

# PLANNING COMMITTEE

Council of the County of Maui

## Meeting Agenda

Tuesday, May 21, 2013

9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

2013  
MAY 15 AM 10:51

RECEIVED

MEETING SITE: **Council Chamber, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawaii**

REMOTE TESTIMONY SITES: **Hana Council District Office, Hana Community Center,  
5091 Uakea Road, Hana, Hawaii**  
**Lanai Council District Office, Lanai Community Center, 8<sup>th</sup> Street, Lanai  
City, Hawaii**  
**Molokai Council District Office, 100 Ainoa Street, Kaunakakai, Hawaii**

website: [www.mauicounty.gov/committees/PC](http://www.mauicounty.gov/committees/PC)

### VOTING MEMBERS

**Donald G. Couch, Jr., Chair**

**Michael P. Victorino, Vice-Chair**

**Gladys C. Baisa**

**Elle Cochran**

**Stacy Crivello**

**Don S. Guzman**

**Mike White**

### NON-VOTING MEMBERS

**Robert Carroll**

**G. Riki Hokama**

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Regina Gormley or Yvette Bouthillier) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be modified pursuant to the Rules of the Council, provided a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.*

*REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of Council Services prior to the meeting. While oral testimony is being received, the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

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**PC-34 ANNUAL COMPLIANCE REPORT - HONUUA`ULA**

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 12-80, from former Council Chair Danny A. Mateo, transmitting correspondence dated April 13, 2012, from Charles Jencks, Honua`ula Partners, LLC, transmitting an annual compliance report pursuant to Condition 29 of Ordinance 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning) for approximately 670 acres situated at Paeahu, Palauea, Keauhou, Hawaii.
  2. County Communication 13-156, from the Council Chair Gladys C. Baisa, transmitting correspondence dated April 11, 2013, from Charles Jencks, Honua`ula Partners, LLC, transmitting an annual compliance report pursuant to Condition 29 of Ordinance 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning) for approximately 670 acres situated at Paeahu, Palauea, Keauhou, Hawaii.
- STATUS:** The Committee may receive a presentation from Honua`ula Partners, LLC, on the annual compliance reports and discuss related policy matters. The Committee may also consider the filing of County Communications 12-80 and 13-156 and other related action.

**PC-9 REQUIRING NOTIFICATION TO THE COUNCIL OF UNFULFILLED CONDITIONS OF ZONING**

- DESCRIPTION:** The Committee is in receipt of County Communication 12-261, from former Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.510.050, MAUI COUNTY CODE, TO REQUIRE NOTIFICATION TO THE COUNCIL OF UNFULFILLED CONDITIONS OF ZONING". The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.050, MAUI COUNTY CODE, TO REQUIRE NOTIFICATION TO THE COUNCIL OF UNFULFILLED CONDITIONS OF ZONING". The purpose of the proposed bill is to require the Department of Planning to transmit a quarterly report to the Council on any unfulfilled conditions of zoning provisions as required by Section 19.510.050, Maui County Code, within the specified time limitations.
- STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 12-261 and other related action.

**PC-11 CONDITIONS OF STATE LAND USE DISTRICT BOUNDARY AMENDMENTS**

- DESCRIPTION:** The Committee is in receipt of County Communication 12-262, from former Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.68.040, MAUI COUNTY CODE, RELATING TO CONDITIONS OF STATE LAND USE DISTRICT BOUNDARY AMENDMENTS". The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.68.040, MAUI COUNTY CODE, RELATING TO CONDITIONS OF STATE LAND USE DISTRICT BOUNDARY AMENDMENTS". The purposes of the proposed bill are to require the Department of Planning to transmit a quarterly report to the Council on any unfulfilled conditions of State land use district boundary amendments as required by Section 19.68.040, Maui County Code, within a maximum of three years if no time limitation is established by the Council.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 12-262 and other related action.

### **PC-13 CHANGE OF ZONING PROTESTS**

**DESCRIPTION:** The Committee is in receipt of County Communication 13-76, from Council Chair Gladys C. Baisa, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.510.040, MAUI COUNTY CODE, RELATING TO CHANGE OF ZONING PROTESTS". The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.040, MAUI COUNTY CODE, RELATING TO CHANGE OF ZONING PROTESTS". The purpose of the proposed bill is to clarify how the percentage of owners or lessees protesting a change of zoning is to be calculated.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 13-76 and other related action.

### **PC-14 ROADSIDE STANDS AND FARMER'S MARKETS IN THE AGRICULTURAL DISTRICTS**

**DESCRIPTION:** The Committee is in receipt of County Communication 13-85, from Councilmember Cochran, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTER 19.30A, MAUI COUNTY CODE, RELATING TO ROADSIDE STANDS AND FARMER'S MARKETS IN THE AGRICULTURAL DISTRICT". The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.30A, MAUI COUNTY CODE, RELATING TO ROADSIDE STANDS AND FARMER'S MARKETS IN THE AGRICULTURAL DISTRICT". The purpose of the proposed bill is to allow as accessory uses in the County Agricultural District, subject to certain restrictions, (1) roadside stands owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii, and (2) farmer's markets owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, and logo items related to the producer's agricultural operations and other food items.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 13-85 and other related action.

### **PC-20 MAXIMUM WALL HEIGHT IN AGRICULTURAL DISTRICTS**

**DESCRIPTION:** The Committee is in receipt of the following:

1. County Communication 10-12, from former Council Chair Danny A. Mateo, transmitting correspondence dated December 11, 2009, from Jim Whitehead, relating to the interpretation and enforcement of the maximum wall height district standard contained in the Agricultural District zoning ordinance (Chapter 19.30A, Maui County Code).
2. Correspondence dated February 4, 2013, from Council Chair Gladys C. Baisa, dated February 4, 2013, transmitting correspondence dated January 25, 2013, from the Planning Director, transmitting comments from the planning commissions, along with a proposed bill to amend Chapter 19.04, Maui County Code, to allow one utility pedestal wall per lot up to maximum of seven feet in height and seven feet in width.

3. Correspondence dated April 8, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO COMPREHENSIVE ZONING PROVISIONS AND CHAPTER 19.30A, MAUI COUNTY CODE, RELATING TO AGRICULTURAL DISTRICT". The revised proposed bill deletes the term "pedestal" and clarifies that a utility wall includes a free standing wall or a portion of a wall designated to support utility services.

**STATUS:** The Committee may consider whether to recommend first reading of the revised proposed bill, with or without revisions. The Committee may also consider the filing of County Communication 10-12 and other related action.

**PC-19**

**PUBLIC/QUASI-PUBLIC DISTRICTS**

**DESCRIPTION:** The Committee is in receipt of County Communication 11-219, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND AMENDING CHAPTER 19.31, MAUI COUNTY CODE, RELATING TO PUBLIC/QUASI-PUBLIC DISTRICTS". The purpose of the proposed bill is to update development standards in the Public/Quasi-Public Districts to reduce the amount of variance applications by property owners.

**STATUS:** The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 11-219 and other related action.