

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 18, 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 August 19, 2009 and September 2, 2009, makes reference to County Communication No. 08-60, from Councilmember Bill Kauakea Medeiros, transmitting a draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, ENACT A STATE LAND USE DISTRICT CLASSIFICATION AMENDMENT, A COMMUNITY PLAN AMENDMENT, AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION AND IMPROVEMENTS TO PA`ANI MAI PARK".

The purpose of the draft resolution is to refer the draft bills, which are attached as exhibits to the draft resolution, to the Maui Planning Commission, entitled as follows:

1. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION AND IMPROVEMENTS TO PA`ANI MAI PARK".

The purpose of the draft bill is to amend the State Land Use District Classification from Agricultural to Urban for approximately 2.946 acres located at Hana, Maui, to facilitate the proposed expansion of, and improvements to, Pa`ani Mai Park (TMK: (2) 1-4-06:025 and 001 (por.)).

2. "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN FROM MF, MULTI-FAMILY TO PK, PARK FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION AND IMPROVEMENTS TO PA`ANI MAI PARK".

The purpose of the draft bill is to amend the Hana Community Plan from Multi-Family to Park for approximately 1.907 acres located at Hana,

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Maui, to facilitate the proposed expansion of, and improvements to, Pa`ani Mai Park (TMK: (2) 1-4-06:001 (por.)).

3. "A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM INTERIM DISTRICT TO PK-2, PARK DISTRICT FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION AND IMPROVEMENTS TO PA`ANI MAI PARK".

The purpose of the draft bill is to change the zoning from Interim District to PK-2 Community Park District for approximately 2.946 acres located at Hana, Maui, to facilitate the proposed expansion of, and improvements to, Pa`ani Mai Park (TMK: (2) 1-4-06:025 and 001 (por.)).

Your Committee notes that the Council's Land Use Committee (2007-2009 Council term) recommended that a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION DRAFT BILLS TO, RESPECTIVELY, ENACT A STATE LAND USE DISTRICT CLASSIFICATION AMENDMENT, ENACT A COMMUNITY PLAN AMENDMENT, AND ESTABLISH ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA`ANI MAI PARK", be adopted. At its meeting of November 7, 2008, the Council adopted the proposed resolution (Resolution No. 08-92).

Your Committee notes that the Council's Land Use Committee (2007-2009 Council term) met on December 3, 2008.

The Planning Director transmitted comments and recommendations from the Maui Planning Commission on the draft bills attached to Resolution No. 08-92, along with proposed bills entitled as follows:

1. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA`ANI MAI PARK" (District Boundary Amendment bill);
2. "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM MULTI-FAMILY TO PARK FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII

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FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO,
PA`ANI MAI PARK” (Community Plan Amendment bill); and

3. “A BILL FOR AN ORDINANCE TO ESTABLISH PK-2 COMMUNITY PARK DISTRICT ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA`ANI MAI PARK” (Change in Zoning bill).

Your Committee notes that the Maui Planning Commission recommended approval of the proposed bills.

The Planning Director also transmitted appropriate maps reflecting the proposed Community Plan Amendment, District Boundary Amendment, and Change in Zoning, identified as CP-302, DB-303, and L-1614, respectively.

With the requested land use entitlements, the Department of Parks and Recreation proposes to expand Pa`ani Mai Park by approximately 1.907 acres, to include a restroom and pavilion building, a parking lot, picnic areas, a skateboard area, pathways, and an expansion of the play area.

Your Committee notes that Section 19.615.030(C)(1), Maui County Code (MCC), sets a minimum lot area of 25 acres as a minimum development standard, which applies to uses and facilities located on any zoning lot in the PK-2 Community Park District. The size of the proposed park, as expanded, would total slightly less than three acres. Your Committee further notes that Section 19.615.020(C)(1), MCC, sets a minimum lot area of two acres in the PK-1 Neighborhood Park District. The PK-2 Community Park District allows for skateboard facilities, while the PK-1 Neighborhood Park District does not. According to the Department of Parks and Recreation, the skateboard facility is the most important component of the expanded park for the Hana community.

Since the property did not meet the minimum lot area requirement for PK-2 District zoning, your Committee Chair transmitted a draft resolution entitled “REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL TO ESTABLISH PK-1 NEIGHBORHOOD PARK DISTRICT ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA`ANI MAI PARK”. The purpose of the draft resolution is to allow your Committee the option of considering a zoning district that meets the

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minimum lot area requirement while being consistent with the proposed Community Plan designation.

Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., consultant for the Department of Parks and Recreation, advised your Committee that the Department of Parks and Recreation was requesting that your Committee recommend passage of the proposed Community Plan Amendment bill and the proposed District Boundary Amendment bill, but defer the proposed Change in Zoning bill pending appropriate amendments to the Parks Districts ordinance.

According to the representative of the Department of Parks and Recreation, this strategy would allow the Department to move forward on planning and developing the first phase of the skateboard park. It would also allow the subdivision of land to be completed so that the portion that is currently owned by Hana Ranch Partners, LLC could be conveyed to the County.

A representative of the Department of Planning noted that the Department of Planning and the Department of Parks and Recreation intended to meet to discuss initiating legislation to revise the Parks Districts standards. He advised that the proposed project could proceed with the existing Interim District zoning.

Your Committee expressed support for providing Hana's youth a safe place to skate and for the proposed expansion of Pa`ani Mai Park.

Your Committee voted 9-0 to recommend passage of the proposed Community Plan Amendment bill and proposed District Boundary Amendment bill on first reading. Committee Chair Baisa, Vice-Chair Molina, and members Johnson, Kaho`ohalahala, Mateo, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Your Committee deferred action on the proposed Change in Zoning bill.

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 AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM MULTI-FAMILY TO PARK FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO,

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PA'ANI MAI PARK", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill No. _____ (2009), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA'ANI MAI PARK", be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



GLADYS C. BAISA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2009)

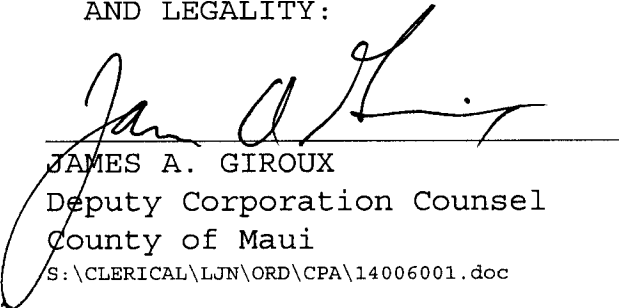
A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN
AND LAND USE MAP FROM MULTI-FAMILY TO PARK FOR PROPERTY
SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF,
AND IMPROVEMENTS TO, PA`ANI MAI PARK

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Hana Community Plan and Land Use Map is hereby amended from Multi-Family to Park for property situated at Hana, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)1-4-006:001(por.), comprising approximately 1.907 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Amendment Map No. CP-302, which is on file at 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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**DESCRIPTION
PORTION OF LAND COMMISSION AWARD 5180 TO KUMAIIOHEA
(PORTION OF LOT 2 OF THE HANA RANCH SUBDIVISION NO. 3)**

All of that certain parcel of land, being a Portion of Land Commission Award 5180 to Kumaiiohea, being a portion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, situated at Kawaipapa, Niunahu, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the west corner of this parcel of land, on the northeasterly boundary of the Hana Highway right-of-way, said point also being the south corner of a Portion of Grant 3228 to Unna, being a portion of said Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

1,722.19 feet North
3,375.26 feet West

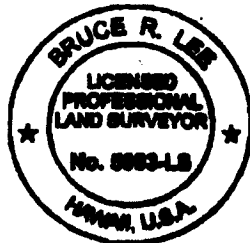
and running by azimuths measured clockwise from true South:

1. 230° 45' 00" 388.23 feet along said Portion of Grant 3228 to Unna, being a portion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, to a point on the southwest boundary of an Old Government Road, being an Exclusion of said Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3;
2. 321° 54' 46" 282.17 feet along said Old Government Road, being an Exclusion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, to the northeast corner of Lot 1 (Pa'ani Mai Park lot) [being Parcel 25 of Tax Map Key: (2) 1-4-006] of said Hana Ranch Subdivision No. 3;
3. 40° 29' 00" 169.99 feet along said Lot 1 (Pa'ani Mai Park lot) [being Parcel 25 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, along the remainder of said Land Commission Award 5180 to Kumaiiohea;
4. 130° 29' 00" 196.00 feet along said Lot 1 (Pa'ani Mai Park lot) [being Parcel 25 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, along the remainder of said Land Commission Award 5180 to Kumaiiohea;

5. 40° 29' 00" 183.41 feet along said Lot 1 (Pa'ani Mai Park lot) [being Parcel 25 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, along the remainder of said Land Commission Award 5180 to Kunaiohea to a point on said northeasterly boundary of the Hana Highway right-of-way;
6. 40° 29' 00" 7.23 feet along said northeasterly boundary of the Hana Highway right-of-way;
7. 143° 57' 00" 104.20 feet along said northeasterly boundary of the Hana Highway right-of-way;
8. 142° 27' 00" 49.51 feet along said northeasterly boundary of the Hana Highway right-of-way to the point of beginning and containing an area of 1.907 Acres, more or less.

Prepared by:

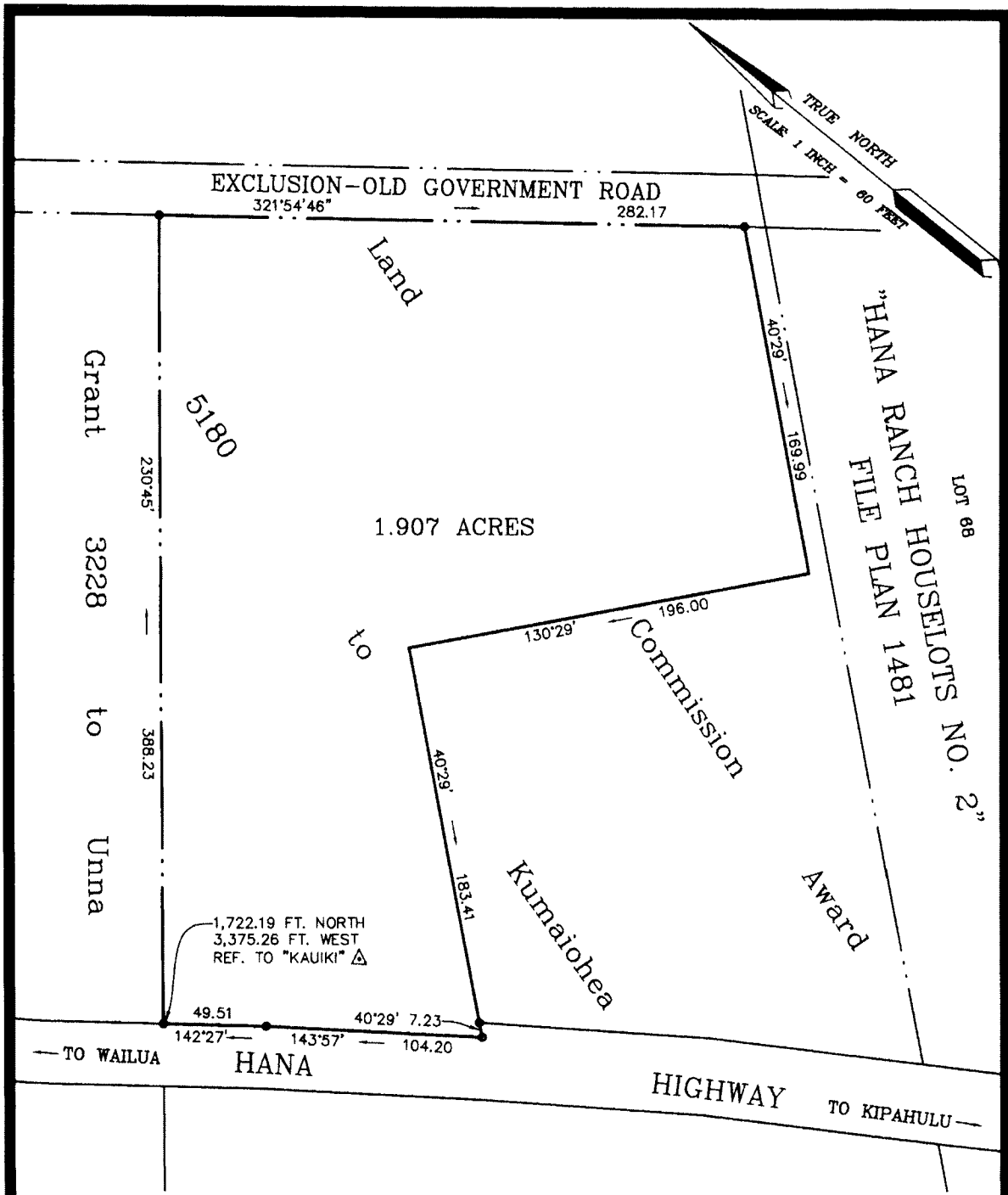
**NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation**



This description was prepared by me
or under my supervision.

Bruce R. Lee 01/08
 BRUCE R. LEE
 Licensed Professional Land
 Surveyor Certificate No. 5983-LS

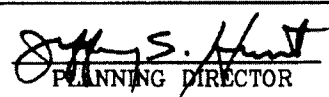
1/23/08
 HHA/PA'ANI MAI PARK
 File 05-6938
 05-6938 Pa'ani Mai Park CPA M&B



TMK: (2) 1-4-006: PORTION 001 TOTAL AREA = 1.907 ACRES

HANA-MAUI COMMUNITY PLAN MAP NO. 302

COMMUNITY PLAN AMENDMENT
 FROM: MF-MULTI-FAMILY
 TO: PK-PARK

APPROVED: COUNTY CLERK	PUBLIC HEARING: JANUARY 22, 2009 ADOPTED-COUNCIL: ADOPTED-MAYOR: ORDINANCE:	
APPROVED:  PLANNING DIRECTOR	DATE: JAN. 23, 2008	SCALE: 1 IN = 60 FT

OFFICE OF THE COUNTY CLERK
 200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793

CP-302

ORDINANCE NO. _____

BILL NO. _____ (2009)

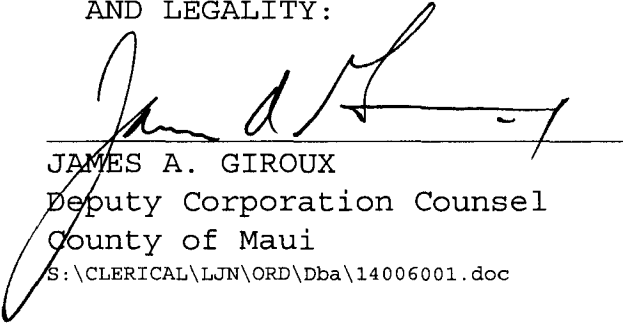
A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA`ANI MAI PARK

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

SECTION 1. Pursuant to Chapter 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Agricultural District to the Urban District for those certain parcels of land located at Hana, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Numbers (2)1-4-006:025 and (2)1-4-006:001(por.), comprising approximately 2.946 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-303, which is on file at 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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DESCRIPTION
PORTION OF LAND COMMISSION AWARD 5180 TO KUMAIOHEA
[ALL OF LOT 1 (PA'ANI MAI PARK LOT) AND A PORTION OF LOT 2 OF THE
HANA RANCH SUBDIVISION NO. 3]

All of that certain parcel of land, being a Portion of Land Commission Award 5180 to Kumaiohea, being all of Lot 1 (Pa'ani Mai Park lot) [being Parcel 25 of Tax Map Key: (2) 1-4-006] and a portion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, situated at Kawaipepa, Niunaha, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the west corner of this parcel of land, on the northeasterly boundary of the Hana Highway right-of-way, said point also being the south corner of a Portion of Grant 3228 to Unna, being a portion of said Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

1,722.19 feet North
3,375.26 feet West

and running by azimuths measured clockwise from true South:

1. 230° 45' 00" 388.23 feet along said Portion of Grant 3228 to Unna, being a portion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3, to a point on the southwest boundary of an Old Government Road, being an Exclusion of said Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3;
2. 321° 54' 46" 282.17 feet along said Old Government Road, being an Exclusion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3;
3. 322° 29' 00" 10.22 feet along said Old Government Road, being an Exclusion of Lot 2 [being Parcel 1 of Tax Map Key: (2) 1-4-006] of the Hana Ranch Subdivision No. 3 to the north corner of Lot 68 of the Hana Ranch Houselots No. 2, File Plan 1481, on the northwest boundary of Land Commission Award 4927 to Kaheewale;
4. 40° 29' 00" 410.39 feet along said Lot 68 of the Hana Ranch Houselots No. 2, File Plan 1481, along said Land Commission Award 4927 to Kaheewale to a (found) ¾-inch pipe on said northeasterly boundary of the Hana Highway right-of-way;

- | | | | |
|----|--------------|--------|--|
| 5. | 148° 06' 00" | 103.42 | feet along said northeasterly boundary of the Hana Highway right-of-way; |
| 6. | 145° 00' 00" | 110.97 | feet along said northeasterly boundary of the Hana Highway right-of-way; |
| 7. | 40° 29' 00" | 7.23 | feet along said northeasterly boundary of the Hana Highway right-of-way; |
| 8. | 143° 57' 00" | 104.20 | feet along said northeasterly boundary of the Hana Highway right-of-way; |
| 9. | 142° 27' 00" | 49.51 | feet along said northeasterly boundary of the Hana Highway right-of-way to the point of beginning and containing an area of 2.946 Acres, more or less. |

Prepared by:

**NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation**



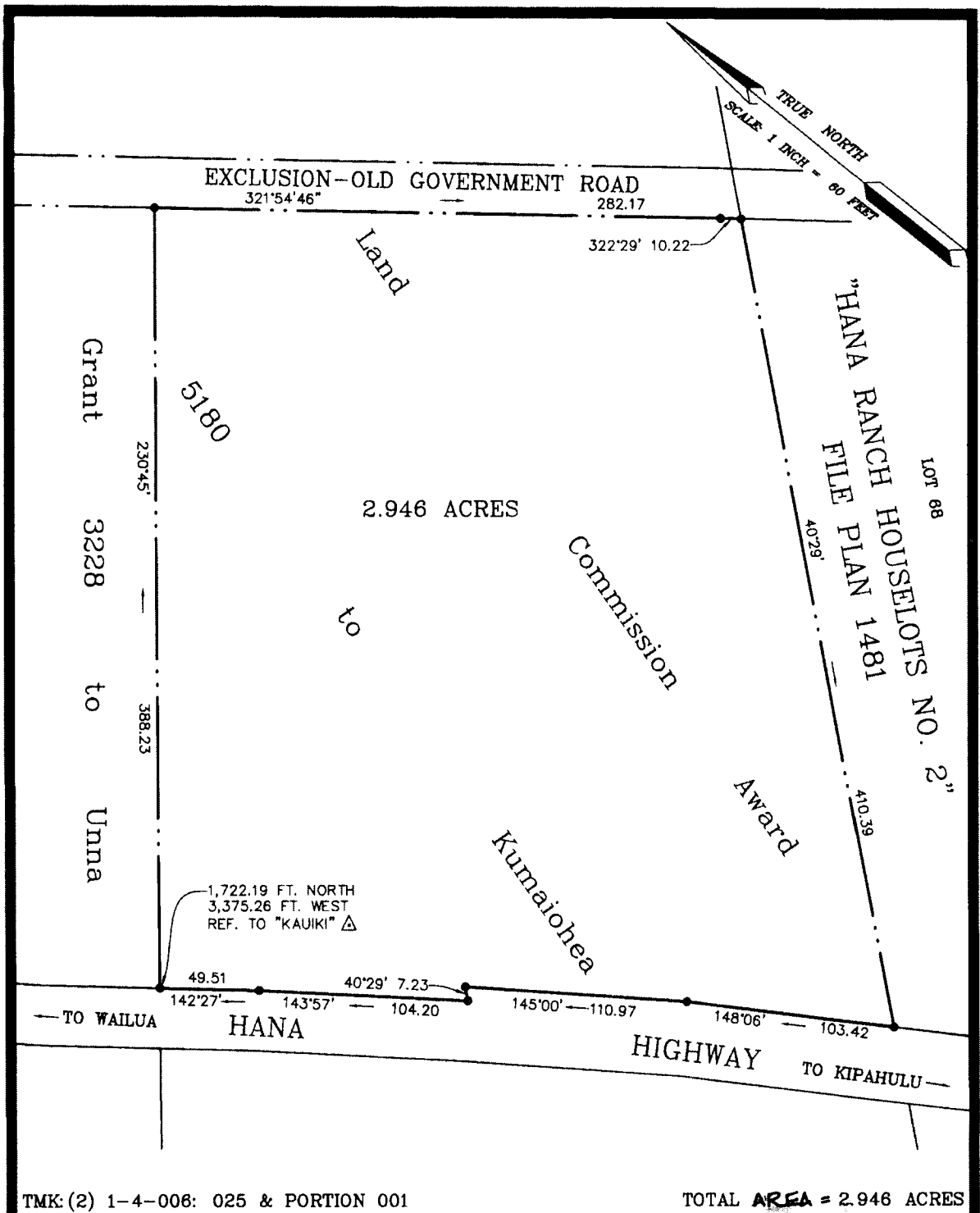
This description was prepared by me
or under my supervision.

Bruce R. Lee

BRUCE R. LEE

Licensed Professional Land
Surveyor Certificate No. 5983-LS

1/23/08
HHA/PA'ANI MAI PARK
File 05-6958
05-6958 Pa'ani Mai Park CIZ & CPA M&B



TMK: (2) 1-4-006: 025 & PORTION 001

TOTAL AREA = 2.946 ACRES

LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 303

- HANA, MAUI, HAWAII
FROM: COUNTY - AGRICULTURAL DISTRICT
TO: COUNTY - URBAN DISTRICT

APPROVED:

COUNTY CLERK

PUBLIC HEARING: JANUARY 22, 2009
ADOPTED-COUNCIL:
ADOPTED-MAYOR:
ORDINANCE:

APPROVED:

[Signature]
PLANNING DIRECTOR

DATE: JAN. 23, 2008 SCALE: 1 IN = 60 FT

OFFICE OF THE COUNTY CLERK
200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793

DB-303