

COUNCIL OF THE COUNTY OF MAUI

HOUSING AND LAND USE COMMITTEE

August 22, 2023

Committee
Report No. _____

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

Chair and Members:

Your Housing and Land Use Committee, having met on May 30, 2023, and June 27, 2023, makes reference to Bill 29 (2023) entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.96, MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY TOWN DISTRICT CONTROLLING PLAN AND PERMITTING EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT.”

Bill 29’s purpose is to amend the Waikapu Country Town’s Controlling Plan to allow for educational uses in the Residential District to accommodate the potential expanded school site in Waikapu Country Town (“Project”).

Your Committee notes the Planning Director’s correspondence dated March 14, 2023 states the Project’s vision is to transform the existing and operational Maui Tropical Plantation into a multi-use master planned residential and mixed-use community, while incorporating agricultural lands in perpetuity. The Project is located at 1670 Honoapiilani Highway, Wailuku, Maui, Hawai‘i, comprised of 495.905 acres and identified for real property tax purposes as tax map keys (2) 3-6-002:003 (portion), (2) 3-6-004:003 (portion), (2) 3-6-004:006, (2) 3-6-005:007, and (2) 3-6-006:036.

Your Committee notes the Project site is designated “Urban” and “Rural” by the State Land Use Commission and zoned “Waikapu Country Town” by the County. Additionally, the site is located within the Maui Island Plan’s Small Town and Rural Growth Boundaries and is designated “Waikapu Country Town” in the Wailuku-Kahului Community Plan.

Your Committee further notes the Maui Planning Commission met on December 13, 2022, and recommended approval of Bill 29. According

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to the Report & Recommendation to the Maui Planning Commission, dated December 13, 2022, the need for a middle school in the area became apparent to the State Legislature after finding out that the middle school proposed with the Waiale Project would not proceed.

Your Committee received a presentation from a Project representative. The Project representative said they are working with the State Department of Education ("State DOE") to use an additional 12 acres to construct an intermediate school, if Bill 29 is passed.

Your Committee received comments from the Department of Planning and State DOE, respectively, who expressed support for Bill 29.

Your Committee agrees Bill 29 fulfills the need for an educational facility within the Wailuku-Kahului Community Plan area.

Your Committee voted 8-0 to recommend first reading of Bill 29 (2023). Committee Chair Kama, Vice-Chair Cook, and members Johnson, Lee, Paltin, Sinenci, Sugimura, and U'u-Hodgins voted "aye." Committee member Rawlins-Fernandez was excused.

Your Housing and Land Use Committee RECOMMENDS that Bill 29 (2023), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.96, MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY TOWN DISTRICT CONTROLLING PLAN AND PERMITTING EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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


TASHA KAMA, Chair

ORDINANCE NO. _____

BILL NO. 29 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.96,
MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY
TOWN DISTRICT CONTROLLING PLAN AND PERMITTING
EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT

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

SECTION 1. This Ordinance's purpose is to amend the Controlling Plan for the Waikapu Country Town zoning code to account for an exclusion in the original mapping and to allow for educational uses in the residential district to accommodate the potential expanded school site in Waikapu Country Town.

SECTION 2. Section 19.96.030, Maui County Code, is amended to read as follows:

"19.96.030 Controlling Plan. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of this ordinance. Figure 1 is the controlling plan.

