

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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COUNTY OF MAUI
DEPARTMENT OF PLANNING
OFFICE OF THE MAYOR


July 21, 2017

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Stacy Crivello, Chair
and Members of the Housing, Human Services,
and Transportation Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Mayor 7/21/17 Date

Dear Chair Crivello and Members:

**SUBJECT: COUNTY-OWNED PARCEL ON NORTH PAPA AVENUE
(KAHULUI) (HHT-14) (RFC 2017/0080)**

The Department of Planning (Department) has received your letter of July 11, 2017, on the above subject. In it you requested the Department's response to the following two (2) items:

1. The reason for the zoning change from R-2 Residential to Park in 1986.
2. How the University of Hawaii Maui College was able to build dormitory housing structures on the parcel, despite the zoning change to Park.

Additionally, you requested that the Department provide its written comments by Monday, July 24, 2017.

I regret the Department does not expect to be able to provide you an adequate response by July 24, 2017. Because the zoning change occurred in 1986, the file will need to be retrieved from storage. The Department will provide you a response as soon as the file has been retrieved and reviewed.

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Stacy Crivello, Chair
July 21, 2017
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Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Kimberley Willenbrink, Staff Planner (PDF)
Carol Reimann, Director, Department of Housing & Human Concerns

WRS:KCW:ela

Project File
General File

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ORDINANCE NO. 4264

BILL NO. 79 (2015)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS

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

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to read as follows:

"Chapter 19.27A

PARK DISTRICTS

Sections:

- 19.27A.010 Purpose and intent.
- 19.27A.020 District categories.
- 19.27A.030 Permitted uses.
- 19.27A.040 Accessory uses and structures.
- 19.27A.050 Special uses.
- 19.27A.060 Development standards.
- 19.27A.070 Rule-making authority.

19.27A.010 Purpose and intent. The park districts are to preserve and manage lands for passive and active recreational activities through a system of parks suited to the varying recreational needs of the County, to allow for parks that are of differing sizes and uses, and to implement the general plan and community plans of the County and the land use laws of the State.

19.27A.020 District categories. There shall be two categories of park districts to distinguish between general park (PK) and golf course (GC) uses:

PK	General park districts provide park areas designed to meet passive and active recreational needs. This district category may be located in the state urban, rural, or agricultural district and is intended to provide maximum flexibility for the planning and development of park facilities to meet the growing and diverse needs of the community.
GC	Golf course districts provide golf courses in the state urban, rural, or agricultural district that conform to the provisions of chapter 205, Hawaii Revised Statutes, on lands designated for park use by the community plans of the County. It is further intended that viable agricultural uses be encouraged to continue and that the use of potable groundwater for irrigation be discouraged.

19.27A.030 Permitted uses. Within park districts, the following uses shall be permitted:

Archery ranges	x	x	A County special use permit is required when the use occurs on private property.
Athletic arenas, stadiums, and tennis centers	x	x	
Automobile, go-carts, and motorbike activities	x		
Botanical gardens	x	x	
Campgrounds	x		No camping unit shall be located less than one thousand feet away from any dwelling unit on an adjacent parcel.
Cellular and radio towers	x	x	
Cultural and performing arts facilities	x	x	

Fishing	x	x	
Golf courses	x	x	
Governmental offices and facilities	x	x	
Gun ranges	x	x	A County special use permit is required when the use occurs on private property.
Gymnasiums	x		
Historic buildings, structures, or sites or areas of scenic interest	x	x	
Maintenance areas	x	x	
Marinas	x		
Open land recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Outdoor recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Paint gun and airsoft play fields	x	x	
Parks	x	x	
Picnicking	x	x	
Playgrounds	x		
Playing courts and playfields	x		
Recreational, educational, neighborhood, or community centers and facilities for public or eleemosynary organizations	x		
Riding stables	x		
Skeet and trap fields and sporting ranges	x	x	A County special use permit is required when the use occurs on private property.
Swimming pools	x	x	

Trail activities	x	x	Trail activities for motorbikes and automobiles are not permitted on Lanai.
Zoos	x		
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	x	x	The use shall conform to the intent of this chapter.

