

LAND USE COMMITTEE
Council of the County of Maui

Meeting Agenda

**Date: October 14, 2002 (1:30 p.m.) [Council Chamber, 8th Floor, Kalana O Maui Bldg.,
200 South High Street, Wailuku, Maui, Hawai'i]**

**website: <http://www.co.maui.hi.us/committees/LU/>
e-mail: lu.committee@co.maui.hi.us**

COMMITTEE MEMBERS

Alan M. Arakawa, Chair

Robert Carroll

G. Riki Hokama

Jo Anne Johnson

Dain P. Kane

Danny A. Mateo

Michael J. Molina

Wayne K. Nishiki

Charmaine Tavares

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (David Raatz or Yvette Bantilan) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Moloka'i), 1-800-272-0098 (toll-free from Lana'i), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed, please submit by 12 noon on the business day preceding the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

LU-42

CHANGE IN ZONING FOR SHAKA SANDWICH & PIZZA (KIHEI)

DESCRIPTION:

By County Communication No. 02-185, the Planning Director transmitted a draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAIOHULI-KEOKEA BEACH HOMESTEADS, KIHEI, MAUI, HAWAII". The purpose of the draft bill is to change the zoning for approximately 21,229 square feet of land at Waiohuli-Keokea Beach Homesteads, Kihei, Maui (TMK: 3-9-012:035). Enactment of the draft bill, requested by Shaka Sandwich & Pizza, would facilitate the construction and operation of a 4,685-square-foot commercial building.

STATUS:

The Committee may consider whether to recommend passage of the draft bill on first reading, with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication No. 02-185.

FIRST READING of revised proposed bill; **RECORDATION** of unilateral agreement, and **FILING** of communication by C.R. for 11/1/02 Council mtg.

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LU-36 CONDITIONAL PERMIT FOR “MAALAEA BEACH VILLA” (MAALAEA)

DESCRIPTION: By County Communication No. 02-65, the Planning Director transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING DONALD AND CATHERINE HURLOCK A CONDITIONAL PERMIT TO OPERATE A VACATION RENTAL WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 4025 MAALAEA BAY PLACE, MAALAEA, MAUI, HAWAII". The purpose of the proposed bill is to grant Donald and Catherine Hurlock a Conditional Permit to operate a vacation rental in a five-bedroom home on approximately 9,153 square feet of land at 4025 Maalaea Bay Place, Maalaea, Maui (TMK: 3-6-001:005).

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication No. 02-65.

FIRST READING of revised proposed bill, and FILING of communication by C.R. for 11/1/02 Council mtg.
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LU-23 DISTRICT BOUNDARY AMENDMENT, CHANGE IN ZONING, AND COMMUNITY PLAN AMENDMENT FOR FOUR-UNIT SINGLE-FAMILY CONDOMINIUM PROJECT AT KAEO, HONUULA (MAKENA)

DESCRIPTION: By County Communication No. 02-27, the Planning Director transmitted the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KAEO, HONUULA, MAKENA, MAUI, HAWAII". The purpose of the proposed bill is to approve a State District Boundary Amendment from Agricultural to Urban, requested by Pacific Rim Land, Inc., to develop a four-unit Single-Family condominium project on approximately 1.552 acres of land located in Makena (TMK: 2-1-007:066).
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT KAEO, HONUULA, MAKENA, MAUI, HAWAII". The purpose of the proposed bill is to approve a Change in Zoning from Interim District to R-3 Residential District, requested by Pacific Rim Land, Inc., to develop a four-unit Single-Family condominium project on approximately 1.552 acres of land in Makena (TMK: 2-1-007:066).
3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM HOTEL TO SINGLE-FAMILY FOR PROPERTY SITUATED AT KAEO, HONUULA, MAKENA, MAUI, HAWAII". The purpose of the proposed bill is to approve a Community Plan Amendment from Hotel to Single-Family, requested by the Planning Director, to develop a four-unit Single-Family condominium project on approximately 1.552 acres of land in Makena (TMK: 2-1-007:066).

STATUS: The Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication No. 02-27.

DEFER pending site inspection.

LU-2 COMMUNITY PLAN DESIGNATION FOR 5.17-ACRE PARCEL AT SITE OF PREVIOUSLY PROPOSED KA ONO ULU COMMERCIAL DEVELOPMENT AND NEARBY 7-ACRE PARCEL (KIHEI)

DESCRIPTION: The Committee is in receipt of the following:

