

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 12-262, 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 19.68.040, MAUI COUNTY CODE, RELATING TO CONDITIONS OF STATE LAND USE DISTRICT BOUNDARY AMENDMENTS".

The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.68.040, MAUI COUNTY CODE, RELATING TO CONDITIONS OF STATE LAND USE DISTRICT BOUNDARY AMENDMENTS". 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 State Land Use District Boundary amendments imposed pursuant to Section 19.68.040, Maui County Code ("MCC"), within a maximum of three years if no time limitation is established by the Council.

Your Committee notes Chapter 19.68, MCC, applies to boundary changes or reclassification of State Land Use District boundaries involving lands 15 acres or less currently classified as Agricultural, Rural, or Urban.

Section 19.68.040, MCC, allows the Council to impose conditions upon the applicant's proposed use of the property prior to the enactment of an ordinance approving any reclassification or boundary change. 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. The report shall identify the conditions that have not been fulfilled within the time limitations specified in subsection (B), beginning with State Land Use District Boundary amendments approved by ordinance on January 1, 2013, and thereafter.

The Planning Director stated it is rare for conditions to be placed on district boundary amendments on land 15 acres or less. Because district boundary amendments

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will typically be accompanied by a Change in Zoning application, it would be more appropriate to impose conditions on changes in zoning.

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 12-262 be FILED.

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



DONALD G. COUCH, JR., Chair

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