19.27A.040 Accessory uses and structures. Uses that are incidental or subordinate to, or that occur customarily in conjunction with, a permitted principal use, including the following:

Comfort stations	x	x	
Emergency broadcast sirens	x	x	
Energy systems, small-scale	x	x	The use shall not cause a detrimental or nuisance effect upon neighboring properties.
Farmer's market	x		
Lifeguard or security stations	x	x	
Light fixtures and light poles	x	x	Lighting or lamp posts and lighting controls shall be full cut-off luminaries to lessen possible sea bird strikes.
Luau's, carnivals, bazaars, fairs, food, wine, or film festivals that are special events and temporary in nature	x	x	For purposes of this section, "temporary" means no more than thirty days in a one-year period.
Maintenance buildings	x	x	
Off-street parking and loading	x	x	
Park furniture	x	x	
Pavilions	x	x	

Play and outdoor exercise equipment, including skate ramps	x		
Restaurants and gift shops	x	x	
Skating, including skateboard facilities	x	x	
Subordinate uses and structures	x	x	The planning director shall determine when the use is incidental and customary to a permitted use listed in section 19.27A.030.

19.27A.050 Special uses. The following uses and structures are permitted, except that a County special use permit, pursuant to section 19.510.070 of this title, is required. If a State special use permit is obtained, the County's special use permit requirement is satisfied.

Archery ranges	x	x	A County special use permit is not required when the use occurs on public property.
Gun ranges	x	x	A County special use permit is not required when the use occurs on public property.
Open land recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Outdoor recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Skeet and trap fields and sporting ranges	x	x	A County special use permit is not required when the use occurs on public property.
Structures greater than thirty-five feet in height on Lanai and Molokai	x		The use is subject to the development standards of section 19.27A.060.

19.27A.060 Development standards. Development standards for the park districts shall be:

Standard	PK	CP	SP
Maximum building height (in feet)	120 on Maui; 35 on Molokai and Lanai.	35	Minor utility facilities, small-scale energy systems, vent pipes, fans, chimneys, and energy-saving and renewable devices may exceed the maximum building height by up to five feet if the item is mounted on the roof of a facility.
Minimum front yard setback (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear yard setbacks (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear setbacks (in feet) for structures or portions thereof greater than fifteen feet in height	15		The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.

19.27A.070 Rule-making authority. The director of planning may adopt rules to implement this chapter."

SECTION 2. Chapter 19.27, Maui County Code, is repealed in its entirety.

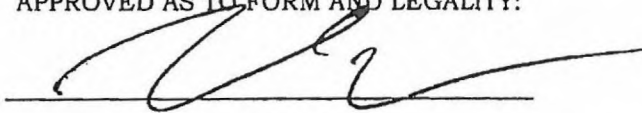
SECTION 3. Chapter 19.615, Maui County Code, is repealed in its entirety.

SECTION 4. Any lands zoned park, Maui Central Park (MCP), PK-1 neighborhood park district, PK-2 community park district, or PK-3 regional

park district within the County of Maui are hereby zoned general park (PK).
Any lands zoned PK-4 golf course park district within the County of Maui are
hereby zoned golf course (GC).

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Michael J. Hopper', is written over a horizontal line.

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

pc:misc:013abill01a:gjg

WE HEREBY CERTIFY that the foregoing BILL NO. 79 (2015)

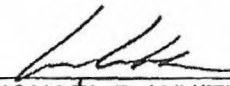
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 4th day of December, 2015, by the following vote:

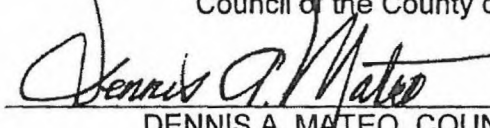
Michael B WHITE Chair	Donald S GUZMAN Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G COUCH, JR	S Stacy CRIVELLO	G. Riki HOKAMA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Excused	Excused	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 4th day of December, 2015.

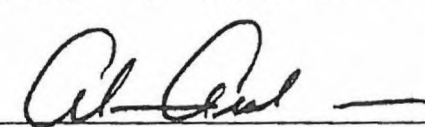
DATED AT WAILUKU, MAUI, HAWAII, this 4th day of December, 2015.

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OFFICE OF THE MAYOR

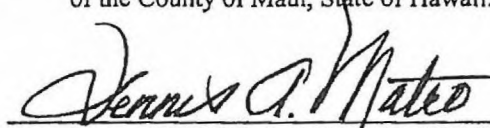

MICHAEL B. WHITE, CHAIR
Council of the County of Maui


DENNIS A. MATEO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 4 DAY OF December, 2015.


ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4264 of the County of Maui, State of Hawaii.


DENNIS A. MATEO, COUNTY CLERK
County of Maui

Passed First Reading on November 20, 2015.
Effective date of Ordinance December 4, 2015

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OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4264, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui