

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 7, 2005

Committee
Report No.

05-138

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 14, 2005, makes reference to County Communication No. 00-289, from the Department of the Corporation Counsel, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN LAND USE MAP FROM PARK TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request for a Community Plan Amendment for the Makawao Hongwanji Mission property on approximately 0.97 acres in Haiku, Maui (TMK: (2) 2-7-04:021).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request for a Change in Zoning for the subject property.

3. A proposed resolution entitled "REFERRING TWO PROPOSED BILLS RELATING TO A CHANGE IN ZONING AND A COMMUNITY PLAN AMENDMENT TO THE MAUI PLANNING COMMISSION".

The purpose of the proposed 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 the prior Council's Planning and Land Use Committee reported on this matter through Committee Report No. 04-184, which recommended that

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a revised proposed resolution entitled "REFERRING TWO PROPOSED BILLS RELATING TO A CHANGE IN ZONING AND A COMMUNITY PLAN AMENDMENT FOR THE MAKAWAO HONGWANJI MISSION, SITUATED AT HAIKU, MAUI, HAWAII, TO THE MAUI PLANNING COMMISSION" be adopted. At its meeting of October 15, 2004, the Council adopted Committee Report No. 04-184 (Resolution No. 04-151). The purpose of the proposed bills referred to the Maui Planning Commission by Resolution No. 04-151 is to amend the Community Plan and Land Use Map from Park to Single Family Residential, and to change the zoning from Urban Reserve District to R-3 Residential District for the subject property.

At its meeting of November 30, 2004, the Planning and Land Use Committee recommended that County Communication No. 00-289 be referred to the Council Chair for the term beginning January 2, 2005, for a recommendation as to referral or other disposition.

At its meeting of January 21, 2005, the Council referred County Communication No. 00-289 to your Land Use Committee (County Communication No. 05-12).

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 June 14, 2005.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the 21-page document (with accompanying exhibits) entitled "MAUI PLANNING DEPARTMENT REPORT TO THE MAUI PLANNING COMMISSION JUNE 14, 2005 MEETING" and the conclusions and recommendation presented in the 3-page document, also entitled "MAUI PLANNING DEPARTMENT REPORT TO THE MAUI PLANNING COMMISSION JUNE 14, 2005 MEETING", voted to recommend approval of the application on June 14, 2005.

By correspondence dated July 20, 2005, the Planning Director transmitted, along with Community Plan Map No. CP-713 and Land Zoning Map No. L-2516, 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 PARK TO SINGLE FAMILY RESIDENTIAL FOR

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PROPERTY SITUATED AT HAIKU, MAUI, HAWAII FOR THE
MAKAWAO HONGWANJI MISSION"; and

2. A revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII FOR THE MAKAWAO HONGWANJI MISSION".

The revised proposed bills incorporate technical revisions to the proposed bills referred to the Maui Planning Commission by Resolution No. 04-151, including a change to the proposed Community Plan Amendment bill to reflect that the amendment is authorized under Chapter 2.80B, rather than Chapter 2.80A, of the Maui County Code (MCC).

By correspondence dated August 15, 2005, the Council Chair transmitted correspondence dated August 11, 2005, from the Planning Director, transmitting a copy of the relevant portion of the minutes of the Maui Planning Commission's June 14, 2005 meeting.

Your Committee notes that Ordinance No. 3317, relating to "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE PROCESSING OF NON-DECENNIAL AMENDMENTS TO THE COMMUNITY PLANS" went into effect on September 2, 2005. Your Committee further notes that the Ordinance clarified that the requirements for a public hearing in the relevant community plan area shall apply only to amendments of community plans enacted pursuant to Section 2.80B.090, MCC. Accordingly, the public hearing requirement set forth in Section 2.80B.100, MCC, does not apply to this request.

By correspondence dated September 8, 2005, the Vice-Chair of your Committee requested that the Department of the Corporation Counsel consider clarifying the property description attached to the proposed bill as Exhibit "1", which references two lots, Lot 1, containing 0.808 acres, and Lot 2, containing 0.978 acres.

By correspondence dated September 12, 2005, the Department of the Corporation Counsel transmitted the following:

1. A further revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND

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USE MAP FROM PARK TO SINGLE FAMILY RESIDENTIAL FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII FOR THE MAKAWAO HONGWANJI MISSION”; and

2. A further revised proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII FOR THE MAKAWAO HONGWANJI MISSION”.

The further revised proposed bills clarify that the property that is the subject of the application relates to Lot 2 in Exhibit “1” only, comprised of approximately 0.978 acres.

At its meeting, your Committee met with the Planning Director; the Environmental Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; a Deputy Corporation Counsel; Michael Munekiyo, Munekiyo & Hiraga, Inc.; Mark Roy, Land Use Planner, Munekiyo & Hiraga, Inc.; and Andrew Hirose, member, Makawao Hongwanji.

Your Committee received public testimony from two individuals in support of the application.

Your Committee received a property location map, site photographs, and a theoretical subdivision map from Mr. Munekiyo. Your Committee also received from the Environmental Planner a copy of page 15 of the “MAUI PLANNING DEPARTMENT REPORT TO THE MAUI PLANNING COMMISSION JUNE 14, 2005 MEETING”, which had inadvertently been omitted from the Department’s transmittal dated July 20, 2005.

The Environmental Planner provided an overview of the application, the land use designations for the subject property, the Maui Planning Commission’s hearing and recommendations, and the documents transmitted by the Planning Director by correspondence dated July 20, 2005.

Your Committee discussed the historical land-use designations and uses of the property. The Environmental Planner noted that the subject property was originally developed for the Pauwela Hongwanji Mission in the early 1900s and has been used as a

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residence since 1954. In the last update of the Paia-Haiku Community Plan, the property's designation was changed to Park.

The Planning Director noted that the Department has been reviewing the Community Plans and zoning maps to identify inconsistencies so that they can be addressed during the updates of the General Plan and Community Plans. This particular correction is being addressed in advance of those updates due to timing concerns.

Your Committee also discussed the lots included in the property description, as well as the capacity for the property to be subdivided if the proposed Change in Zoning and Community Plan Amendment bills are passed. According to the Environmental Planner, the full potential build out, should the property be subdivided in the future, was evaluated as part of the environmental assessment analysis.

Mr. Munekiyo explained that the subject property consists of TMK: (2) 2-7-04:021 in its entirety, referenced as Lot 2 in the property description attached to the proposed bills. Lot 1, which is also referenced in that property description, is a separate parcel located across Hana Highway from Lot 2, and is not involved in the subject request. Mr. Munekiyo further clarified that the subject property was designated as Single Family in the original Community Plan, and redesignated as Park in the last update to the Community Plan. According to Mr. Munekiyo, the Makawao Hongwanji Mission was unaware of the process to redesignate the property. The temple structure was removed from the property in the 1970s, and the property has been used for single-family purposes since 1954.

The Makawao Hongwanji Mission is not currently intending to subdivide the property. However, it is hoping to sell the property and generate income from the sale.

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

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 PARK TO SINGLE FAMILY RESIDENTIAL FOR PROPERTY SITUATED

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AT HAIKU, MAUI, HAWAII FOR THE MAKAWAO HONGWANJI MISSION”, be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill No. _____ (2005), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII FOR THE MAKAWAO HONGWANJI MISSION”, be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication No. 00-289 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**