

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

August 20, 2013

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

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

Chair and Members:

Your Planning Committee, having met on May 21, 2013 and August 1, 2013, makes reference to County Communication 12-261, from former Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.510.050, MAUI COUNTY CODE, TO REQUIRE NOTIFICATION TO THE COUNCIL OF UNFULFILLED CONDITIONS OF ZONING".

The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.050, MAUI COUNTY CODE, TO REQUIRE NOTIFICATION TO THE COUNCIL OF UNFULFILLED CONDITIONS OF ZONING". The purpose of the proposed bill is to require the Department of Planning to transmit a quarterly report to the Council on any unfulfilled conditions of zoning as required by Section 19.510.050, Maui County Code ("MCC"), within the specified time limitations.

Your Committee notes Section 19.510.050, MCC, allows the Council to impose conditions upon the applicant's proposed use of the property prior to any change in zoning. The proposed bill would require the Planning Director to transmit a report to the Council within 30 days after the end of each quarter of the fiscal year regarding conditions of zoning that have not been fulfilled within the time limitations specified in subsection (C), beginning with conditional zoning ordinances approved on January 1, 2013, and thereafter.

According to a representative from the Department of Planning, there were 123 Change in Zoning applications over the last ten years. Few were approved without conditions. If each application averaged approximately 15 conditions, there would be approximately 1,850 conditions for all 123 Change in Zoning applications. Requiring quarterly reports would amount to 7,300 conditions that would need to be verified. The Department's representative further explained that each of these conditions would require

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research, site visits, updated contact information, and a compliance report before each report is sent to the Council.

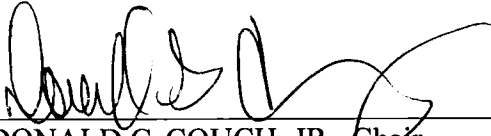
The Planning Director stated this requirement is asking much more than the Department can currently handle. Requiring these quarterly reports would require additional personnel.

Your Committee concluded requiring the Department of Planning to submit quarterly reports would be too much of a burden. Instead, the burden should be placed on the applicant requesting a change in zoning to comply with a reporting condition.

Your Committee voted 5-0 to recommend filing of the communication. Committee Chair Couch, and members Baisa, Cochran, Crivello, and White voted "aye". Committee Vice-Chair Victorino and member Guzman were excused.

Your Planning Committee RECOMMENDS that County Communication 12-261 be FILED.

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

  
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DONALD G. COUCH, JR., Chair