

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 16, 1999

Committee
Report No. 99-78

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

Chair and Members:

Your Land Use Committee, having met on March 15, 1999 and March 25, 1999 (site inspection) makes reference to County Communication No. 98-273, from the Planning Director, transmitting the pertinent documents and a draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE AGRICULTURAL DISTRICT TO THE M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAONOULU, MAKAWAO-WAILUKU, MAUI, HAWAII".

Your Committee notes that the purpose of the proposed bill is to change the zoning from the Agricultural District to the M-1 Light Industrial District for two parcels that total 88 acres, identified as TMK No.: 3-9-1:16 and 2-2-02:Portion of 15, in Kihei.

The applicant, Kaonoulu Ranch Company, Ltd. ("Kaonoulu"), is requesting the change in zoning to develop a light industrial subdivision where improved lots are proposed to be sold in fee simple to interested purchasers.

Your Committee notes that the Maui Planning Commission held a public hearing on the change in zoning request on August 25, 1998. At the hearing, no one testified on the project. Two letters of support and one expressing concern regarding drainage were received by the Maui Planning Commission.

Your Committee further notes that at its meeting of August 25, 1998, the Maui Planning Commission, after reviewing the findings presented in the documents entitled "Maui Planning Department's Report for the Maui Planning Commissions Meeting on August 25, 1998" and "Maui Planning Department's Recommendation for the Maui Planning Commission Meeting on August 25, 1998", voted to recommend approval of the requested change in zoning subject to several amendments to the Department of Planning's recommendation.

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Your Committee notes that the Maui Planning Commission deleted five conditions recommended by the Department of Planning and inserted the following four conditions:

1. That the applicant shall participate in intersection improvements, which includes but is not limited to, traffic signals and turning lanes to the satisfaction of the Department of Transportation (DOT). The applicant is encouraged to explore opportunities of cost share arrangements with adjacent developers;
2. That water conservation measures shall be incorporated into the design and operations of the industrial project;
3. That the applicant shall design its landscape irrigation system to accommodate future connection to the County's effluent reuse system; and
4. That the design guidelines for this project be reviewed by the Planning Department.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following findings:

1. The proposed request is consistent with various objectives and policies of the Maui County General Plan and the Kihei-Makena Community Plan;
2. The proposed request for M-1 Light Industrial District Zoning is consistent with the Light Industrial Land Use designation in the Kihei-Makena Community Plan;
3. The proposed subdivision layout preliminarily meets standards of the M-1 Light Industrial District as the lots are proposed to exceed 7,500 square feet in size and have average lot widths of sixty (60) feet. The proposed project will meet additional standards at the time of construction such as height regulations and set backs;

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4. Based on public agency comments, the proposed request, if granted would not adversely affect public infrastructure; and
5. Based on the public agency comments, the application, if granted would not adversely impact the social cultural, economic, environmental and ecological character and quality of the surrounding area.

Your Committee further notes that County Communication No. 98-273 was referred to the prior Council's Land Use Committee at the Council Meeting of October 2, 1998.

At its meeting of December 1, 1998, the Committee recommended that County Communication No. 98-273 be referred to the Council Chair for the term beginning January 2, 1999, for a recommendation as to referral or other disposition.

At its meeting of January 11, 1999, the Council referred County Communication No. 98-273 to your Land Use Committee (County Communication No. 99-11).

By memo dated March 12, 1999, the Council Chair transmitted a letter from the Planning Director, dated March 11, 1999, submitting a copy of the minutes of the Maui Planning Commission's public hearing of August 25, 1998.

At its meeting of March 15, 1999, your Committee met with the Planning Director; a Planner from the Department of Planning; a Deputy Corporation Counsel; Michael Munekiyo, Munekiyo, Arakawa & Hiraga, Inc., Kaonoulu Ranch Company, Ltd.'s Project Manager; Warren Unemori, Kaonoulu Ranch Company, Ltd.'s Project Engineer; Julian Ng, Traffic Specialist for Kaonoulu Ranch Company; Martin Luna, Carlsmith Ball, Kaonoulu Ranch Company, Ltd.'s Attorney; and Henry Rice, the applicant.

Your Committee Chair noted that the proposed bill indicates that the subject property is located in the Makawao-Wailuku District. Your Committee Chair questioned the location of the subject property. The Planner informed your Committee that according to the legal description of the perimeter boundary of

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Kaonoulu Industrial Park, attached as Exhibit "A" to the proposed bill, the subject property is situated on the easterly side of the Piilani Highway at Kaonoulu, Makawao-Wailuku, Maui, Hawai'i.

The Project Manager provided a brief overview of the project.

The Project Engineer provided a brief overview of the proposed drainage measures for the project. He informed your Committee that current runoff flows into the Kulanihakoi Gulch and that no additional volume would be discharged into the gulch from project sources. The Project Engineer explained how all on-site runoff from the proposed lots would be contained under the parking areas of each lot in underground culverts.

The Deputy Corporation Counsel informed your Committee that it is legal to divert runoff water onto adjacent properties in the State of Hawaii if done so in a "reasonable manner".

Your Committee discussed drainage issues at length as well as flooding issues on South Kihei Road. The applicant informed your Committee that he would be willing to cooperate with other land owners above the Kihei area to address the flooding and drainage concerns of the Kihei region once all the land owners were involved.

The Traffic Specialist provided a brief overview of the traffic analysis done for the project. Your Committee was informed that the Department of Transportation is in the process of installing a traffic light at the intersection of Kaonoulu Street and Piilani Highway.

Your Committee briefly discussed the issue of bike paths.

The Director of Public Works and Waste Management informed your Committee that the sewage treatment plant currently has adequate capacity to handle the proposed project's sewage. He noted that depending on when the project was developed, the available sewage capacity might change.

The applicant informed your Committee that he is aware of the financial obligations the proposed project would face with respect to the sewer system.

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Your Committee discussed concerns regarding artifacts. Your Committee asked whether the Burial Council should be consulted. The Deputy Corporation Counsel informed your Committee that the Burial Council probably did not have authority to review matters unless burials were found.

The Planner informed your Committee that the project is outside the Special Management Area, and therefore, would not return to the Maui Planning Commission for additional scrutiny. However, she noted that the applicant would have to request a building permit from the County prior to any construction on the proposed project.

The Project Manager informed your Committee of some conditions which will be imposed on the buyers, including design guidelines, shielded and subdued lighting, and limitations on offensive noises and odors. The Project Manager agreed to provide the draft Conditions, Covenants, and Restrictions for the proposed project.

The Project Manager also informed your Committee that the lots would be offered for sale in fee simple.

Your Committee agreed to recommend approval of the subject application as recommended by the Maui Planning Commission. Your Committee also voted to recommend the passage of the proposed bill on first reading as revised to reflect the correct date (1999). Your Committee also agreed to recommend filing of County Communication 99-273.

By memo dated March 19, 1999, the Council Chair transmitted a memo from the Project Manager attaching the excerpts from the Archaeological Survey and Botanical Survey Report for the Kaonoulu Industrial Park which reflects the subject property as being located in the ahupua`a of Kaonoulu and bisected by the boundary line of the Makawao and Wailuku Districts.

Your Committee requested a site inspection prior to first reading of the bill.

At its site inspection of March 25, 1999, your Committee met with a Planner from the Department of Planning; Glenn Tadaki, Munekiyo Arakawa &

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Hiraga, Kaonoulu Ranch Company, Ltd.'s Project Manager; Warren Unemori, Kaonoulu Ranch Company, Ltd.'s Project Engineer; Julian Ng, Traffic Specialist for Kaonoulu Ranch Company; Martin Luna, Carlsmith Ball, Kaonoulu Ranch Company, Ltd.'s Attorney; and Henry Rice, the applicant.

Your Committee was shown the boundary of the property and Kulanihakoi Gulch. Your Committee discussed drainage and the use of rock instead of concrete in the drainage basin.

Your Committee is in receipt of a draft Declaration of Covenants, Conditions and Restrictions for the Kaonoulu Industrial Park and the Kaonoulu Industrial Park Business and Industrial Park Development Standards and Design Rules.

Your Committee is also in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel changing the date from 1998 to 1999. Your Committee is also in receipt of an agreement entitled "Unilateral Agreement" executed by the applicant.

Your Land Use Committee **RECOMMENDS** the following:

1. That Bill No. 27 (1999), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE AGRICULTURAL DISTRICT TO THE M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAONOULU, MAKAWAO-WAILUKU, MAUI, HAWAII", PASS FIRST READING and BE ORDERED TO PRINT;
2. That the County Clerk RECORD the unilateral agreement; and
3. That County Communication No. 98-273 be FILED.

Adoption of this report is respectfully requested.

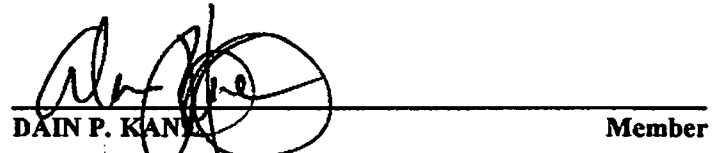
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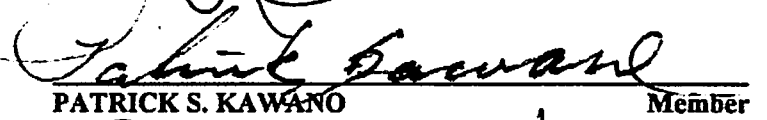
J. KALANI ENGLISH Chair



DAIN P. KANA Member



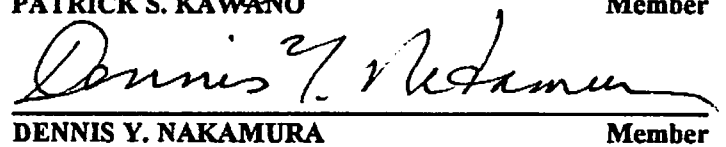
CHARMAINE TAVARES Vice-Chair



PATRICK S. KAWANO Member



MICHAEL A. DAVIS Member

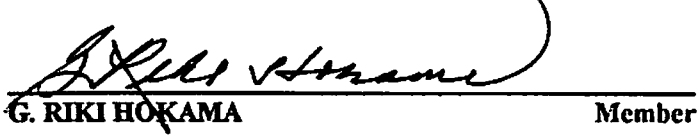


DENNIS Y. NAKAMURA Member



JOHN WAYNE ENRIQUES Member

WAYNE K. NISHIKI Member



G. RIKI HOKAMA Member

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that COMMITTEE REPORT NO. 99-78, was adopted by the Council of the County of Maui, State of Hawaii, on the 16th day of April, 1999, by the following vote:

MEMBERS	Patrick S. KAWANO Chair	Dain P. KANE Vice-Chair	Michael A. DAVIS	J. Kaleni ENGLISH	John Wayne ENRIQUES	G. Riki HOKAMA	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK