

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 4, 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 August 19, 2015, makes reference to County Communication 15-215, from Councilmember Stacy Crivello, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII."

The purpose of the proposed resolution is to refer to the Molokai Planning Commission a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII." The purpose of the proposed bill is to grant a Change in Zoning from Interim District to Agricultural District for 14.59 acres along Kamehameha V Highway in Kawela, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-4-001:029.

Your Committee notes Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate planning commission to review proposed land use ordinances and provide findings and recommendations to the Council. Because the subject property is located on Molokai, the appropriate planning commission in this case is the Molokai Planning Commission.

Your Committee further notes the Interim zoning district was created in 1958 for "the purpose of providing interim regulations pending the formal adoption of a comprehensive zoning ordinance and map." The County has long had an ongoing project to eliminate Interim zoning, which hinders the ability of landowners to subdivide their property.

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The Deputy Planning Director informed your Committee the Planning Director supports appropriate entitlements for the subject property.

Your Committee voted 6-0 to recommend adoption of the proposed resolution. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Couch, Crivello, and Guzman voted "aye." Committee member Cochran was excused.

Your Land Use Committee RECOMMENDS that Resolution _____, attached hereto, entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, 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

lu:cr:15016aa:cmn

Resolution

No. _____

REFERRING TO THE MOLOKAI PLANNING COMMISSION
A PROPOSED BILL TO CHANGE ZONING FROM INTERIM
TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA,
MOLOKAI, HAWAII

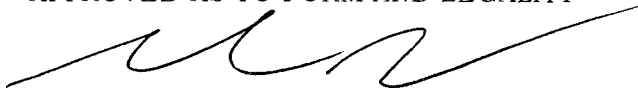
WHEREAS, the Council is considering a Change in Zoning from Interim to Agricultural for property consisting of approximately 14.59 acres situated at Kawela, Molokai, Hawaii, identified for real property tax purposes as TMK (2) 5-4-001:029; and

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 CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII", a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Molokai 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 respectfully requests that the Molokai Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Molokai Planning Commission, and Weymouth Kamakana, Sr.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui
paf:scj:15-019b

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM TO
AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII

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 Interim to Agricultural is hereby granted for that certain parcel of land situated at Kawela, Molokai, Hawaii, and identified for real property tax purposes as TMK (2) 5-4-001:029, comprising approximately 14.59 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. _____, 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:

Department of the Corporation Counsel
County of Maui

paf:scj:15-019a

EXHIBIT " 1 "

EXHIBIT "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7656, Land Commission Award Number 8559-B, Apana 28 to William C. Lunalilo, Royal Patent Number 3721, Land Commission Award Number 9988 to Lio, and Royal Patent Number 6056, Land Commission Award Number 10107 to Maunaloa, and Accretions to Royal Patent Number 3721, Land Commission Award Number 9988 to Lio and Royal Patent Number 6056, Land Commission Award Number 10107 to Maunaloa, situate, lying and being on the northeasterly side of Old Government Road at Kawela, County of Maui, State of Hawaii, being LOT 1, and thus bounded and described:

Beginning at the southwesterly corner of this piece of land, on the northeasterly side of Old Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 22,836.64 feet south and 21,216.80 feet east, and running by azimuths measured clockwise from true South:

1. 202° 30' 433.23 feet;
2. 112° 30' 107.44 feet;
3. 92° 30' 30" 124.43 feet along R.P. 3721, L.C. Aw. 9988 to Lio;
4. 200° 12' 30" 67.92 feet;
5. 86° 30' 234.00 feet;
6. 127° 55' 60.00 feet;
7. 176° 44' 25.04 feet;
8. 267° 07' 30" 343.59 feet along Land Court Application 1714 (Pending);
9. 244° 48' 48.15 feet along Land Court Application 1714 (Pending);
10. 234° 07' 132.30 feet along Land Court Application 1714 (Pending);
11. 242° 06' 30" 293.05 feet along Land Court Application 1714 (Pending);
12. 310° 00' 229.47 feet along Kawela Pump Site;

13.	327° 32'	29.84	feet along Kawela Pump Site;
14.	276° 42'	149.00	feet along Kawela Pump Site;
15.	344° 18'	59.90	feet along Land Court Application 1714 (Pending);
16.	7° 43'	457.00	feet along Land Court Application 1714 (Pending);
17.	15° 10'	265.05	feet along Land Court Application 1714 (Pending);
18.	33° 34' 30"	250.36	feet along Land Court Application 1714 (Pending);
19.	121° 17' 30"	313.52	feet along the northeasterly side of Old Government Road;
20.	127° 30'	270.45	feet along the northeasterly side of Old Government Road;
21.	123° 30'	49.00	feet along the northeasterly side of Old Government Road, to the point of beginning and containing an area of 14.586 acres, more or less.

Said above described parcel of land having been acquired as follows:

1. By JACKIE L. GRAMBUSCH and WILMA KAMAKANA GRAMBUSCH, husband and wife, as Tenants by the Entirety, as to an undivided 1/2 interest, by QUITCLAIM DEED of WILMA KAMAKANA GRAMBUSCH, wife of Jackie L. Grambusch, dated August 10, 1977, recorded in Liber 12371 Page 47; and
2. By WEYMOUTH KAMAKANA, Trustee of the Weymouth Kamakana Revocable Trust dated November 15, 2007, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 1/2 interest, by QUITCLAIM DEED of WEYMOUTH KAMAKANA, husband of Jule Patten Kamakana, dated November 19, 2007, recorded as Document No. 2007-204777.