

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 1, 2002

**Committee
Report No.**

02-24

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

Chair and Members:

Your Land Use Committee, having met on January 7, 2002 and February 11, 2002, makes reference to County Communication No. 01-190, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.45 AND 19.510, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT AMENDMENTS AND REVISIONS".

The purpose of the proposed bill is to clarify that project district amendments and revisions shall be processed pursuant to Chapter 19.45, Maui County Code (MCC).

2. Resolution No. 00-181, requesting that the proposed bill be referred to the Maui, Moloka`i, and Lana`i Planning Commissions, and that the Maui, Moloka`i, and Lana`i Planning Commissions review the proposed bill and transmit their findings and recommendations to the Council.

Your Committee notes that project district zoning is a unique land-use classification that allows for creative, flexible planning in areas designated by the Council. Under existing law, it is unclear whether amendments to project district ordinances must be processed pursuant to MCC Chapter 19.510, relating to general zoning processes, or MCC Chapter 19.45, specifically relating to project districts. Chapter 19.45 provides a special three-phase approval process for project district zoning. Resolution No. 00-181 asserts that "all project district approvals, including project district amendments and revisions, should be processed through Chapter 19.45".

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At its meeting of January 7, 2002, your Committee deferred consideration of the proposed bill without discussion.

At its meeting of February 11, 2002, your Committee met with the Planning Director, the Administrative Planning Officer for the Department of Planning, and a Deputy Corporation Counsel.

Your Committee heard public testimony from Kula resident Dick Mayer, providing comments on the proposed bill.

Your Committee noted that consistency dictates all amendments to project districts should be processed by the same means as they are created. Your Committee discussed the three phases of project district approvals. Phase I is when the Council, by ordinance, designates permitted uses. In Phase II, the relevant planning commission approves a preliminary site plan. Finally, Phase III is when the Planning Director approves the final site plan.

Your Committee recommended a non-substantive revision to the proposed bill to update the reference date to 2002. Your Committee voted to recommend that the revised proposed bill be passed on first reading and that the communication be filed.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.45 AND 19.510, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT AMENDMENTS AND REVISIONS". The revised proposed bill incorporates a technical amendment.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.45 AND 19.510, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT AMENDMENTS AND REVISIONS" PASS FIRST READING and BE ORDERED TO PRINT; and

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2. That County Communication No. 01-190 be FILED.

Adoption of this report is respectfully requested.

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