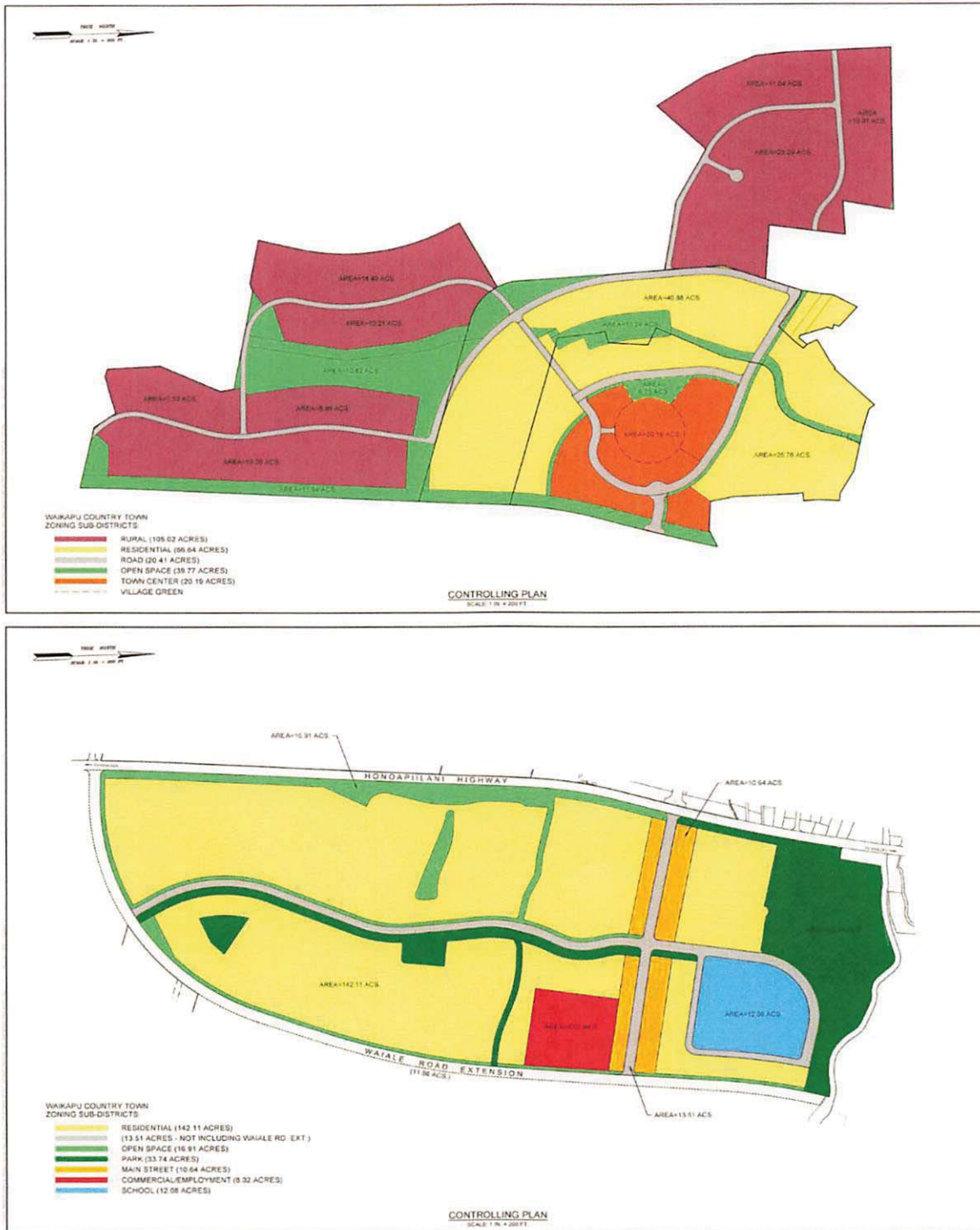
[Figure 1: controlling plan



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Figure 1A: controlling plan

Figure 1A: Mauka and Makai Controlling Plans



SECTION 3. Section 19.96.060, Maui County Code, is amended by amending subsection D to read as follows:

“D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market ~~[demands.]~~ demands, which may include education elements. Building types include single-family residential, duplex, triplex, fourplex, sixplex, or larger ~~[buildings.]~~ buildings, including civic buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district include single-family small lot units, single-family large lot units, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, townhouses, and live-work units. The district is intended to accommodate residences that front onto aesthetically pleasing and pedestrian-oriented streets. The district may accommodate a variety of block types to accommodate a range of lot sizes. The district includes areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces emphasizes a landscape planting program and streetscapes.”

SECTION 4. Section 19.96.100, Maui County Code, is amended by amending Table 2B: Residential use table as follows:

“

Table 2B: Residential use table		
Land use type	Zoning Districts	
	Residential	Rural
Assembly area ¹	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse ²	P	P

Civic space	P	P
Day care facility ³	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land ⁴		P
Park	P	P
Parking area, public	P	
<u>Education, general</u>	<u>P</u>	
<u>Education, specialized</u>	<u>P</u>	
<u>Recreation, passive</u>	<u>P</u>	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU

Home business ⁵	AU	AU
Accessory dwelling ⁶	AU	AU
Open space	AU	AU
Accessory building or structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
1. Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. 2. Shall not have more than 5 bedrooms and not more than 5 boarders. 3. For facilities serving more than 6 persons. 4. As defined in section 19.04.040. 5. Shall be subject to chapter 19.67. 6. Shall comply with the provisions of Maui County code chapter 19.35. The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.		

SECTION 5. Section 19.96.130, Maui County Code, is amended by amending Table 3: Lot Types Permitted in Zoning Districts as follows:

“

Table 3: Lot Types Permitted in Zoning Districts								
LOT TYPE	Zoning Districts							
	Town Center	Main Street	Commercial /Employment	Residential	Rural	Education	Parks	Open Space
Civic Building	•	•	•	•		•	•	
Civic Space	•	•	•	•	•	•	•	•
Commercial/ retail/ employment	•	•	•					

Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Townhouse	•	•		•				

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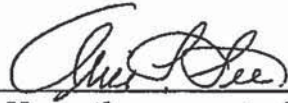
SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Stephanie Chen
 STEPHANIE M. CHEN
 Deputy Corporation Counsel
 Department of the Corporation Counsel
 County of Maui
 LF2023-0105
 2023-03-08 Ord Amd Ch 19.96

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.