

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 8, 2014

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 June 18, 2014, makes reference to County Communication 12-179, from Councilmember Donald G. Couch, 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 PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024".

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

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024" ("Community Plan Amendment bill"). The purpose of the Community Plan Amendment bill is to amend the Paia-Haiku Community Plan and Land Use Map from Agriculture to Rural for 2.140 acres located at Paia, Maui, Hawaii ("subject property").
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024" ("Change in Zoning bill"). The purpose of the Change in Zoning bill is to change the zoning from Agricultural District to RU-0.5 Rural District for the subject property.

Your Committee notes that the Council's Land Use Committee (2011-2013 Council term) previously reported on this matter in Land Use Committee Report 12-118. In that report, the Committee recommended a proposed resolution referring the proposed

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bills to the Maui Planning Commission be adopted. At its meeting of October 19, 2012, the Council adopted Resolution 12-108.

By correspondence dated April 5, 2013, the Planning Director transmitted the Maui Planning Commission's recommendations to approve the proposed Community Plan Amendment bill and the proposed Change in Zoning bill. The Planning Director also transmitted revised proposed bills, approved as to form and legality by the Department of the Corporation Counsel, Community Plan Map CP-718, and Land Zoning Map L-1525.

The Planning Director stated the Department supports the proposed Community Plan Amendment bill and the proposed Change in Zoning bill. He stated the Council, through adoption of the Paia-Haiku Community Plan in 1995, designated the subject parcel as Agriculture. The Council subsequently changed the zoning from Interim to Agriculture in order to conform to the Community Plan, rendering the existing structures nonconforming. The proposed bills would allow the existing structures on the subject parcel to conform.

The Deputy Director of Public Works stated the Department has confirmed all permitting issues have been resolved and final inspections of the structures have been completed. She stated an after-the-fact permit was required for at least one structure. The Department confirmed the structures on the subject parcels are in full compliance with existing laws.

Your Committee voted 8-0 to recommend passage of the revised proposed Community Plan Amendment bill and revised proposed Change in Zoning bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Guzman, and members Cochran, Couch, Crivello, Hokama, White, and Victorino voted "aye". Committee member Baisa was excused.

Your Committee is in receipt of a further revised proposed Community Plan Amendment bill and a further revised proposed Change in Zoning bill, approved as to form and legality by the Department of the Corporation Counsel. Each bill incorporates a nonsubstantive revision to update the year of the bill.

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Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 12-179 be FILED.

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



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE TO AMEND THE
PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP
FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED
AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII,
TAX MAP KEY NUMBER (2) 2-6-009:024

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 Agricultural to Rural for property situated at Paia, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-6-009:024, comprising approximately 2.140 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-718, 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:

A handwritten signature in black ink, appearing to read 'James A. Giroux', written over a horizontal line. The signature is cursive and includes a small 'for' written below the line.

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

6.	328° 47'	410.69	feet along Lot 3 of the Kuau Beach Subdivision No. 3 to the point of beginning and containing an area of 2.140 acres, more or less.
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Together with an easement for access and drainage purposes over Easement A-3 described as follows:

Beginning at a point at the southeasterly corner of this easement, on the northwesterly side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 8,196.72 feet north and 7,358.87 feet east and running by azimuths measured clockwise from true South:

1. Over and across Lot 3 of the Kuau Beach Subdivision No. 3 on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

193° 47'	42.43	feet to a point;
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2. 148° 47' 197.10 feet over and across same to a point;
3. Thence over and across same on a curve to the left with a radius of 4.00 feet, the chord azimuth and distance being:

117° 08' 30"	4.20	feet to a point;
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4. 85° 30' 300.80 feet over and across same to a point;
5. 148° 47' 44.78 feet along Lot 2 of the Kuau Beach Subdivision No. 3 to a point;
6. 265° 30' 320.93 feet along Lot 4 of the Kuau Beach Subdivision No. 3 to a 1/2 inch pipe;

7. Thence along same on a curve to the right with a radius of 44.00 feet, the chord azimuth and distance being:
- | | | | |
|------|---------|-------|--------------------------|
| 297° | 08' 30" | 46.17 | feet to a 1/2 inch pipe; |
|------|---------|-------|--------------------------|
8. 328° 47' 197.10 feet along same to a 1/2 inch pipe;
9. Thence along same on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
- | | | | |
|------|-----|-------|--------------------------|
| 283° | 47' | 42.43 | feet to a 1/2 inch pipe; |
|------|-----|-------|--------------------------|
10. 58° 47' 100.00 feet along the northwesterly side of Hana Highway to the point of beginning and containing an area of 22,964 square feet or 0.527 acre, more or less.

Being the same premises conveyed to Grantor herein by Deed dated December 16, 1997, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-180576.

SUBJECT, HOWEVER, to the following:

1. Grant to Charles Rodrigues and Gladys D. Rodrigues, husband and wife, dated March 17, 1969, recorded in said Bureau of Conveyances in Liber 6474, Page 469, granting a perpetual 15 foot wide right-of-way for roadway purposes.

Above Grant amended by instrument dated October 21, 1997, recorded in said Bureau of Conveyances as Document No. 97-143960, regarding amends said above Grant to substitute new right-of-way over said Easement "A-2".

2. Designation of Easement "A-2" of the Kuau Beach Subdivision No. 4 (area 10,327 square feet or 0.237 acre) for access in favor of Tax Map Key(s) (2) 2-6-009-003, 004, 017 and 018, and Lots 1 and 2, as shown on survey prepared by Ken T. Nomura, Licensed Professional Land Surveyor with A & B Properties, Inc., dated November 6, 1996, revised May 15, 1997, and more particularly described as follows:

Beginning at a 1/2 inch pipe at the northwesterly corner of this easement, said pipe being also the northerly corner of Lot 1 of the Kuau Beach Subdivision No. 3, the coordinates of said point of beginning referred to Government Survey Triangulation

Station "PUUNENE 2" being 8,354.17 feet north and 6,720.95 feet east and running by azimuths measured clockwise from true South;

- | | | | | |
|----|------|-----|--------|---|
| 1. | 242° | 04' | 97.91 | feet along the remainder of Section 3 of the Hamakuapoko Hui Lands (being along Tax Map Key; (2) 2-6-09:18) to a 1/2 inch pipe; |
| 2. | 260° | 08' | 134.55 | feet along the remainder of Section 3 of the Hamakuapoko Hui Lands (being along Tax Map Key; (2) 2-6-09:19) and along Lot 4 of the Kuau Beach Subdivision No. 3 to a 1/2 inch pipe; |
| 3. | 328° | 47' | 44.78 | feet along Lot 3 of the Kuau Beach Subdivision No. 3 to a point; |
| 4. | 85° | 30' | 18.26 | feet over and across Lot 2 of the Kuau Beach Subdivision No. 3 to a point; |
| 5. | 75° | 36' | 125.26 | feet over and across same to a point; |
| 6. | 68° | 41' | 85.57 | feet over and across same to a point; |
| 7. | 145° | 09' | 40.29 | feet along Lot 1 of the Kuau Beach Subdivision No. 3 to the point of beginning and containing an area of 10,327 square feet or 0.237 acre, more or less. |

3. Restriction of Vehicle Access Rights as shown on map attached to Deed recorded in said Bureau of Conveyances as Document No. 97-180576.

4. Covenants, conditions and reservations, contained in Deed dated December 16, 1997 recorded in said Bureau of Conveyances as Document No. 97-180576.

5. Covenants, conditions and reservations, contained in Mortgage dated --- (acknowledged December 22, 1997) recorded in said Bureau of Conveyances as Document No. 97-180577 for the amount of \$300,000.00.

ORDINANCE NO. _____

BILL NO. _____ (2014)

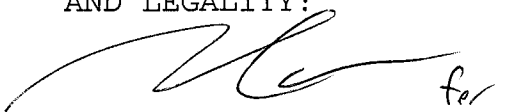
A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT FOR
PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI,
HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024

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

SECTION 1. Pursuant to Chapters 19.29 and 19.510, Maui County Code, a change in zoning from Agricultural District to RU-0.5 Rural 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) 2-6-009:024, comprising approximately 2.140 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and as shown in Land Zoning Map No. L-1525, 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:

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JAMES A. GIROUX
Deputy Corporation Counsel
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