

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

July 6, 2012

**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 June 18, 2012, makes reference to County Communication 12-79, from the Planning Director and Director of Public Works, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3760, RELATING TO TITLE 18, SUBDIVISION GENERAL PROVISIONS TO DELETE THE SUNSET PROVISION OF ORDINANCE NO. 3760".

The purpose of the proposed bill is to remove the two-year sunset provision in Ordinance 3760, allowing Ordinance 3760 to remain in effect rather than expire on August 12, 2012.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030, MAUICOUNTY CODE, RELATING TO SUBDIVISIONS".

The purpose of the proposed bill is to amend Subsection 18.04.030(C), Maui County Code, to provide that only one interim-zoned large lot shall be permitted from each interim-zoned area in a parcel.

Your Committee notes that Ordinance 3760 authorizes the Director of Public Works, after consultation with the Planning Director, to approve a proposed subdivision, provided that land uses within the subdivision are "consistent" with, even if they do not necessarily "conform" to, the County General Plan, the community plan, zoning, and the State land use district classification. The ordinance will expire on August 12, 2012.

The Director of Public Works and the Deputy Director of Planning informed your Committee that following the passage of Ordinance 3760, the prior Director of Public Works and the Planning Director signed a Memorandum of Understanding, which established the roles and responsibilities of the Department of Public Works, the

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Department of Planning, and applicants who submit a subdivision application. They said their experience with Ordinance 3760 has been favorable, and it appears the ordinance has improved the subdivision process. They supported removing the provision which would effectively repeal the ordinance.

With regard to the proposed bill relating to the subdivision of interim-zoned lands, the Deputy Director of Planning explained that interim-zoned lands cannot be subdivided except under certain conditions, and that generally, specific zoning must first be established before property can be subdivided. One exception is the large lot provision in the subdivision ordinance, which would allow for split-zoned property, or property that is in part interim and in part specifically zoned, to be separated. She noted that where a property is split-zoned and the entire lot is large enough to ultimately be subdivided into four more lots, the exception would allow the zoned portion to be subdivided in accordance with its zoning.

The proposed bill would further limit the subdivision of such interim-zoned land to only one interim-zoned large lot from each interim-zoned portion of a parcel. Your Committee supported the proposed bill.

Your Committee voted 6-0 to recommend passage on first reading of the proposed bills and filing of the communication. Committee Chair Cochran, and members Carroll, Couch, Hokama, Mateo, and Pontanilla voted "aye". Committee Vice-Chair Victorino was excused.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030, MAUI COUNTY CODE, RELATING TO SUBDIVISIONS", approved as to form and legality by the Department of the Corporation Counsel, incorporating a nonsubstantive revision in the title of the bill.

Your Infrastructure Management Committee **RECOMMENDS** the following:

1. That Bill _____ (2012), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3760, RELATING TO TITLE 18, SUBDIVISION GENERAL PROVISIONS TO DELETE THE SUNSET PROVISION OF ORDINANCE NO. 3760", be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**;

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2. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030, MAUI COUNTY CODE, RELATING TO SUBDIVISIONS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 12-79 be FILED.

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



ELLE COCHRAN, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3760,
RELATING TO TITLE 18, SUBDIVISION GENERAL PROVISIONS
TO DELETE THE SUNSET PROVISION OF ORDINANCE NO. 3760

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

SECTION 1. The purpose of this bill is to delete the two-year "sunset clause" in Ordinance No. 3760, which became effective on August 12, 2010, and without amendment, will expire on August 12, 2012.

SECTION 2. Ordinance No. 3760 is hereby amended by amending Section 9 to read as follows:

"SECTION 9. This ordinance shall take effect upon its [approval; provided that two years from the effective date of this ordinance, Section 2 and Section 3 of this ordinance shall be repealed, and Section 18.04.030, Maui County Code, shall be reenacted in the form in which it read on the day before the approval of this ordinance; and further provided that subdivision applications that receive preliminary approval within two years of the effective date of this ordinance shall be subject to the provisions of this ordinance.] approval."

SECTION 3. 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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030,
MAUI COUNTY CODE, RELATING TO SUBDIVISIONS

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

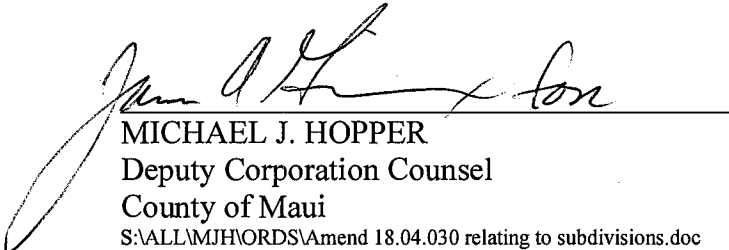
SECTION 1. Section 18.04.030, Maui County Code, is amended by amending subsection C to read as follows:

"C. Except as permitted under subsection [(B)] B, lands zoned interim shall not be subdivided. Under subsection B(5), only one interim zoned large lot shall be permitted from each interim zoned area in a parcel."

SECTION 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:


MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
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