

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND SUSTAINABLE LAND
USE COMMITTEE

November 5, 2021

Committee
Report No. _____

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

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on October 21, 2021, makes reference to County Communication 19-345, from Councilmember Shane M. Sinenci, transmitting a proposed resolution entitled “REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION, TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP, AND TO CHANGE THE ZONING FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032 (DOOR OF FAITH CHURCH).” The purpose of the proposed resolution is to refer to the Maui Planning Commission proposed bills relating to land use entitlements for the Door of Faith Church, tax map key (2) 2-9-007:032, located in Ha‘ikū, Maui, Hawai‘i.

By correspondence dated July 21, 2021, 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 RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032.”

The purpose of the proposed bill is to grant a District Boundary Amendment from Agricultural to Rural for a 0.933-acre parcel, tax map key (2) 2-9-007:032, located in Ha‘ikū, Maui, Hawai‘i.

2. A proposed bill entitled “A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND

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USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC
FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY
(2) 2-9-007:032.”

The purpose of the proposed bill is to grant a Community Plan Amendment from Agriculture to Public/Quasi-Public for a 0.933-acre parcel, tax map key (2) 2-9-007:032, located in Ha‘ikū, Maui, Hawai‘i.

3. A proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032.”

The purpose of the proposed bill is to grant a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for a 0.933-acre parcel, tax map key (2) 2-9-007:032, located in Ha‘ikū, Maui, Hawai‘i.

Your Committee notes that the Council’s Planning and Sustainable Land Use Committee (2019-2021 Council term) previously met on this matter on September 18, 2019.

Your Committee notes it previously reported on this matter through Committee Report 19-119, which recommended adoption of the resolution related to land use entitlement changes for the Door of Faith Church (“Church”) and referral of the proposed bills to the Maui Planning Commission (“Planning Commission”) (Resolution 19-172).

Your Committee notes the Planning Commission reviewed the proposed bills on August 11, 2020, and recommended approval with no conditions. The Planning Commission also recommended the Council consider fire-flow requirements for the area.

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A Church representative said the requested land use entitlements are for building purposes. The Church structure has deteriorated over the years and is in need of repairs.

In accordance with Section 205-8, Hawaii Revised Statutes, the Department of Planning confirmed the Church was a “nonconforming” use provided that the building was not “replaced, reconstructed, or enlarged or changed to another nonconforming use.” Further, the nonconforming use may be prohibited if discontinued for a period of one year.

The Department further confirmed that a State Special Use Permit would be required for the Church to resume the current use of the structure. However, because this would require periodic renewals, the Church chose to pursue changes to the land use entitlements.

Your Committee voted 9-0 to recommend passage of the revised proposed bills on first reading and filing of the communication. Committee Chair Paltin, Vice-Chair King, and members Johnson, Kama, Lee, Molina, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Committee is in receipt of revised proposed bills, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2021), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032,” be PASSED ON FIRST READING and be ORDERED TO PRINT;

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2. That Bill _____ (2021), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill _____ (2021), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

4. That County Communication 19-345 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



TAMARA PALTIN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL
FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII,
TAX MAP KEY (2) 2-9-007:032

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. In accordance with Chapter 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Rural for that certain real property situated at Haiku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-9-007:032, comprising 0.933 acre and more particularly described in and attached as Exhibit "A," and in Land Use District Boundary Amendment Map No. 720, attached as Exhibit "B."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

pslu:misc:039abill01:wal

EXHIBIT "A"

LAND DESCRIPTION

All that certain parcel of land known as a portion of Grant 3214 to Papaiakea.

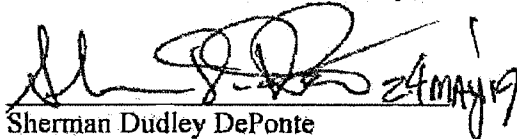
Situate at
Puolua, Hamakualoa, Maui, Hawaii
Tax Map Key:(2)2-9-07:32

Beginning at the Northeasterly corner of this parcel of land, being the Northerly corner of a portion of the Government Land [Tax Map Key:(2)2-9-08:Portion of Parcel 18, being also a point on the Southwesterly right-of-way line of Door of Faith Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "KAPUAI" being 653.48 feet North and 17,607.03 feet West and running by azimuths measured clockwise from True South; thence,

1. 36° 01' 00" 223.52 feet along the Northwesterly property boundary line of Government Land [Tax Map Key:(2)2-9-08:Portion of Parcel 18] to a point; thence,
2. 99° 36' 00" 110.70 feet along the remainder of Grant 3214 to Papaiakea [Tax Map Key:(2)2-9-07:32] to a point; thence,
3. 133° 51' 00" 66.10 feet along the same, to a point; thence,
4. 225° 17' 00" 348.28 feet along the same, to a point; thence,
5. 356° 05' 00" 30.20 feet along the Southwesterly right-of-way line of the Door of Faith Road, to a point; thence,
6. 343° 38' 00" 43.47 feet along the same, to a point; thence,
7. 334° 59' 00" 62.55 feet along the same, to the point of beginning and containing an area of 0.933 acre.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.


Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
219138 (5/13/19 WN)

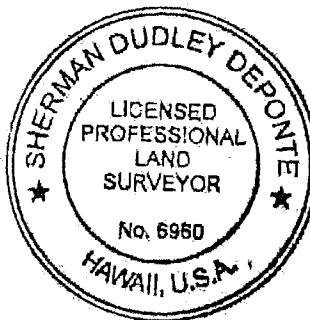
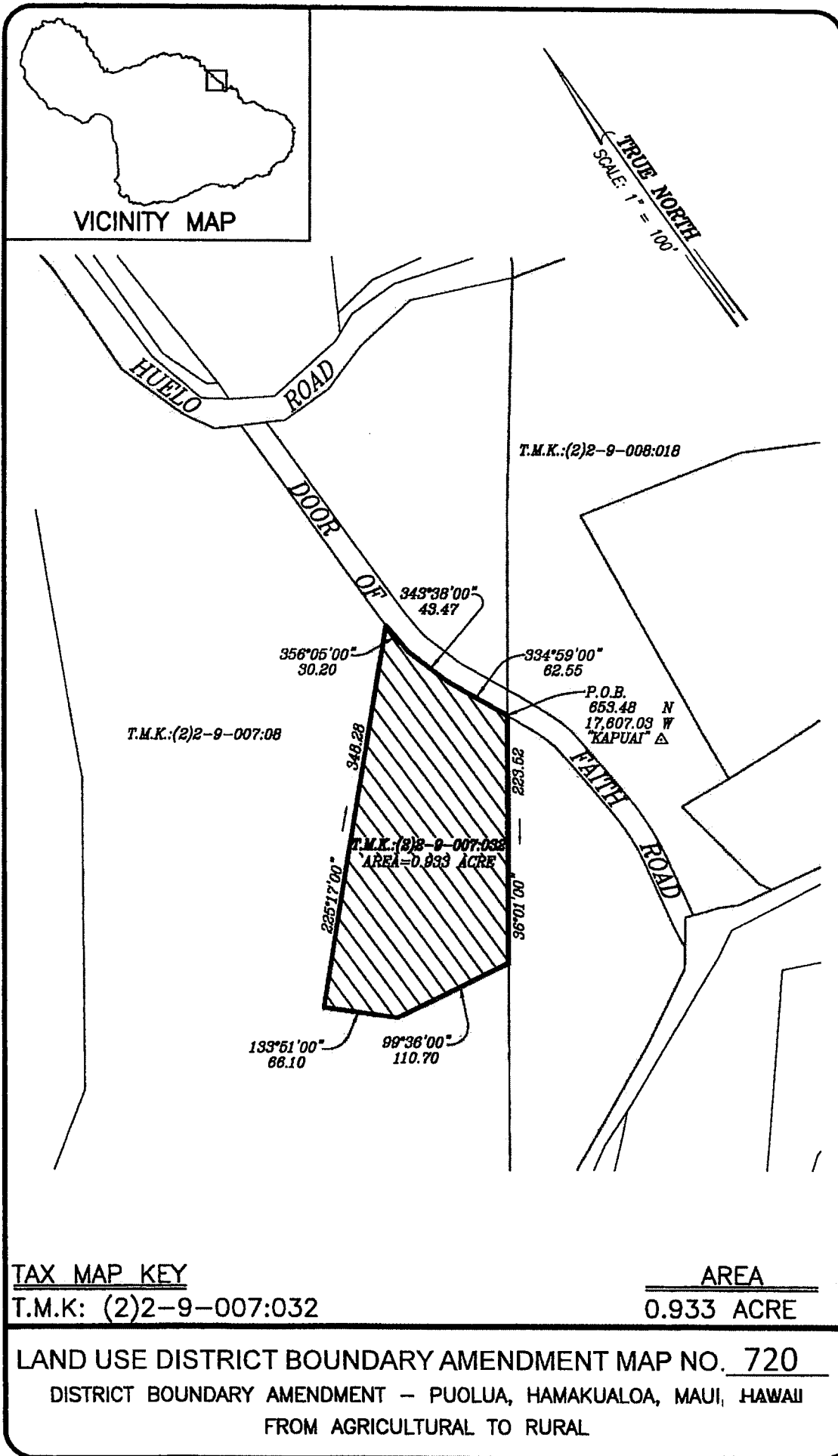


