

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 21, 2011

**Committee
Report** _____

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 31, 2011, September 14, 2011, September 15, 2011, and October 5, 2011, makes reference to County Communication 06-236, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP, FROM AGRICULTURE, PARK, AND OPEN SPACE TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA), FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII" ("Community Plan Amendment bill"). The purpose of the Community Plan Amendment bill is to amend the Community Plan and Land Use Map from Agriculture, Park, and Open Space to West Maui Project District 5 (Pulelehua) to facilitate the development of a mix of residential units for all income groups. The proposed project will include up to 900 single-family and multi-family units with the potential for an additional 300 ohana units, commercial uses, and civic uses, including a 13-acre school site, parks, and open space. The proposed project will be developed on approximately 310 acres located at Mahinahina, Kahana, Lahaina, Maui, Hawaii (TMK: (2) 4-3-01:031 (por.)).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT, AND ALLOCATIONS OF LAND FOR WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII" ("Project District bill"). The purpose of the Project District bill is to amend Title 19, Maui County Code ("MCC"), to establish the West Maui Project District 5 (Pulelehua) and its permissible land uses, standards of development, and allocations of land.

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3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL AND INTERIM DISTRICTS TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII" ("Change in Zoning bill"). The purpose of the Change in Zoning bill is to grant a Change in Zoning from Agricultural and Interim Districts to West Maui Project District 5 (Pulelehua) to allow for the proposed development.

Your Committee notes that the Council's Land Use Committee (2007-2009 Council term) met on September 5, 2007 (meeting and site inspection), March 12, 2008, and August 20, 2008, and received revised proposed bills incorporating nonsubstantive revisions. Your Committee further notes that the Council's Land Use Committee (2009-2011 Council term) met on September 29, 2010.

Your Committee was informed by the Planning Director that the entire property is currently zoned Agriculture and, therefore, references to Interim District in the Change in Zoning bill should be deleted. Your Committee was also informed by the landowner, Maui Land & Pineapple Company, Inc. ("MLP"), that the subject property was subdivided to create two separate parcels identified by new Tax Map Key numbers ("TMKs"). During the subdivision process, approximately 6 acres of County-owned property was excluded from the subject property, reducing the total acreage for the development from approximately 310 acres to approximately 304 acres. Your Committee requested that the Department of the Corporation Counsel transmit revised proposed bills to identify the new TMKs, correct the acreage, delete the references to Interim District in the Change in Zoning bill, and incorporate nonsubstantive revisions.

Your Committee met with representatives of the Administration and the State Department of Transportation ("DOT"). Your Committee discussed the project's potential impacts on traffic, water, wastewater, public safety, affordable housing, schools, drainage, and parks. Your Committee also discussed safety concerns related to the proximity of the project to the Kapalua/West Maui Airport. Your Committee was satisfied that the conditions imposed would sufficiently mitigate potential impacts of the project. Furthermore, your Committee concluded that existing operational restrictions on the Kapalua/West Maui Airport would alleviate the safety concerns. Moreover, MLP will have to comply with requirements of the DOT, the Federal Aviation Administration, and the Federal Transportation Safety Administration.

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Your Committee notes that MLP proposes to develop the project below the Kapalua/West Maui Airport. The location of the project conflicts with an objective of the West Maui Community Plan, which states that a 50-acre regional park (to be known as Mahinahina Regional Park) be established below the Kapalua/West Maui Airport. Your Committee voted to recommend that the Community Plan Amendment bill be revised to state that the proposed regional park will be established in the vicinity of the Kapalua/West Maui Airport, rather than below the airport.

Your Committee further notes that the Maui Planning Commission recommended 17 conditions of zoning, including 2 conditions related to affordable housing. These conditions were recommended prior to the enactment of the County's Residential Workforce Housing Policy. Your Committee discussed the differences between the Maui Planning Commission's recommended affordable housing conditions and the Residential Workforce Housing Policy, codified as Chapter 2.96, MCC. Your Committee also noted that when the State Land Use Commission approved MLP's petition to reclassify property for its Kapalua Mauka development, it required MLP to develop a minimum of 125 affordable rental units in Pulelehua.

Your Committee revised the conditions of zoning to clarify that the 125 affordable rentals required by the State Land Use Commission would not be used to satisfy any residential workforce housing required by Chapter 2.96, MCC. Your Committee further revised the conditions to require MLP to comply with Chapter 2.96, MCC, and to delete any additional requirements recommended by the Maui Planning Commission relating to affordable housing.

Ryan Churchill, President and Chief Operating Officer of MLP, stated that MLP is willing to construct a 400-square-foot police substation, including a restroom, in Pulelehua. Your Committee was informed by the Department of Police that the Department would prefer an in-lieu cash contribution to be used for the construction of a new West Maui Police Station, rather than have MLP construct a police substation. Your Committee revised the condition to give the Department of Police the option of choosing either the construction of the substation or an in-lieu cash contribution.

Your Committee made further revisions to the conditions of zoning to require that MLP consider the use of roundabouts in place of 4-way stops or traffic signals when such use is determined to be warranted by the DOT. Your Committee added a reference to the education contribution agreement signed by MLP and the State Department of Education

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on June 16, 2006, clarified that the County shall determine MLP's fair-share contribution to connect to the County's Lahaina Wastewater Reclamation Facility and the deadline to pay the contribution, and required annual compliance reports on the status of the project.

