

COUNCIL OF THE COUNTY OF MAUI  
**INFRASTRUCTURE MANAGEMENT  
COMMITTEE**

February 19, 2010

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Infrastructure Management Committee, having met on October 12, 2009, and February 1, 2010, makes reference to County Communication No. 09-260, from the Director of Public Works, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS”.

The purpose of the proposed bill is to exempt County-initiated or County co-sponsored infrastructure projects from subdivision requirements.

In response to your Committee’s request, the Department of Public Works transmitted a revised proposed bill incorporating the following sentence to the end of Section 18.04.020(H): “All applicable provisions of this code shall still apply to the subsequent development of remainder lot(s).” The revised proposed bill clarifies that the remainder lot(s) will not be exempt from code requirements in subsequent development.

The Director of Public Works described the intent of the proposed bill as an effort to streamline the subdivision process for County infrastructure projects. When County projects require land acquisition, the newly acquired land is categorized as subdivided land and becomes subject to the requirements and provisions of Section 18.04.020, Maui County Code (MCC).

The Director assured your Committee that future code compliance, liability concerns, and the ability to collect on obligations owed to the County through deferral agreements, impact fees, and other mutually binding requirements would not be adversely affected by the proposed exemption of County-initiated or County co-sponsored projects from the subdivision requirements of the MCC.

Your Committee voted 4-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Medeiros, Vice-Chair Pontanilla, and members Molina and Victorino voted “aye”. Committee

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member Kaho'ohalahala voted "no". Committee members Baisa and Mateo were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, changing the year of the bill from "2009" to "2010".

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2010), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-260 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
BILL KAUAKEA MEDEIROS, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS

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

SECTION 1. Section 18.04.020, Maui County Code, is amended to read as follows:

**"18.04.020 Authority and scope.** [Authorized by] A. Pursuant to section 8-5.3 of the revised charter of the County of Maui (1983), as amended, all subdivisions and consolidations, and all streets or ways within the County created for the purposes of subdividing land, shall be approved by the director in accordance with this title.

B. Any person desiring to subdivide or consolidate land shall submit plans and documents for approval as provided by this title. No subdivision plat may be filed with the bureau of conveyances or land court or state department of taxation until submitted to and approved by the director. Land shall not be offered for sale, lease, or rent in any subdivision, nor shall options or agreements for the sale, lease, or rental of land in any subdivision be made until approval for recordation of the final plat is granted by the director as provided in this title, unless such offer, option, or agreement expressly provides in writing that such sale, lease, or rental of land in the subdivision shall not occur nor become effective unless and until approval for recordation of the final plat is granted by the director as provided in this title.

C. The requirements of this title shall not apply to a consolidation/resubdivision of two or more developable lots resulting in the same or fewer number of developable lots that existed before the consolidation/resubdivision action or to the establishment of easements for ingress and egress

where no new developable lots are created together with the establishment of the easement subject to the following conditions:

1. Compliance with title 19 of this code or chapter 205, Hawaii Revised Statutes or both;
2. Compliance with chapter 18.08 of this title except for section 18.08.090;
3. Compliance with chapter 18.12 of this title except for section 18.12.070; and
4. Compliance with chapter 18.24 of this title.

D. Parcels that have undergone consolidation/resubdivision under this subsection shall not qualify for this exception with respect to any subsequent consolidation/resubdivision of any of the parcels.

E. If the director [of public works] finds that the subdivision will have a significant or substantial impact upon public facilities or infrastructure, the director [of public works] may impose those requirements in title 18 that are appropriate.

F. The director [of public works] shall adopt rules to implement the provisions of subsection E of this section.

G. Except for family subdivisions as described in section 18.20.280 of this code, a consolidation and a concurrent resubdivision that does not create additional developable lots, road widening lots, utility lots, and easements for access or utility purposes, the director [of public works] shall not approve any subdivision unless the subdivider provides written verification of a long term, reliable supply of water issued by the director of the department of water supply as set forth in section 14.12.040 of this code.

H. The requirements of this title shall not apply to subdivisions initiated or co-sponsored by the department of public works, solely, and for no other purpose than the acquisition of property for road widening lots, roadway extension lots, roadway improvement projects, roadway realignment projects, drainage lots, utility lots, park lots, and easements for access or utility purposes, provided that such subdivisions shall comply with sections 18.12.020, 18.12.030, 18.12.060, and 18.12.080 of this title, except for subparagraphs (a) and (b) of section 18.12.030.E.13. All applicable provisions of this

code shall still apply to the subsequent development of the remainder lot(s)."

SECTION 2. Section 18.04.130, Maui County Code, is amended to read as follows:

**"18.04.130 Director.** "Director" means the [person who holds the office of the planning director of the county.] director of public works or the director's authorized representative."

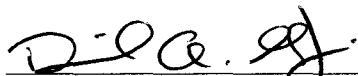
SECTION 3. Section 18.04.140, Maui County Code, is repealed.

**["18.04.140 Director of public works and waste management.** "Director of public works and waste management" means the person who holds the office of the director of the department of public works and waste management of the county."]

SECTION 4. 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 5. This ordinance shall take effect upon its approval. This ordinance shall not apply to subdivisions that received preliminary approval prior to the effective date of this ordinance.

APPROVED AS TO FORM  
AND LEGALITY:



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DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui

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