EXHIBIT "B"



ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN
AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC
FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII,
TAX MAP KEY (2) 2-9-007:032

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. In accordance with Chapter 2.80B, Maui County Code, the Paia-Haiku Community Plan and Land Use Map is amended from Agriculture to Public/Quasi-Public for that certain real property situated at Haiku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-9-007:032, comprising 0.933 acre and more particularly described in and attached as Exhibit "A," and in Community Plan Map No. 719, attached as Exhibit "B."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

pslu:misc:039abill02:wal

EXHIBIT "A"

LAND DESCRIPTION

All that certain parcel of land known as a portion of Grant 3214 to Papaiakea.

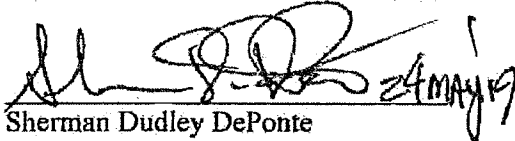
Situate at
Puolua, Hamakualoa, Maui, Hawaii
Tax Map Key:(2)2-9-07:32

Beginning at the Northeasterly corner of this parcel of land, being the Northerly corner of a portion of the Government Land [Tax Map Key:(2)2-9-08:Portion of Parcel 18, being also a point on the Southwesterly right-of-way line of Door of Faith Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "KAPUAI" being 653.48 feet North and 17,607.03 feet West and running by azimuths measured clockwise from True South; thence,

1. 36° 01' 00" 223.52 feet along the Northwesterly property boundary line of Government Land [Tax Map Key:(2)2-9-08:Portion of Parcel 18] to a point; thence,
2. 99° 36' 00" 110.70 feet along the remainder of Grant 3214 to Papaiakea [Tax Map Key:(2)2-9-07:32] to a point; thence,
3. 133° 51' 00" 66.10 feet along the same, to a point; thence,
4. 225° 17' 00" 348.28 feet along the same, to a point; thence,
5. 356° 05' 00" 30.20 feet along the Southwesterly right-of-way line of the Door of Faith Road, to a point; thence,
6. 343° 38' 00" 43.47 feet along the same, to a point; thence,
7. 334° 59' 00" 62.55 feet along the same, to the point of beginning and containing an area of 0.933 acre.

This work was done by me or
under my direct supervision.

AKAMAII LAND SURVEYING, INC.


Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
219138 (5/13/19 WN)

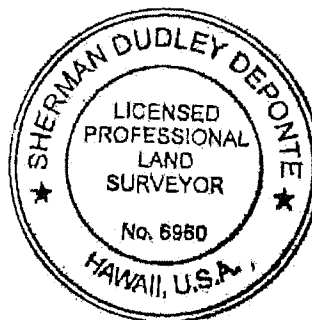
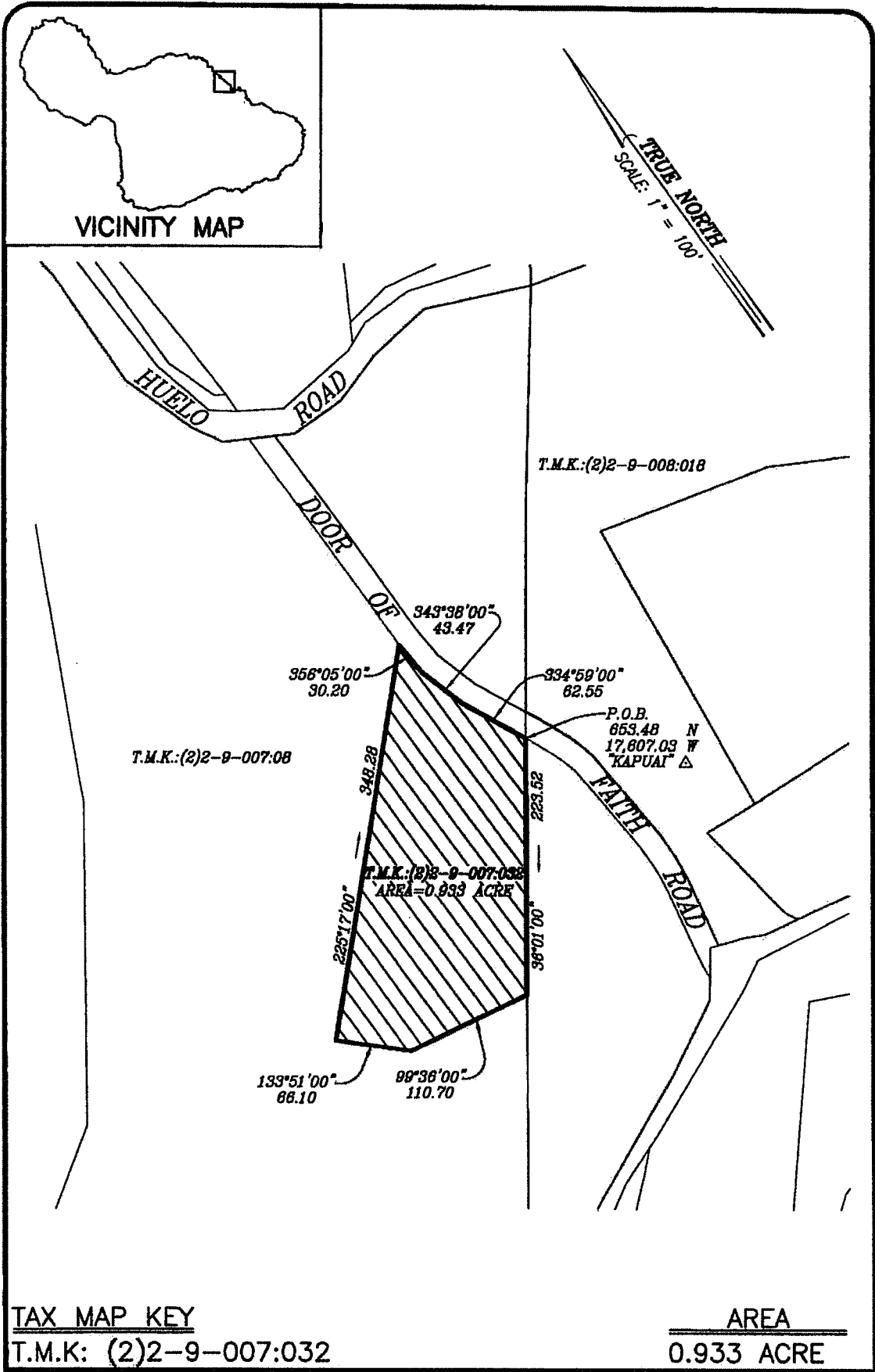


EXHIBIT "B"



TAX MAP KEY

T.M.K: (2)2-9-007:032

AREA

0.933 ACRE

COMMUNITY PLAN MAP NO. 719

COMMUNITY PLAN AMENDMENT - PUOLUA, HAMAKUALOA, MAUI, HAWAII
FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT
FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII,
TAX MAP KEY (2) 2-9-007:032

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. In accordance with Chapters 19.31 and 19.510, Maui County Code, a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District is granted for that certain real property situated at Haiku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-9-007:032, comprising 0.933 acre and more particularly described in and attached as Exhibit "A," and in Land Zoning Map No. L-2523, attached as Exhibit "B."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

pslu:misc:039abill03:wal

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LAND DESCRIPTION

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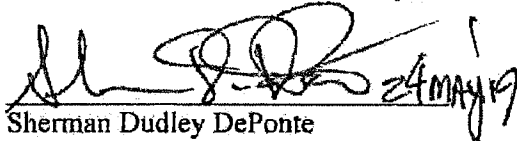
Situate at
Puolua, Hamakualoa, Maui, Hawaii
Tax Map Key:(2)2-9-07:32

Beginning at the Northeasterly corner of this parcel of land, being the Northerly corner of a portion of the Government Land [Tax Map Key:(2)2-9-08:Portion of Parcel 18, being also a point on the Southwesterly right-of-way line of Door of Faith Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "KAPUAI" being 653.48 feet North and 17,607.03 feet West and running by azimuths measured clockwise from True South; thence,

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under my direct supervision.

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Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2020
219138 (5/13/19 WN)

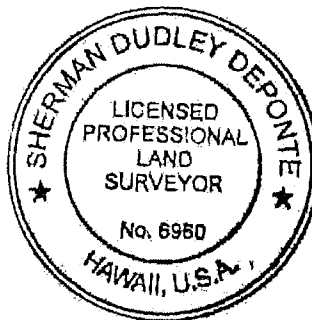
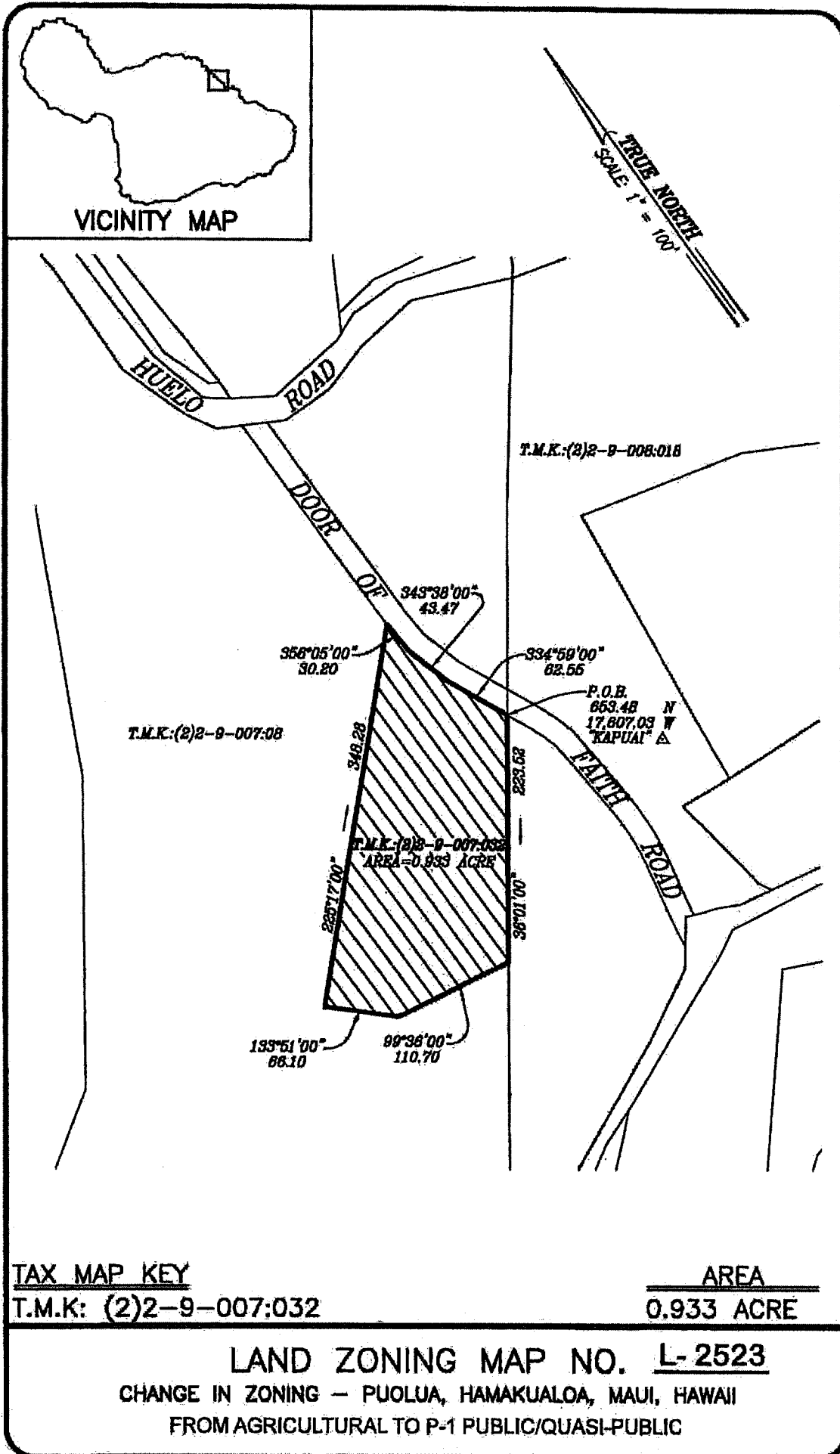


EXHIBIT "B"



TAX MAP KEY

T.M.K: (2)2-9-007:032

AREA

0.933 ACRE

LAND ZONING MAP NO. L-2523

CHANGE IN ZONING — PUOLUA, HAMAKUALOA, MAUI, HAWAII
FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC