

# PLANNING COMMITTEE

Council of the County of Maui

## Meeting Agenda

Monday, December 3, 2012

1:30 p.m.

Council Chamber, 8<sup>th</sup> Floor

200 South High Street, Wailuku, Hawaii

website: [www.mauicounty.gov/committees/PC](http://www.mauicounty.gov/committees/PC)

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### VOTING MEMBERS

Donald G. Couch, Jr., Chair

Gladys C. Baisa, Vice-Chair

Elle Cochran

Danny A. Mateo

Joseph Pontanilla

Michael P. Victorino

Mike White

### NON-VOTING MEMBERS

Robert Carroll

G. Riki Hokama

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Kimberley Willenbrink, Michele Yoshimura, or Clarita Balala) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be modified pursuant to the Rules of the Council, provided a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting, 16 copies are requested to ensure distribution at the meeting.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

PC-27

## RESIDENTIAL DISTRICTS

**DESCRIPTION:** The Committee is in receipt of County Communication 10-210, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.09, MAUI COUNTY CODE, AND AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS". The purposes of the proposed bill are to (1) establish definitions for the terms "garage sale, rummage sale, or yard sale" and "home-based business"; and (2) in the County residential zoning district, establish "home occupations" and "garage sales" as accessory uses, establish "home-based business" as a special use, and establish development standards.

**STATUS:** The Committee may consider the filing of County Communication 10-210 and other related action.

MORE →

**PC-40            TRANSIENT VACATION RENTALS LEGISLATION**

**DESCRIPTION:**    The Committee is in receipt of County Communication 08-61, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE RURAL DISTRICT TO ALLOW THE ESTABLISHMENT OF BED AND BREAKFAST OPERATIONS";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.30A AGRICULTURAL DISTRICT";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE PERMITTING OF TRANSIENT VACATION RENTALS";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.40 CONDITIONAL PERMITS"; and
5. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE BED AND BREAKFAST ORDINANCE".

The purposes of the proposed bills are to (1) streamline the permitting process for Bed and Breakfast ("B&Bs") applications; (2) allow B&Bs in other zoning districts; (3) allow for "small inns" within business districts; (4) permit transient vacation rentals ("TVRs") in areas of Wailea, Makena, Kapalua, and Kaanapali; and (5) delete the existing Conditional Permit process related to TVRs.

**STATUS:**            With the enactment of Ordinance 3611 (2008) amending Chapter 19.64, Maui County Code, relating to Bed and Breakfast Homes, and Ordinance 3941 (2012) establishing Chapter 19.65, Maui County Code, relating to Short-Term Rental Homes, the proposed bills may no longer be necessary. Therefore, the Committee may consider the filing of County Communication 08-61, and other related action.

**NOTE:    THE COMMITTEE CHAIR HAS RECOMMENDED THAT THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2013, PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL.**

**PC-12            FEE STRUCTURE FOR DEPARTMENT OF PLANNING**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/24/2011	MISC	County Clerk, referring the matter relating to the fee structure for applications processed by the Department of Planning, and transmitting a document entitled "Final Report on the Fee Study and Cost Recovery Plan for the Department of Planning" prepared by Matrix Consulting Group, dated December 2, 2009.

**PC-20            MAXIMUM WALL HEIGHT IN AGRICULTURAL DISTRICTS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/15/2010	CC 10-12	Council Chair Danny A. Mateo, transmitting a letter from Jim Whitehead, relating to the interpretation and enforcement of "Maximum wall height" in the County's Agricultural District (Chapter 19.30A, Maui County Code).

**PC-21                    MAKENA RESORT CHANGE IN ZONING COMPLIANCE WITH  
CONDITIONS RELATING TO ACCESS FOR PARKS AND  
RECREATION**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/23/2011	CC 11-220	Council Chair Danny A. Mateo, transmitting a letter from Isaac Hall, dated 08/11/2011, regarding Makena Resort's failure to comply with Condition 32 of Ordinance 3613 (2009).

**PC-25                    REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT  
PLAN**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/07/2011	CC 11-271	Planning Director, relating to the Maui County Repetitive Loss Properties Floodplain Management Plan annual status reports and transmitting the following:

1. Resolution 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN" with attached Exhibit "A" (County of Maui, Repetitive Loss Properties Floodplain Management Plan);
2. "County of Maui, Repetitive Loss Properties Floodplain Management Plan – Updated 2009"; and
3. "County of Maui, Repetitive Loss Properties Floodplain Management Plan", Annual Evaluation Report, September 2011.

