

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 1, 2006

Committee
Report No.

06-158

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

Chair and Members:

Your Land Use Committee, having met on November 1, 2006, makes reference to County Communication No. 06-192, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL DISTRICT FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from William E. Cambra and Kathleen A. Cambra for a District Boundary Amendment from Agricultural District to Rural District for 2.119 acres at 212 Kula Highway, Kula, Maui, to facilitate the development of the Jacaranda Hills Three-Lot Subdivision (TMK: (2) 2-3-32:003).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from William E. Cambra and Kathleen A. Cambra for a Change in Zoning for the subject property, from Agricultural District to RU-0.5 Rural District, to facilitate the proposed development.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING WILLIAM E. CAMBRA AND KATHLEEN A. CAMBRA, dba SHAMPOO-U & SPA, TOO, LLC, A CONDITIONAL PERMIT TO OPERATE A HAIR, SKIN, AND NAIL SALON, ON PROPERTY SITUATED IN THE RU-0.5 RURAL DISTRICT, AT 212 KULA HIGHWAY, KULA, MAUI, HAWAII".

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The purpose of the proposed bill is to grant a request from William E. Cambra and Kathleen A. Cambra for a one-year Conditional Permit to operate Shampoo-U & Spa Too (a hair, skin, and nail salon) in the RU-0.5 Rural District.

Your Committee notes that the Maui Planning Commission held a public hearing on the applications for the proposed District Boundary Amendment, Change in Zoning, and Conditional Permit on February 28, 2006.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION FEBRUARY 28, 2006 MEETING", and the conclusions and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION FEBRUARY 28, 2006 MEETING", voted to recommend approval of the District Boundary Amendment, Change in Zoning, and Conditional Permit on February 28, 2006, subject to a single Change in Zoning condition. The condition, as reflected in the proposed Change in Zoning bill, states:

- "1. That in the event historic sites (human skeletal remains, etc.) are identified during construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Office needs to be contacted immediately on Maui or on Oahu."

By correspondence dated August 1, 2006, the Council Chair transmitted a copy of correspondence dated July 25, 2006, from Anthony J. H. Ching, Executive Officer, State Land Use Commission (State LUC), to the Planning Director, noting that the Conditional Permit did not appear to be the correct manner of complying with the State Land Use Rural District standards.

By correspondence dated August 10, 2006, the Chair of your Committee requested that the Planning Director respond to questions relating to proposed sizes of the three lots; clarify varying references to the address of the subject property; revise the Land Zoning Map for consistency with the proposed bills; incorporate nonsubstantive revisions to the proposed District Boundary Amendment bill and the proposed Change in

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Zoning bill; address comments relating to a “no left turn” sign; and provide the Department’s response to correspondence dated July 25, 2006 from Anthony J. H. Ching, Executive Officer, State LUC.

By correspondence dated August 10, 2006, the Chair of your Committee requested that the Director of Water Supply research the applicant’s position on the Upcountry Waiting list for water meters; confirm their position, if any, on that list; provide an estimate of when water meters for the subdivision would be available; and advise whether the grant of the applicants’ requested land use approvals to develop the subdivision would impact in any way their position on that list.

By correspondence dated August 30, 2006, the Planning Director transmitted a revised District Boundary Amendment Map and Land Zoning Map, along with the following revised proposed bills, incorporating the nonsubstantive revisions requested by the Chair of your Committee:

1. A revised proposed bill entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII”.

2. A revised proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII”.

In his correspondence, the Planning Director also responded as follows: that the proposed lot sizes are 0.501 acres, 1.055 acres, and 0.539 acres, noting a roadway lot of 0.024 acres; that the property address had been changed and is currently 212 Kula Highway, Pukalani, while the legal description of the property states that it is in Kula; that the District Boundary Amendment map and the Change in Zoning map had been changed to reference Kula for consistency with the deed and proposed bills; that the State Department of Transportation (State DOT) had not reviewed comments from the Department of Police on the project; that the granting of the Conditional Permit is contingent upon the County zoning for the property being changed to RU-0.5 Rural District; and that the response to correspondence dated July 25, 2006 from the State LUC was attached. Your Committee notes that the Planning Director’s attached

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August 4, 2006 response to the State LUC clarified the procedural posture of the applications.