Your Committee notes that the Project District bill establishes development standards that will create a compact, pedestrian-oriented, mixed-use neighborhood where residential, commercial, and civic uses are within close proximity to each other. Your Committee was satisfied that the proposed project will provide much-needed affordable housing for West Maui residents, as well as alleviate congestion in the West Maui school system with the addition of an elementary school. Your Committee also notes that Pulelehua will offer residents, who live outside of West Maui, but who work in West Maui, an affordable place to live that is closer to their employment, reducing the number of vehicles traveling in and out of West Maui.

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

Your Committee is in receipt of the following: (1) an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by MLP; (2) a revised proposed Change in Zoning bill, approved as to form and legality by the Department of the Corporation Counsel, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII", incorporating your Committee's recommended revisions; (3) a revised proposed Community Plan Amendment bill and a revised proposed Project District bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions; and (4) a revised Community Plan map and a revised Land Zoning map, reflecting the correct TMKs, acreage, and zoning.

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Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP, FROM AGRICULTURE, PARK, AND OPEN SPACE TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA), FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT, AND ALLOCATIONS OF LAND FOR WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill _____ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the "Unilateral Agreement and Declaration for Conditional Zoning"; and
5. That County Communication 06-236 be FILED.

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



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2011)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP, FROM AGRICULTURE, PARK, AND OPEN SPACE TO WEST MAUI PROJECT DISTRICT 5 (PULELEHUA), FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the West Maui Community Plan and Land Use Map is hereby amended from Agriculture, Park, and Open Space to West Maui Project District 5 (Pulelehua) for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 4-3-001:082, of which 153.207 acres are contained in Lot 1, more particularly described in Exhibit "A", attached hereto and made a part hereof, and Tax Map Key Number (2) 4-3-001:083, of which 151.048 acres are contained in Lot 2, more particularly described in Exhibit "B", attached hereto and made a part hereof, comprising approximately 304 acres, and as shown in Community Plan Map No. CP-818, 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. Part III.B., Land Use, Objectives and Policies for the West Maui Community Region in General, paragraph 10.c. of the West Maui Community Plan, adopted by Ordinance No. 2476 (1996), is amended to read as follows:

"c. The proposed Mahinahina regional park on approximately 50 acres of land [below] in the vicinity of the Kapalua/West Maui Airport."

SECTION 3. Part III.C.2. of the West Maui Community Plan adopted by Ordinance No. 2476 (1996), is amended to read as follows:

"PROJECT DISTRICT 5 (Pulelehua) approximately 310 acres

This project district is within the Mahinahina region between Honoapiilani Highway and the Kapalua West Maui Airport. It is generally bound by Kahanaiki Gulch to the north and the Department of Hawaiian Home Lands property to the south.

The project district is intended to provide a mix of residential units for all income groups, commercial, civic uses, parks, and open space. "Traditional

Neighborhood Design" (TND) concepts shall be incorporated to emphasize mixed uses, pedestrian friendly streets, multi-modal transportation options, traditional architecture, and urban design. The project district may contain up to 900 single-family and multi-family units with the potential for an additional 300 accessory dwelling units. A 13-acre school site is included in the project district. The project district overall average residential density is approximately 2.8 units/acre.

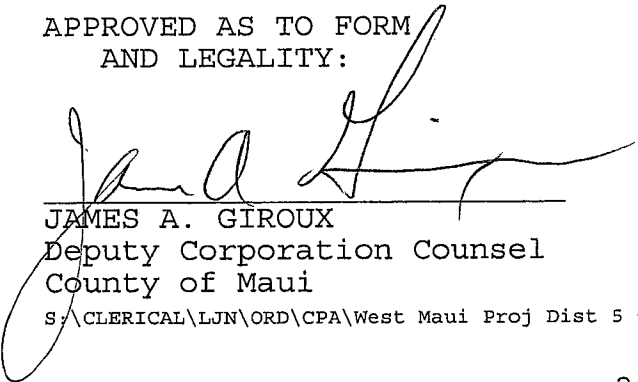
The project district will include a range of districts. The limited Core Neighborhood District in the central area will contain the highest densities and most intense mix of uses. From the Core Neighborhood District, each subsequent district will have progressively less intense uses, with the Estate Edge District, marked by single-family homes and larger lots, primarily along edges of the project district. The Open Space District will provide for buffer areas and separation of neighborhoods. The restricted Workplace Edge District will allow for a range of appropriate uses as a buffer to the Kapalua West Maui Airport. Spatial allocations are as follows:

<u>Core Neighborhood District</u>	<u>7 acres</u>
<u>Center Neighborhood District</u>	<u>20 acres</u>
<u>General Neighborhood District</u>	<u>83 acres</u>
<u>Edge Neighborhood District</u>	<u>48 acres</u>
<u>Estate Edge District</u>	<u>23 acres</u>
<u>Workplace Edge District</u>	<u>5 acres</u>
<u>Open Space District.....</u>	<u>124 acres"</u>

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. 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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