

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 23, 2008

**Committee
Report No.**

08-109

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on September 3, 2008, makes reference to County Communication No. 08-126, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII" (District Boundary Amendment bill). The purpose of the proposed District Boundary Amendment bill is to grant a request from Jordan Canha, Sr., for a District Boundary Amendment from Agricultural District to Rural District for approximately 1.591 acres located at 2810 Kokomo Road, Haiku, Maui (TMK: (2) 2-7-01:024 (por.)) (the subject property), in order to allow for the consolidation and re-subdivision of four lots totaling 4.03 acres into four rectangular lots, among the Canha family.

By correspondence dated June 6, 2008, the Planning Director transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH RURAL DISTRICT ZONING FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII" (Change in Zoning bill). The purpose of the proposed Change in Zoning bill is to grant a request from Mr. Canha for a Change in Zoning from Interim District to RU-0.5 Rural District for the subject property, in order to allow for the referenced consolidation and re-subdivision of property.

Your Committee notes that the Maui Planning Commission held a public hearing on the applications on January 22, 2008.

Your Committee further notes that at its meeting of January 22, 2008, the Maui Planning Commission, after reviewing the findings presented in the document entitled "DEPARTMENT OF PLANNING'S REPORT TO THE MAUI PLANNING COMMISSION JANUARY 22, 2008 MEETING" and the conclusions and recommendations presented in the document entitled "DEPARTMENT OF PLANNING'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JANUARY 22, 2008 MEETING", voted to recommend that the District Boundary Amendment and Change in Zoning be granted.

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By correspondence dated August 26, 2008, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed Change in Zoning bill to insert "RU-0.5" prior to the word "Rural" in the title and text of the bill.

By correspondence dated August 27, 2008, the Department of the Corporation Counsel transmitted a revised proposed Change in Zoning bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII", incorporating the requested revisions.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works; a Deputy Corporation Counsel; Jordan Canha, Sr., the applicant; Christopher Hart, Chris Hart & Partners, Inc., applicant's land use consultant; and Brett Davis, Land Use Planner, Chris Hart & Partners, Inc.

Your Committee received a printout of a presentation on the project, depicting the location of the site and the proposed reconfiguration of the lots; the State land use district classification, County zoning, and Community Plan designation for the subject property in the context of surrounding properties; and information concerning an archaeological field inspection that had been conducted.

There was no public testimony.

The Planner provided a brief overview of the applications.

Mr. Hart called your Committee's attention to page 5 of the presentation, which identifies how the four lots would ultimately be consolidated and resubdivided for distribution among the Canha heirs, should the District Boundary Amendment and Change in Zoning be granted.

Your Committee noted the benefits of preserving family land and promoting affordable housing for Mr. Canha's heirs.

Your Committee voted to recommend passage of the proposed District Boundary Amendment bill and the revised proposed Change in Zoning bill, and filing of the communication.

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Your Land Use Committee RECOMMENDS the following:

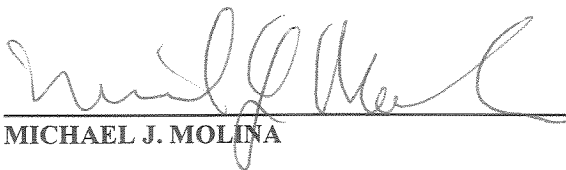
1. That Bill No. _____ (2008), attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. _____ (2008), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication No. 08-126 be FILED.

Adoption of this report is respectfully requested.

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LAND USE COMMITTEE

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Committee
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MICHAEL J. MOLINA Chair

JO ANNE JOHNSON Member

JOSEPH PONTANILLA Vice-Chair

DANNY A. MATEO Member

MICHELLE ANDERSON Member

BILL KAUAKEA MEDEIROS Member

GLADYS C. BAISA Member

MICHAEL P. VICTORINO Member

G. RIKI HOKAMA Member

ORDINANCE NO. _____

BILL NO. _____ (2008)

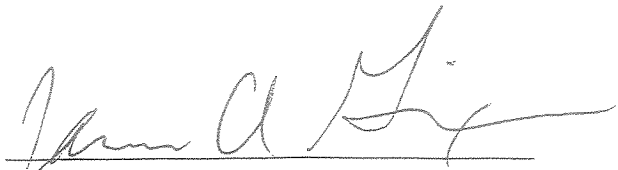
A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT
TO RURAL DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Agricultural District to the Rural District for that certain parcel of land located at Makawao, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2)2-7-001:024 (por.), comprising approximately 1.591 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-625, 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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LAND USE DISTRICT BOUNDARY AMENDMENT

PORTION OF LAND KNOWN AS

PUUOMALEI TO M. KEKUANANOA

SITUATED AT PUUOMALEI, MAKAWAO, MAUI, HAWAII

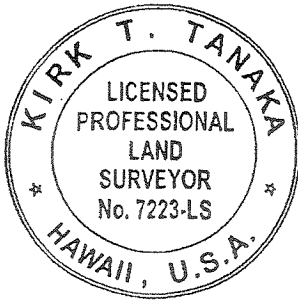
BEING ALSO A PORTION OF LOT 4, CANHA SUBDIVISION

Beginning at the Northeast corner of this Parcel of Land, on the Easterly boundary of Lot 4, Canha Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 5,776.13 feet North and 5,037.66 feet West and running by azimuths measured clockwise from True South:

1. 29° 46' 107.26 feet along the remainder of land known as Puumalei to M. Kekuananoa;
2. 133° 00' 91.00 feet along Kaluanui Ditch right-of-way;
3. 121° 00' 59.00 feet along Kaluanui Ditch right-of-way;
4. 95° 55' 117.00 feet along Kaluanui Ditch right-of-way;
5. 121° 00' 32.00 feet along Kaluanui Ditch right-of-way;
6. 149° 30' 109.00 feet along Kaluanui Ditch right-of-way;
7. 161° 45' 74.55 feet along Kaluanui Ditch right-of-way;
8. 199° 38' 152.09 feet along the remainder of land known as Puuomalei to M. Kekuananoa;

EXHIBIT " A "

9. 314° 30' 479.15 feet along the remainder of Lot 4, Canha Subdivision to the point of beginning and containing an area of 1.591 Acres.



871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

April 14, 2008

R. T. TANAKA ENGINEERS, INC.

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

Kirk T. Tanaka
Licensed Professional Surveyor
Certificate No. 7223-LS
License Expires: April 30, 2010

ORDINANCE NO. _____

BILL NO. _____ (2008)

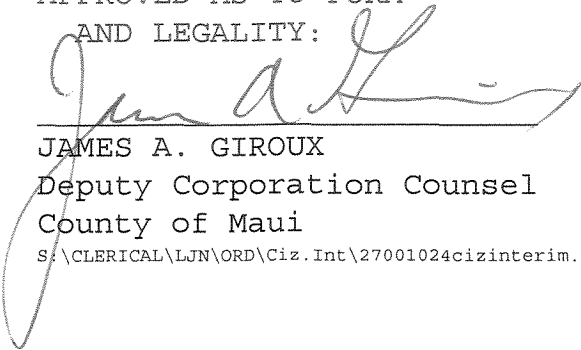
A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT
ZONING FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.29 and 19.510, Maui County Code, RU-0.5 Rural District Zoning is hereby established for property situated at Makawao, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)2-7-001:024 (por.), comprising approximately 1.591 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-2518 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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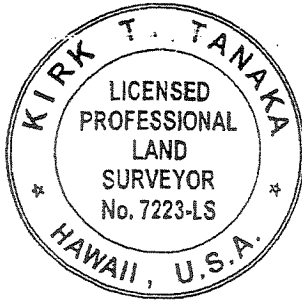
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