

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 6, 2012

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 December 14, 2011, makes reference to County Communication 11-317, from Councilmember Mike White, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII".

The purpose of the proposed resolution is to refer the following proposed bills to the Maui Planning Commission for review and recommendation:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII". The purpose of the proposed bill is to amend the Paia-Haiku Community Plan and Land Use Map from Public/Quasi-Public to Single Family for approximately 0.375 acres located at Paia, Maui, Hawaii ("subject property").
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII". The purpose of the proposed bill is to change the zoning from P-1 Public/Quasi-Public District to R-3 Residential District for the subject property.

Your Committee notes that the proposed bills would establish appropriate land use designations for the subject property based on the existing single-family residential use.

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Your Committee further notes that Sections 8-8.4 and 8-8.6, Revised Charter of the County of Maui (1983), as amended, require that all land use ordinances prepared by the Council be referred by resolution to the appropriate planning commission for review, and that the planning commission make its report within 120 days after receipt of the referral.

According to the Draft Environmental Assessment, the subject property is located on Kuau Beach Place, makai of Hana Highway between Paia Town and Kuau. Mike Newbro, the landowner's representative, informed your Committee that the existing two single-family homes on the subject property were built in 1965 and 1975, respectively. Despite the existing use, the subject property was designated as Public/Quasi Public in the Paia-Haiku Community Plan and Land Use Map, adopted by Ordinance 1307 (1983). By Ordinance 2908 (2000), a zoning designation of P-1 Public/Quasi-Public District was established for the subject property, consistent with the Paia-Haiku Community Plan.

The existing single-family residential use is not permitted under the current land use designations. Therefore, the landowner's ability to improve or renovate the existing structures is restricted. Your Committee concluded that the Council should consider passage of the proposed bills and, therefore, should refer the proposed bills to the Maui Planning Commission.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Carroll, Vice-Chair White, and members Cochran, Pontanilla, and Victorino voted "aye". Committee members Baisa, Couch, Hokama, and Mateo were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, that changes the parenthetical reference to the year of the proposed bills from "2011" to "2012".

Your Land Use Committee RECOMMENDS that Resolution _____, as revised herein and attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII", be ADOPTED.

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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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Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED
BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A
CHANGE IN ZONING FOR TAX MAP KEY NUMBER (2) 2-6-009:017,
PAIA, MAUI, HAWAII

WHEREAS, the Council is considering a Community Plan Amendment from Public/Quasi-Public to Single-Family for property consisting of approximately 0.375 acre situated at Paia, Maui, Hawaii, identified for real property tax purposes as Tax Map Key Number (2) 2-6-009:017 (“subject property”); and

WHEREAS, the Council is considering a Change in Zoning from P-1 Public/Quasi-Public District to R-3 Residential District for the subject property; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments to the General Plan and provide findings and recommendations to the Council; now, therefore,

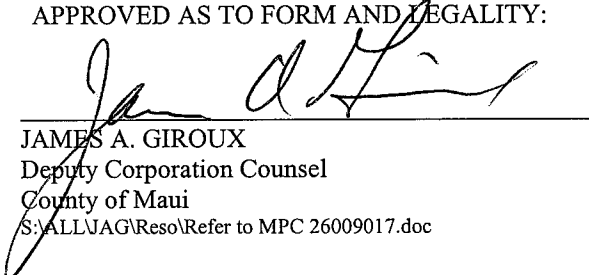
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII", a copy of which is attached hereto as Exhibit “1” and made a part hereof, to the Maui Planning Commission for appropriate action pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it hereby refers the proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII”, a copy of which is attached hereto as Exhibit “2” and made a part hereof, to the Maui Planning Commission for appropriate action pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

Resolution No. _____

4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
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ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE TO AMEND THE
PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP
FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR
TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Paia-Haiku Community Plan and Land Use Map is hereby amended from Public/Quasi-Public to Single-Family for property situated at Paia, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-6-009:017, comprising approximately 0.375 acre, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-717, 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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EXHIBIT " 1 "

All of that certain parcel of land situate, lying and being at Lower Paila, Hamakua, Island and County of Maui, State of Hawaii, being all that portion of Section 3 of the First Partition of Hamakua, originally covered by Deed of the President of the Board of Education to the Trustees of Oahu College, dated January 30, 1860, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12, Pages 400-403, and thus bounded and described:

Beginning at a 3/4 inch pipe at the southerly corner of this lot, the easterly corner of Florus H. Cassel's lot, the coordinates of said pipe being 8,282.55 feet north and 6,628.74 feet east referred to Government Survey Triangulation Station "PUUNENE", and running:

1. 147° 41' 216.82 feet along Florus H. Cassel's lot to 1 3/4 inch pipe at the edge of sea pali;
2. Thence in a southeasterly direction along the sea pali to a point on same, the direct azimuth and distance being 234° 15' 93.0 feet;
3. Thence in a northeasterly direction along the sea pali to a 3/4 inch pipe at the pali, the direct azimuth and distance being 217° 27' 37.21 feet;
4. 332° 28' 170.00 feet along land owned by Hawaiian Commercial and Sugar Co., Ltd., a 3/4 inch pipe at the northerly side of the Plantation Road;
5. 62° 35' 85.0 feet along the Plantation Road to the point of beginning and containing an area of 0.375 acre, more or less.

RECORDER'S REMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
 in this Document when received.

EXHIBIT A

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-3 RESIDENTIAL DISTRICT
FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from P-1 Public/Quasi-Public District to R-3 Residential District is hereby granted for that certain parcel of land situated at Paia, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-6-009:017, comprising approximately 0.375 acre, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and as shown in Land Zoning Map No. L-1524, 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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EXHIBIT " 2 "

All of that certain parcel of land situate, lying and being at Lower Paia, Hamakuapoko, Island and County of Maui, State of Hawaii, being all that portion of Section 3 of the First Partition of Hamakuapoko Hui, originally covered by Deed of the President of the Board of Education to the Trustees of Oahu College, dated January 30, 1860, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12, Pages 400-403, and thus bounded and described:

Beginning at a 3/4 inch pipe at the southerly corner of this lot, the easterly corner of Florus H. Cassel's lot, the coordinates of said pipe being 8,282.55 feet north and 6,628.74 feet east referred to Government Survey Triangulation Station "PUUNENE", and running:

1. 147° 41' 216.82 feet along Florus H. Cassel's lot to 1 3/4 inch pipe at the edge of sea pali;
2. Thence in a southeasterly direction along the sea pali to a point on same, the direct azimuth and distance being 234° 15' 93.0 feet;
3. Thence in a northeasterly direction along the sea pali to a 3/4 inch pipe at the pali, the direct azimuth and distance being 217° 27' 37.21 feet;
4. 332° 28' 170.00 feet along land owned by Hawaiian Commercial and Sugar Co., Ltd., a 3/4 inch pipe at the northerly side of the Plantation Road;
5. 62° 35' 85.0 feet along the Plantation Road to the point of beginning and containing an area of 0.375 acre, more or less.

EXHIBIT A

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