

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

February 18, 2005

**Committee
Report No.**

05-5

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

Chair and Members:

Your Land Use Committee, having met on February 2, 2005, makes reference to County Communication No. 03-285, from Councilmember Michael J. Molina, transmitting the following:

1. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:019)".

The purpose of the draft bill is to correct a mistaken community-plan designation for a 5,160-square-foot parcel currently in residential use.

2. A draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:019)".

The purpose of the draft bill is to correct a mistaken zoning designation for a 5,160-square-foot parcel currently in residential use.

3. A draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY AND CHANGE THE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI (TMK: (2) 2-6-008:019)".

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The purpose of the draft resolution is to refer the above-referenced legislation to the Maui Planning Commission, pursuant to Sections 8-8.4 and 8-8.6 of the Charter of the County of Maui.

Your Committee notes that County Communication No. 03-285 was referred to the prior Council's Planning and Land Use Committee at the Council meeting of November 21, 2003.

Your Committee notes that the Planning and Land Use Committee previously reported on this matter through Committee Report No. 04-47, which recommended that a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, AMEND THE PAIA-HAIKU COMMUNITY PLAN FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY AND CHANGE THE ZONING FROM INTERIM TO R-1 RESIDENTIAL FOR PROPERTY AT 281 HANA HIGHWAY, PAIA, MAUI" be adopted. At its meeting of March 5, 2004, the Council adopted Committee Report No. 04-47 (Resolution No. 04-33). The proposed bills amend the community plan and change the zoning for the subject parcel.

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the proposed community plan amendment and change in zoning on November 23, 2004. At the meeting, the Planner informed the Maui Planning Commission that the existing zoning for the parcel is not Interim, but Public/Quasi-Public, due to a comprehensive rezoning in Paia in 2000.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION NOVEMBER 23, 2004 MEETING" AND "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION NOVEMBER 23, 2004 MEETING", voted to recommend approval of the proposed bill to amend the community plan from Public/Quasi-Public to Single-Family, and the proposed bill, as revised, to change the zoning from Public/Quasi-Public to R-1 Residential.

At its meeting of November 30, 2004, the Planning and Land Use Committee recommended that County Communication No. 03-285 be referred to

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the Council Chair for the term beginning January 2, 2005, for a recommendation as to referral or other disposition.

By correspondence dated January 18, 2005, the Planning Director transmitted (1) the Maui Planning Commission's recommendation on Resolution No. 04-33, and (2) the community plan map and land zoning map reflecting the proposed changes. The Planning Director also transmitted the following:

1. A revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI".

The revised proposed bill incorporates nonsubstantive revisions (changes the year from 2004 to 2005, and inserts the Community Plan Amendment Map number).

2. A revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PUBLIC/QUASI PUBLIC TO RESIDENTIAL FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI".

The revised proposed bill reflects the existing zoning of Public/Quasi-Public and incorporates nonsubstantive revisions (changes the year from 2004 to 2005, and inserts the Land Zoning Map number).

At its meeting of January 21, 2005, the Council referred County Communication No. 03-285 to your Land Use Committee (County Communication No. 05-12).

At its meeting of February 2, 2005, your Committee met with the Planning Director; the Planning Program Administrator, Current Planning Division, Department of Planning; a Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; a Deputy Corporation Counsel; and Blaine Kobayashi, Esq., the attorney for the landowner, Fukiyo Ueoka.

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Your Committee received public testimony in support of the proposed bills from Kay Hanano, Mrs. Ueoka's daughter, who testified about the cost of processing delays and how she hoped her elderly mother would be able to enjoy her new home while she is able.

The Planner provided a brief update on the application, noting the Department had completed the required environmental assessment.

Your Committee discussed ways in which the remaining steps, including the Special Management Area review, could be expedited.

Your Committee noted that the Planning Director had suggested, by correspondence dated November 4, 2003, that a conditional use permit might provide an acceptable short-term solution. Your Committee was advised that the permit was not a viable alternative.

Your Committee considered steps being taken by the Department to prevent a similar recurrence. Your Committee also discussed the requirement that such mapping errors be corrected legislatively.

Your Committee voted to recommend passage of the revised proposed bill to amend the community plan; passage of the revised proposed bill to change the zoning, as further revised to correct a typographical error; and filing of the communication.

Your Committee is in receipt of a further revised proposed change in zoning bill from the Department of the Corporation Counsel incorporating your Committee's requested revision.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI", be PASSED ON FIRST READING and be ORDERED TO PRINT;

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2. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PUBLIC/QUASI-PUBLIC TO RESIDENTIAL FOR PROPERTY SITUATED AT 281 HANA HIGHWAY, PAIA, MAUI", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

3. That County Communication No. 03-285 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**