1. A Miscellaneous Communication dated September 24, 2001, relating to the community plan designation of approximately 5.17 acres of land in Kihei, Maui, identified for real property tax purposes as TMK: 3-9-001:157.
2. General Communication No. 02-1, from Doyle G. Betsill, President of Kenranes, Ltd., relating to the community plan designation of approximately 7 acres of land in Kihei, Maui, identified for real property tax purposes as TMK: 3-9-001:162.
3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY AND MULTI-FAMILY FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII" (TMK: 3-9-001:157). The purpose of the proposed bill is to amend the Kihei-Makena Community Plan Land Use Map from Business/Commercial to Single-Family and Multi-Family for approximately 5.171 acres of land in Kihei, Maui, identified for real property tax purposes as TMK: 3-9-001:157.
4. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN LAND USE MAP FROM PARK TO MULTI-FAMILY FOR APPROXIMATELY 7 ACRES SITUATED AT KIHEI, MAUI, HAWAII". The purpose of the draft bill is to restore the subject property's prior designation of Multi-Family.
5. A draft resolution entitled "REFERRING A PROPOSED BILL AMENDING THE KIHEI-MAKENA COMMUNITY PLAN FOR 7 ACRES IN KIHEI, MAUI, HAWAII TO THE MAUI PLANNING COMMISSION". The purpose of the draft resolution is to refer the above-referenced draft bill to the Maui Planning Commission.

STATUS: The Committee may consider whether to recommend passage of the proposed bill listed above as item 3 and/or the draft resolution listed above as item 5, with or without revisions. The Committee may also consider other related action, including the possible filing of the above-referenced Miscellaneous Communication dated September 24, 2001 and/or General Communication No. 02-1.

ADOPTION of resolution referring a proposed bill amending the Kihei-Makena Community Plan for 7 acres in Kihei, Maui, Hawaii to the Maui Planning Commission by C.R. for 11/1/02 Council mtg.

DEFER pending further discussion.

LU-8 TRANSIENT VACATION RENTALS

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 01-150, from Councilmember Arakawa, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE MODIFYING THE DEFINITION AND APPLICATION OF THE TERM 'LONG TERM RESIDENTIAL'". The purpose of the draft bill is to designate transient vacation rentals as permitted uses within the Apartment District, with "transient vacation rentals" newly defined to mean occupancy of less than 30 consecutive days.
2. Land Use Committee Report No. 02-94, recommending adoption of a proposed resolution entitled "URGING THE ADMINISTRATION TO REASSESS ITS ENFORCEMENT PRACTICES WITH RESPECT TO VACATION RENTALS". The purpose of the proposed resolution is to urge the Administration to ensure that enforcement action is only taken against vacation rentals for which community complaints have been received and that enforcement action is deferred during pendency of the permitting process for any property owner seeking the appropriate permit(s). The Council

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recommitted Land Use Committee Report No. 02-94, with a revised proposed resolution, on August 20, 2002.

3. A revised version of the proposed resolution entitled "URGING THE ADMINISTRATION TO REASSESS ITS ENFORCEMENT PRACTICES WITH RESPECT TO VACATION RENTALS" (labeled "Third Draft"), submitted by the Maui Vacation Rental Association (MVRA).
4. A draft bill creating a new Chapter 19.63, County Code, prepared by the MVRA and submitted by Councilmember Tavares on June 20, 2002. The purpose of the draft bill is to permit single-family residences and rooms in single-family residences to be used as short-term rentals in all zoning districts in which single-family residences.

STATUS: The Committee may consider whether to recommend adoption of the revised version of the proposed resolution entitled "URGING THE ADMINISTRATION TO REASSESS ITS ENFORCEMENT PRACTICES WITH RESPECT TO VACATION RENTALS" (labeled "Third Draft"), and/or passage of the draft bill creating a new Chapter 19.63, Maui County Code, both submitted by the MVRA, with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication No. 01-150 and/or Land Use Committee Report No. 02-94.

DEFER pending further discussion.

LU-5 REVISIONS TO "AG BILL" (AGRICULTURAL DISTRICT ZONING ORDINANCE); TEMPORARY MORATORIUM ON AG SUBDIVISIONS; PUBLIC REVIEW OF AG SUBDIVISIONS

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 02-95, from Councilmember Johnson, requesting corrections to flaws in the Agricultural District Zoning Ordinance (Ch. 19.30A, Maui County Code), and transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 18 OF THE MAUI COUNTY CODE, PERTAINING TO SUBDIVISIONS". The purpose of the draft bill is to enact a temporary moratorium on Ag subdivisions in order to preserve agricultural lands.
2. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19 OF THE MAUI COUNTY CODE, PERTAINING TO THE RURAL ZONING DISTRICTS", submitted by the Department of Planning. The purpose of the draft bill is to implement land-use policies consistent with the County General Plan and Community Plans and State land-use laws; to provide opportunities for residential housing opportunities and small farm lots in a rural setting; and to promote better rural land-use planning.
3. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 18 OF THE MAUI COUNTY CODE PERTAINING TO PUBLIC REVIEW OF AGRICULTURAL SUBDIVISIONS", submitted by Councilmember Nishiki. The purpose of the draft bill is to establish a public-review process, including a public hearing, for agricultural subdivisions.

STATUS: The Committee may consider whether to recommend passage of the above-referenced legislation on first reading, with or without revisions. The Committee may also consider whether to authorize an advisory body (ad hoc committee) to provide recommendations on the above-referenced legislation. The Committee may also consider other related action, including the possible filing of County Communication No. 02-95.

DEFER pending further discussion.