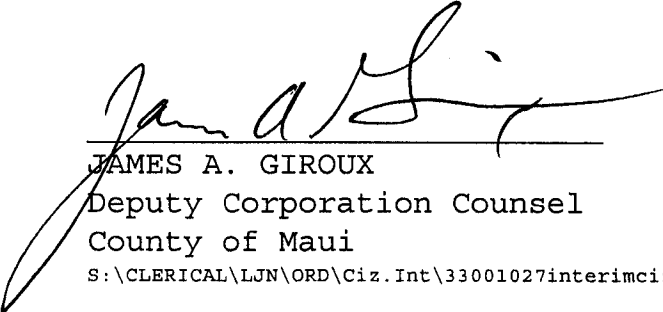
A BILL FOR AN ORDINANCE TO ESTABLISH R-3
RESIDENTIAL DISTRICT ZONING FOR PROPERTY
SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, R-3 Residential District Zoning is hereby established for property situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number: (2)3-3-001:027, comprising approximately 1.33 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-1109, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number _____, Land Commission Award Number 8559-B, Apana 20 to W. C. Lunaliilo) situate, lying and being on the south side of the Waiehu Stream near the beach in the Ili of Papahawale, in the District of Wailuku, Island and County of Maui, State of Hawaii, comprising LOT NUMBERS 10 and 11 and thus bounded and described:

Beginning at a one inch pipe in a concrete monument in the northeast corner of this lot, the coordinates of which point referred to Government Survey Triangulation Station "LUKE" being 13,354 feet north and 1,368.45 feet east, and running by azimuths measured clockwise from true South:

1.	354°	36'	175.30	feet along Wailuku Sugar Company's road right-of-way to an iron pin;
2.	72°	22'	80.80	feet along Wailuku Sugar Company's ditch right-of-way to an iron pin;
3.	78°	32'	81.40	feet along same to an iron pin;
4.	76°	26'	62.00	feet along same to an iron pin;
5.	56°	40'	101.30	feet along same to an iron pin;
6.	98°	54'	101.40	feet along Wailuku Sugar Company's portion of Land Commission Award Number 8559-B, Apana 20 to W. C. Lunaliilo, to a 3/4 inch pipe;
7.	197°	50'	101.20	feet along Ualua Kealoha's lot, a former portion of Land Commission Award Number 8559-B, Apana 20 to W. C. Lunaliilo, to an iron pin;

EXHIBIT "A"

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|-----|----------|--------|--|
| 8. | 247° 45' | 218.50 | feet along Lot 5 of Wailuku Sugar Company's portion of Land Commission Award Number 8559-B, Apana 20 to W. C. Lunailo, to an iron pin; |
| 9. | 174° 36' | 76.00 | feet along same to a 1/2 inch pipe; |
| 10. | 264° 36' | 160.00 | feet along Lot 6 of Wailuku Sugar Company's portion of Land Commission Award Number 8559-B, Apana 20 to W. C. Lunailo, to the point of beginning and containing an area of 1.33 acres, more or less. |

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : WILLEM VAN DER LEE and MARIS VAN DER LEE, husband and wife

GRANTEE : WILLEM VAN DER LEE and MARIS VAN DER LEE, husband and wife, as Joint Tenants, FRANS CHRISTIAAN VAN DER LEE and GERTRUDE ELIZABETH VAN DER LEE, husband and wife, as Joint Tenants, as Tenants in Common

DATED : December 4, 1990

RECORDED : Document No. 90-191123