

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

August 23, 2005

Committee
Report No.

05-111

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

Chair and Members:

Your Land Use Committee, having met on July 13, 2005 (site inspection) and August 3, 2005, makes reference to County Communication No. 04-232, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM LIGHT INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL FOR PROPERTY SITUATED AT KAA NAPALI, MAUI, HAWAII". The purpose of the proposed bill is to grant a request from Landtec, Inc. (the applicant) for a Community Plan Amendment to develop an 18-lot residential subdivision and related improvements on approximately 6.975 acres located at Kaanapali, Maui (TMK: (2) 4-4-06:056).

Your Committee notes that the Maui Planning Commission held a public hearing on the application for the proposed Community Plan Amendment on July 27, 2004.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the documents respectively entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JULY 27, 2004 MEETING", and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 27, 2004 MEETING", voted to recommend approval of the Community Plan Amendment.

Your Committee notes that County Communication No. 04-232 was referred to the prior Council's Planning and Land Use Committee at the Council meeting of September 21, 2004.

At its meeting of January 21, 2005, the Council referred County Communication No. 04-232 to your Land Use Committee (County Communication No. 05-13).

By correspondence dated June 9, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel incorporate nonsubstantive revisions to the proposed bill.

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By correspondence dated June 13, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill incorporating the requested revisions.

By correspondence dated July 6, 2005, Christopher L. Hart, Landscape Architect - Planner, Chris Hart & Partners, Inc., transmitted a booklet entitled "FINAL HRS CHAPTER 343 ENVIRONMENTAL ASSESSMENT FOR A COMMUNITY PLAN AMENDMENT - KAA NAPALI PARCEL 10-H RESIDENCES", prepared by Chris Hart & Partners, Inc. (May 2004), for use at the site inspection.

At its site inspection of July 13, 2005, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; a Police Lieutenant, Department of Police; the Fire Chief; a Fire Captain, Department of Fire and Public Safety; a Deputy Corporation Counsel; Howard S. Kihune, Sr., President, Landtec, Inc.; Rory Frampton, Senior Land Use Planner, Chris Hart & Partners, Inc.; and Mike Silva, Civil Engineer, Ronald M. Fukumoto Engineering, Inc.

There was no public testimony.

Mr. Frampton provided your Committee with an overview of the site, noting the location of existing structures on the property and their prior uses, a visual buffer between the property and Honoapiilani Highway, and a 25-foot elevation separation between the lowest proposed subdivision lots and the highway. He reiterated that the property is within the State Land Use Urban District and is zoned R-3 Residential. The old Community Plan designation was Multi-Family Residential, but the most recent Community Plan designation is Light Industrial. The proposed Community Plan Amendment to Single Family Residential would make the designation consistent with the County's R-3 Residential zoning.

Mr. Frampton further confirmed that the 18 lots would each have the potential for an ohana unit. Mr. Kihune stated that the minimum lot size would be 10,000 square feet.

Your Committee discussed potential impacts on the visual buffer; the preservation of view planes and mature trees; the operation of the sewage pump station; a prohibition of short-term rentals in the main units and the ohana units; anticipated pricing of the homes; the need to follow any lighting, affordable housing, and traffic impact fee requirements that might be in place at the time of subdivision approval; and liability and drainage concerns.

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Your Committee deferred consideration of the application pending further discussion.

At its meeting of August 3, 2005, your Committee met with the Planning Director; the Director of Public Works and Environmental Management; a Fire Captain, Department of Fire and Public Safety; a Police Lieutenant, Department of Police; the Chief of Litigation, Department of the Corporation Counsel; a Deputy Corporation Counsel; Howard S. Kihune, Sr., President, Landtec, Inc.; G. Robert Johnston, Vice President, Landtec, Inc.; Rory Frampton, Senior Land Use Planner, Chris Hart & Partners, Inc.; and Ronald Fukumoto, President, Ronald M. Fukumoto Engineering, Inc., applicant's engineering consultant.

There was no public testimony.

Mr. Frampton provided your Committee with a computer-generated slide show, as well as a printout of the presentation. The presentation included a description of the project location, the site and surrounding area; the current land use designations; reasons the Change in Zoning would be appropriate; photographs of the property; a concept plan for the project; height analysis data, noting the vertical differentials between finished floor elevations of The Vintage at Kaanapali and the roof ridges of the subject project; a summary of the technical studies conducted; and the conclusions adopted by the Maui Planning Commission in accepting the Final Environmental Assessment.

Mr. Frampton noted that the application for a Community Plan Amendment does not trigger the County's affordable housing policy. However, the applicant recognizes that the County is facing an affordable housing crisis and is, therefore, willing to make a voluntary contribution in line with the Administration's current affordable housing policy. He noted that the current policy calls for an assessment of 15 percent of the total units as affordable (which in this case would equal three units), and that the applicant would offer an in-lieu cash fee of \$120,000.

The Planning Director provided a brief background on the application and site.

Your Committee discussed the desirability of directing the funds to the First-Time Home Buyers Fund. A Committee member raised the possibility of the funds being earmarked specifically for West Maui since the project would be constructed in that region, and there were no objections.

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Mr. Frampton noted that the applicant intends to impose a restriction in the covenants, conditions and restrictions that would prohibit short-term rentals of the residential units. He also confirmed that the applicant is not proposing an amendment to the portion of the property designated as Open Space, which would remain Open Space.

Your Committee discussed the odors generated by the sewage pump station and intended mitigation measures. Over the short-term, scrubbers intended to mitigate odors are in place and need to be maintained. Over the long-term, the County plans to reduce the flows through this pump station once the Villages at Lealii project is constructed. The Director of Public Works and Environmental Management noted that the Department is working with the applicant to try to minimize odors from the pump station.

In response to questions posed by your Committee with respect to noise impacts, Mr. Frampton noted that the applicant is considering landscaping features that would coincide with the strip designated as Open Space. He further noted that the Kaanapali Water System would serve the project.

Your Committee further discussed fulfillment of the parks assessment requirement, handling of increased runoff caused by the project, and access to and from the project in the event of an emergency.

Mr. Frampton noted that the applicant has consulted with the operator of the Sugar Cane Train and will need to make some improvements at the crossing, including appropriate signage.

Your Committee also discussed sewage capacity for the project. Mr. Frampton noted that the applicant has an allocation for wastewater treatment for the property.

Your Committee further discussed estimated market prices of the homes, which would likely be higher than \$650,000; the routing of traffic; the estimated trips reported in the traffic study; and the comments made by Rodney Haraga, Director, State Department of Transportation, in his correspondence to the Planning Director dated July 14, 2004, transmitted with County Communication No. 04-232.

Your Committee voted to recommend passage of the revised proposed bill and filing of the communication.

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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 WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM LIGHT INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL FOR PROPERTY SITUATED AT KAA NAPALI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 04-232 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**