

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 1, 2011

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 March 16, 2011, makes reference to County Communication No. 10-94, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2764 (1999), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO WILFRED TAVARES, JR. TO CONTINUE TO OPERATE A COMMERCIAL BOTTLING, WHOLESALE DISTRIBUTION, AND STORAGE OF BOTTLED WATER WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Wilfred Tavares, Jr. for a Conditional Permit time extension, until May 31, 2018, to continue a commercial bottling, wholesale distribution, and storage of bottled water operation, known as "Hana Tropical Water Works", on approximately 5.986 acres within the County Agricultural District for property situated at 195 Maia Road, Hana, Maui, Hawaii (TMK: (2) 1-3-09:085). The proposed bill further amends the Conditional Permit to add conditions regarding enforcement, procurement of comprehensive liability insurance in the amount of \$1 million, and development of the property in substantial compliance with the representations made to the Council. The proposed bill also incorporates nonsubstantive revisions.

Your Committee received a revised proposed bill modifying the title and clarifying the period of the time extension.

Your Committee notes that Ordinance No. 2764 (1999) granted Mr. Tavares a five-year Conditional Permit for Hana Tropical Water Works, to expire on May 11, 2004. On March 17, 2004, Mr. Tavares filed an application to extend the Conditional Permit for an additional ten years.

By correspondence dated February 11, 2011, Gwen Ohashi Hiraga, Principal, Munekiyo & Hiraga, Inc., (Mr. Tavares's representative) requested that the Conditional Permit amendment application be withdrawn.

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Your Committee voted 8-0 to recommend filing of the communication. Committee Chair Carroll, Vice-Chair White, and members Cochran, Couch, Hokama, Mateo, Pontanilla, and Victorino voted "aye". Committee member Baisa was excused.

Your Land Use Committee RECOMMENDS that County Communication No. 10-94 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

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