

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

May 5, 2015

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 19, 2015, makes reference to County Communication 15-64, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM P-1 PUBLIC/QUASI-PUBLIC TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII" ("Community Plan Amendment bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of Newport Hospital Corporation ("NHC"), for a Community Plan Amendment from Public/Quasi-Public to Agricultural for approximately 14.95 acres at Lahaina, Maui, Hawaii, TMK: (2) 4-4-006:070 (por.) ("subject property"), because the subject property will no longer be used for the proposed West Maui hospital.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII" ("District Boundary Amendment bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of NHC, for a District Boundary Amendment from Urban to Agricultural for the subject property because it will no longer be used for the proposed West Maui hospital.
3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO AGRICULTURAL DISTRICT FOR PROPERTY

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SITUATED AT LAHAINA, MAUI, HAWAII" ("Change in Zoning bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of NHC, for a Change in Zoning from P-1 Public/Quasi-Public District to Agricultural District for the subject property because it will no longer be used for the proposed West Maui hospital.

Your Committee notes Kaanapali Land Management Corp. owns the subject property, which is located near the Lahaina Civic Center. The subject property received requested land use entitlements to accommodate the proposed West Maui hospital in 2009. Ordinances 3658, 3659, and 3660 granted a Community Plan Amendment from Agricultural to Public/Quasi-Public, a District Boundary Amendment from Agricultural to Urban, and a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District, respectively, for that purpose.

Your Committee further notes the hospital is no longer planned for the subject property. Accordingly, Kaanapali Land Management Corp. authorized Munekiyo & Hiraga, Inc., now also known as Munekiyo Hiraga, and NHC to assist with the preparation, processing, and obtaining of all necessary regulatory approvals for the subject property to be returned to its former Agricultural designations. Concurrent with the transmittal of County Communication 15-64, the Planning Director transmitted County Communication 15-65, requesting land use entitlements for a new proposed hospital site owned by NHC.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted the following:

1. A revised proposed Community Plan Amendment bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO AGRICULTURE FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL

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SITE”, approved as to form and legality, incorporating nonsubstantive revisions.

2. A revised proposed District Boundary Amendment bill, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE”, approved as to form and legality, incorporating nonsubstantive revisions.
3. A revised proposed Change in Zoning bill, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE”, approved as to form and legality, incorporating nonsubstantive revisions.

According to the County Communication, the proposed bills implement the following General Plan goals and policies:

- “Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.” (Countywide Policy Plan, page 74.)
- “Protect prime, productive, and potentially productive agricultural lands to maintain the islands’ agricultural and rural identities and economies.” (Countywide Policy Plan, page 75.)
- “Maui will have a prosperous agricultural industry and will protect agricultural lands.” (Maui Island Plan, page 7-7.)
- “An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the

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future needs of residents and visitors in a manner that provides for the stable social and economic well-being of residents and the preservation and enhancement of the region's open space areas and natural environmental resources." (West Maui Community Plan, page 14.)

- "Ensure that appropriate lands are available to support the region's present and future agricultural activities." (West Maui Community Plan, page 15.)

Since the land use entitlements were granted for the proposed West Maui hospital in 2009, the County adopted the Maui Island Plan, containing directed growth maps for the island. According to the County Communication, the subject property is within the Urban Growth Boundary in the Maui Island Plan.

Your Committee asked the Planning Director whether an amendment to the Maui Island Plan is needed to remove the subject property from the Urban Growth Boundary before the requested land use entitlements could be granted. The Planning Director advised there is no requirement to amend the growth boundary in the Maui Island Plan under this circumstance, finding no inconsistency would result from changing the subject property back to its former Agricultural designations.

Your Committee voted 6-0 to recommend passage of the revised proposed bills on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Cochran, Crivello, and Guzman voted "aye". Committee member Couch was excused.

Your Land Use Committee **RECOMMENDS** the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO AGRICULTURE FOR

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PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE”, be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE”, be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 15-64 be FILED.

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



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2015)

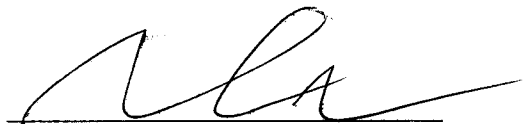
A BILL FOR AN ORDINANCE TO AMEND THE
WEST MAUI COMMUNITY PLAN AND LAND USE MAP
FROM PUBLIC/QUASI-PUBLIC TO AGRICULTURE
FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII,
FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE

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 Public/Quasi-Public to Agriculture for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-006:070 (por.), comprising approximately 14.95 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Amendment Map No. CP-821, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

PORTION OF ROYAL PATENT 2567,
LAND COMMISSION AWARD 7715, PART 1 TO L. KAMEHAMEHA
AT HANAKAOO, LAHAINA, MAUI, HAWAII

Beginning at the Southeast corner of this Parcel of Land, said point being $86^{\circ} 45'$ and 109.94 feet from the Northeast corner of Lot 3, Villages of Leiali'i, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,215.14 feet North and 4,197.56 feet West and running by azimuths measured clockwise from True South:

1. $86^{\circ} 45'$ 764.54 feet along Lot 3, Villages of Leiali'i;
2. $137^{\circ} 40' 48''$ 806.23 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
3. $266^{\circ} 45'$ 624.32 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
4. $176^{\circ} 45'$ 20.79 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
5. $266^{\circ} 45'$ 648.36 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;

EXHIBIT " A "

6. 356° 45'

646.73 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha to the point of beginning and containing an area of 14.946 Acres.



871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

November 15, 2006

R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka

Kirk T. Tanaka
Licensed Professional Surveyor
Certificate No. 7223-LS
License Expires: April 30, 2008

ORDINANCE NO. _____

BILL NO. _____ (2015)

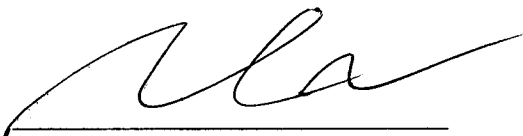
A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Urban District to the Agricultural District for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-006:070 (por.), comprising approximately 14.95 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-817, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

PORTION OF ROYAL PATENT 2567,
LAND COMMISSION AWARD 7715, PART 1 TO L. KAMEHAMENA
AT HANAKAOO, LAHAINA, MAUI, HAWAII

Beginning at the Southeast corner of this Parcel of Land, said point being $86^{\circ} 45'$ and 109.94 feet from the Northeast corner of Lot 3, Villages of Leiali'i, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,215.14 feet North and 4,197.56 feet West and running by azimuths measured clockwise from True South:

1. $86^{\circ} 45'$ 764.54 feet along Lot 3, Villages of Leiali'i;
2. $137^{\circ} 40' 48''$ 806.23 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
3. $266^{\circ} 45'$ 624.32 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
4. $176^{\circ} 45'$ 20.79 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
5. $266^{\circ} 45'$ 648.36 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;

EXHIBIT " A "

6. 356° 45'

646.73 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha to the point of beginning and containing an area of 14.946 Acres.



871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

November 15, 2006

R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "K. T. Tanaka".

Kirk T. Tanaka
Licensed Professional Surveyor
Certificate No. 7223-LS
License Expires: April 30, 2008

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/
QUASI-PUBLIC DISTRICT TO AGRICULTURAL DISTRICT
FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII,
FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE

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

SECTION 1. Pursuant to Chapters 19.30A and 19.510, Maui County Code, a change in zoning from P-1 Public/Quasi-Public District to Agricultural District is hereby granted for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-006:070 (por.), comprising approximately 14.95 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-870, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

CHANGE IN ZONING
PORTION OF ROYAL PATENT 2567,
LAND COMMISSION AWARD 7715, PART 1 TO L. KAMEHAMEHA
AT HANAKAHO, LAHAINA, MAUI, HAWAII

Beginning at the Southeast corner of this Parcel of Land, said point being $86^{\circ} 45'$ and 109.94 feet from the Northeast corner of Lot 3, Villages of Leialii'i, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,215.14 feet North and 4,197.56 feet West and running by azimuths measured clockwise from True South:

1. $86^{\circ} 45'$ 764.54 feet along Lot 3, Villages of Leialii'i;
2. $197^{\circ} 40' 48''$ 806.23 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
3. $266^{\circ} 45'$ 624.32 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
4. $176^{\circ} 45'$ 20.79 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;
5. $266^{\circ} 45'$ 648.36 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha;

EXHIBIT " A "

6. 356° 45' 646.73 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Part 1 to L. Kamehameha to the point of beginning and containing an area of 14.946 Acres.



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