10/19/2012	CC 12-224	Planning Director, relating to the Maui County Repetitive Loss Properties Floodplain Management Plan annual status reports and transmitting the following:
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1. Resolution 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN" with attached Exhibit "A" (County of Maui, Repetitive Loss Properties Floodplain Management Plan);
2. "County of Maui, Repetitive Loss Properties Floodplain Management Plan – Updated 2012"; and

- 3. "County of Maui, Repetitive Loss Properties Floodplain Management Plan", Annual Evaluation Report, September 2012.

**PC-28 ANNUAL COMPLIANCE REPORT – CHANGE IN ZONING CONDITIONS (ORDINANCE 3613 (2009)) FOR MAKENA RESORT AREA**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/20/2012	CC 12-16	Council Chair Danny A. Mateo, transmitting a letter from Gwen Ohashi Hiraga, Munekiyo & Hiraga, Inc., submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 9, 2012" in accordance with Condition 22 of Ordinance 3613 (2009).
03/02/2012	CC 12-50	Council Chair Danny A. Mateo, transmitting a document from Mei Lee Wong of Keaka LLC entitled "Annual Compliance Report; Change in Zoning Conditions for Makena Resort Area" in accordance with Condition 22 of Ordinance 3613 (2009).

**PC-30 PERMITTING TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS APPROVED ON OR BEFORE APRIL 20, 1981**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/20/2012	CC 12-17	Councilmember Elle Cochran, transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.32.040, MAUI COUNTY CODE, RELATING TO PLANNED DEVELOPMENT, AND SECTION 19.37.010, MAUI COUNTY CODE, RELATING TO TIME SHARE UNITS AND TIME SHARE PLANS".

**PC-31 TRANSFER OF DEVELOPMENT RIGHTS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/09/2010	CC 10-253	Councilmember Jo Anne Johnson, transmitting Resolution 03-189, entitled "REFERRING A PROPOSED BILL PERTAINING TO THE TRANSFER OF DEVELOPMENT RIGHTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS".

**PC-34 ANNUAL COMPLIANCE REPORT - HONUUA`ULA**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/26/2012	CC 12-80	Council Chair Danny A. Mateo, transmitting a letter from Charles Jencks, Honua`ula Partners, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance 3554 (2008), establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii.

**PC-41 LANAI CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS 2011**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/06/2012	CC 12-142	Planning Director, transmitting a summary of the comments and recommendations of the Urban Design Review Board and the Lanai Planning Commission in response to Resolution 11-137, entitled "REFERRING TO THE LANAI PLANNING COMMISSION THE LANAI CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS 2011"; minutes of the Urban Design Review Board, Lanai Planning Commission, and Cultural Resources Commission; and comments from the Lanai community.

**PC-45 ALLOWABLE NUMBER OF SHORT-TERM RENTAL HOMES IN THE KIHAI-MAKENA COMMUNITY PLAN AREA**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/07/2012	CC 12-187	Councilmember Donald G. Couch, Jr., transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING SECTION 19.65.030, MAUI COUNTY CODE, RELATING TO THE ALLOWABLE NUMBER OF SHORT-TERM RENTAL HOMES IN THE KIHAI-MAKENA COMMUNITY PLAN AREA".

**PC-47 TRAFFIC IMPACT FEES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/03/2006	CC 06-276	Councilmember Charmaine Tavares, transmitting the following: <ol style="list-style-type: none"> <li>1. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN HANA, MAUI, HAWAII";</li> </ol>

2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN PAIA-HAIKU, MAUI, HAWAII";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN MAKAWAO-PUKALANI-KULA, MAUI, HAWAII"; and
4. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU-KAHULUI, MAUI, HAWAII".

01/05/2007	BILL 66 (2006) (Recommitted)	"A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR KIHEI-MAKENA TRAFFIC IMPACT FEES".
01/05/2007	BILL 67 (2006) (Recommitted)	"A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR WEST MAUI TRAFFIC IMPACT FEES".

**PC-48                    DEADLINE FOR A COMMUNITY PLAN ADVISORY COMMITTEE TO FORWARD ITS RECOMMENDED REVISIONS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/02/2012	CC 12-235	Councilmember G. Riki Hokama, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080, MAUI COUNTY CODE, RELATING TO DEADLINE FOR A COMMUNITY PLAN ADVISORY COMMITTEE TO FORWARD ITS RECOMMENDED REVISIONS".