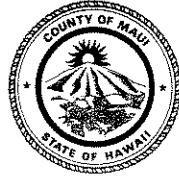


JK
PC-6

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2009 JAN 30 AM 8:17
OFFICE OF THE MAYOR

January 30, 2009

Honorable Charmaine Tavares
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

RECEIVED
2009 ~~JAN 23~~ Feb 2 AM 8:15
OFFICE OF THE
COUNTY CLERK

For Transmittal to:

Honorable Danny A. Mateo, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Charmaine Tavares 1/30/09
Date

Dear Chair Mateo and Members:

SUBJECT: BILL TO AMEND CHAPTER 19.02, MAUI COUNTY CODE (MCC), TO ESTABLISH DEVELOPMENT STANDARDS FOR THE COUNTY INTERIM DISTRICT

I am transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.02, ADDING CHAPTER 19.02A, AND AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO INTERIM ZONING DISTRICTS AND GENERAL PROVISIONS AND DEFINITIONS." The purpose of the proposed bill is to delete and amend certain sections of the Maui County Code (MCC) related to interim zoning districts.

On August 1, 1958, the County of Maui adopted the MCC Chapter 19.02, entitled the "Interim Zoning Ordinance." These interim regulations were adopted pending the formal adoption of a comprehensive zoning ordinance and map which were deemed necessary in order to do the following:

- (1) encourage the most appropriate use of land;
- (2) conserve and stabilize the value of property;
- (3) prevent certain uses that would be detrimental to existing uses; and
- (4) promote the health, safety, and general welfare of the respective districts.

In subsequent years, the County adopted zoning maps in some areas to replace the Interim Zoning, but not all Interim Zoned lands have been addressed.

The proposed bill repeals Chapter 19.02 pertaining to the Interim District and establishes a new Chapter 19.02A for the Interim District. This replacement chapter establishes development standards for the variety of uses allowed in the district.

COMMUNICATION NO. 09-66

Honorable Charmaine Tavares
 For Transmittal to:
 Honorable Danny Mateo
 January 30, 2009
 Page 2

The Department of Planning (Department) is also proposing that Bed and Breakfast (B&B) operations be allowed within single-family homes, subject to MCC Ch. 19.64. This amendment was added to address concerns raised on Molokai during the Molokai Planning Commission's public hearing to amend Chapter 19.64, dealing with the regulation of B&B operations.

The proposed bill was transmitted to the Maui, Molokai, and Lanai Planning Commissions. Below is a summary of their comments:

Commission	Public Hearing Date(s)	Comments and Recommendations
Maui	April 22, 2008	Recommended that the definitions for "Commercial agriculture" include a GDP price deflator with a 2008 base year. Council should also consider a higher agricultural value.
Molokai	April 23 and May 14, 2008	Amend: Line 6: Add maximum tower height of 50 feet. Insert in setback section "in support of utilities." Line 11: Establish a maximum height of 35 feet for community centers and government buildings, and 50 feet for tower structures in support of a utility. Page 4, Line 7: No to B&B if 19.64 changes. Yes, if there is no change to 19.64 or if Molokai recommendations are incorporated.
Lanai	May 21 and June 18, 2008	Recommended: Page 3, Line 2: Change "day care nurseries" to "day care facilities." Line 5: Add "tower structures in support of a utility."

Honorable Charmaine Tavares
For Transmittal to:
Honorable Danny Mateo
January 30, 2009
Page 3


Attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.02, ADDING CHAPTER 19.02A, AND AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO INTERIM ZONING DISTRICTS AND GENERAL PROVISIONS AND DEFINITIONS";
2. Memorandum from Jeffrey Hunt, Planning Director, to the Maui, Molokai, and Lanai Planning Commissions, dated April 15, 2008;
3. Minutes of the April 22, 2008 Maui Planning Commission;
4. Minutes of the April 23, 2008 Molokai Planning Commission;
5. Minutes of the May 14, 2008 Molokai Planning Commission;
6. Minutes of the May 21, 2008 Lana'i Planning Commission; and
7. Minutes of the June 18, 2008 Lana'i Planning Commission.

I would appreciate your referring this matter to the appropriate Council Committee for review.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Administrative Planning Officer Joseph Alueta at Ext. 7743.

Sincerely,



JEFFREY S. HUNT
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator
Joseph W. Alueta, Administrative Planning Officer
Maui Planning Commission
Molokai Planning Commission
Lana'i Planning Commission

JSH:JWA:vb

Project File
General File
Molokai File

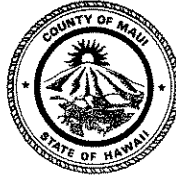
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CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

COLLEEN M. SUYAMA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 15, 2008

MEMORANDUM

TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION

FROM: JEFFREY S. HUNT, AICP 
PLANNING DIRECTOR

SUBJECT: **BILL TO AMEND CHAPTER 19.02, MAUI COUNTY CODE, TO
ESTABLISH STANDARDS FOR THE INTERIM DISTRICT**

On August 1, 1958, the County of Maui adopted the Interim Zoning Provisions. The purpose of providing interim regulations pending the formal adoption of a comprehensive zoning ordinance and map which are deemed as necessary in order:

- A. To encourage the most appropriate use of land;
- B. To conserve and stabilize the value of property;
- C. To prevent certain uses that will be detrimental to existing uses;
- D. To promote the health, safety and general welfare of the respective districts.

Although the County has adopted zoning maps in some areas to replace the Interim Zoning, not all Interim Zoned lands have been addressed. Development standards (including, setback and height limitation) for these Interim Zoned lands are regulated by Hawaii Revised Statutes Chapter 205 and the County Housing Code (Chapter 16.08 Maui County Code). The County of Maui Department of Public Works is working on proposed bills that would repeal the County Housing Code. Therefore, it is essential that development standards for the Interim District be established.

The proposed bill repeals Chapter 19.02, Maui County Code (Exhibit 1) pertaining to the Interim District and establishes a new Chapter 19.02A for the Interim District (Exhibit 2). This replacement chapter establishes development standards for the variety of uses allowed in the district. The Department is also proposing that Bed

and Breakfast operations be allowed within single-family homes, subject to 19.64. This amendment was added to address concerns raised on Molokai during the public hearing to amend Chapter 19.64 dealing with the regulations of Bed and Breakfast operations.

The proposed amendments were transmitted to various agencies for review and comments. The following table is a summary of these comments. Please note that the Department had initially transmitted both the Rural (Chapter 19.29) and the amendments to the Interim District (Chapter 19.02) at the same time. The Commissions and the County Council have already acted on the amendments to Chapter 19.29.

Agency	Date	Summary comments	Exhibit No.
Department of Housing and Human Concerns	6/27/07	No comments	3
Police Department	7/5/07	No comments	4
Department of Finance	7/26/07	No comments regarding Rural bill	5
Department of Parks and Recreation	7/30/07	No comments regarding Rural bill	6
Department of Environmental Management	8/7/07	No comments	7
Department of Public Works, DSA	8/1/07	No comments	7A
Office of Hawaiian Affairs	7/5/07	Concern that all development standards in the interim and rural districts are consistent with the community character. Especially potential impacts on traditional Hawaiian communities.	8
Department of Health, Maui	7/23/07	No comments	9
Department of Transportation	7/27/07	Request that language be added to state that any proposed structure shall comply with HRS 262 and MCC 19.28	10

Maui Planning Commission
Molokai Planning Commission
Lanai Planning Commission
August 24, 2007
Page 3

TESTIMONY

As of April 15, 2008, the Department of Planning has not received any testimony regarding this bill.

RECOMMENDATION AND OPTIONS

The Department is recommending approval of the proposed bill. The commission has the following options:

1. Recommend Approval of the proposed Bill to the Maui County Council.
2. Recommend Approval of the proposed Bill with Amendments to the Maui County Council.
3. Recommend Denial of the proposed Bill to the Maui County Council.
4. Vote to Defer action on the proposed Bill in order to gather specific additional information.

S:\ALL\APO\Interim district\memoreport19.02.doc

April 15, 2008

MEMORANDUM:

TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION

FROM: JEFFREY S. HUNT, AICP
PLANNING DIRECTOR

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2. Recommend Approval of the proposed Bill with Amendments to the Maui County Council.
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4. Vote to defer action on the proposed Bill in order to gather specific additional information.