By correspondence dated September 1, 2006, the Director of Water Supply responded that the applicants are number 296 on the Upcountry Water Service Priority List for Building Permit Applications, Subdivision & Water Service Requests, dated December 9, 2005. The Director further noted that the Department is hopeful that water meters would be available for the applicants' subdivision within three to five years, and that a grant of the applications would not impact their position on the list.

By correspondence dated October 9, 2006, the Chair of your Committee requested that Rodney Haraga, Director, State DOT, review and provide a written response to the comments made by the Department of Police.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; a Deputy Corporation Counsel; and William E. Cambra, one of the two applicants.

There was no public testimony.

Your Committee noted the receipt of correspondence dated November 1, 2006 from Ferdinand Cajigal, Maui District Engineer, Highways Division, State Department of Transportation (State DOT). In his response, Mr. Cajigal advised that the State DOT concurred with the comments by the Department of Police concerning installation of a "No Left Turn" sign at the project's driveway.

Mr. Cambra provided background information on the property. He noted that his family had owned the property for 34 years, and that the lots created by the subdivision are intended for his children, to keep the property within his family. He stated that he and his wife are hairdressers who operate a hair salon with three seats in an 850 square-foot cottage on the property, next to their home. He described the hours of operation of the salon, and noted that they also have an assistant who works with them. The applicants would like to expand their business, but not the structure within which the business is conducted. They also intend to start an apprenticeship program for future hairdressers.

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The Planner summarized the proceedings before the Maui Planning Commission and its recommendations. She advised that the applicants have more parking than is required, and that no further action is necessary for compliance with the off-street parking requirement. She further noted that the driveway for the property is across the entry to King Kekaulike High School.

Your Committee discussed the State DOT's response and whether it would be appropriate at this time to require the installation of a "No Left Turn" sign at the project's driveway. Your Committee reviewed photographs of the site that were provided in the County Communication, and considered the limited number of lots to be created by the subdivision, and the low volume of traffic created by the existing salon. Your Committee declined to incorporate a condition restricting left turns.

Your Committee recommended that the duration of the Conditional Permit be increased to three years.

Your Committee voted to recommend passage of the revised proposed District Boundary Amendment bill and the revised proposed Change in Zoning bill, and recordation of a unilateral agreement reflecting the applicable zoning condition. Your Committee also voted to recommend passage of the proposed Conditional Permit bill, as revised, to increase the duration of the Conditional Permit to three years, and filing of the communication.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING WILLIAM E. CAMBRA AND KATHLEEN A. CAMBRA, dba SHAMPOO-U & SPA, TOO, LLC, A CONDITIONAL PERMIT TO OPERATE A HAIR, SKIN, AND NAIL SALON, ON PROPERTY SITUATED IN THE RU-0.5 RURAL DISTRICT, AT 212 KULA HIGHWAY, KULA, MAUI, HAWAII", approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's requested revisions.

Your Committee is also in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by William E. Cambra and Kathleen A. Cambra.

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Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2006), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. _____ (2006), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill No. _____ (2006), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING WILLIAM E. CAMBRA AND KATHLEEN A. CAMBRA, dba SHAMPOO-U & SPA, TOO, LLC, A CONDITIONAL PERMIT TO OPERATE A HAIR, SKIN, AND NAIL SALON, ON PROPERTY SITUATED IN THE RU-0.5 RURAL DISTRICT, AT 212 KULA HIGHWAY, KULA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the "Unilateral Agreement and Declaration for Conditional Zoning"; and
5. That County Communication No. 06-192 be FILED.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

DAIN P. KANE **Member**

JOSEPH PONTANILLA **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Member**

CHARMAINE TAVARES **Member**

JO ANNE JOHNSON **Member**