

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

September 6, 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 August 15, 2013, makes reference to County Communication 13-136, from the Planning Director, transmitting, in response to Resolution 12-111, a summary of the Maui, Molokai, and Lanai Planning Commissions' comments to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.40, MAUI COUNTY CODE, RELATING TO THE DURATION OF CONDITIONAL PERMITS".

The purpose of the proposed bill is to amend Chapter 19.40, Maui County Code, to limit the duration of Conditional Permits, including extensions, to a five-year period.

Your Committee notes Section 19.40.070, Maui County Code, provides a Conditional Permit be granted for such period of time as the facts may warrant.

A Conditional Permit permits uses that are similar, related, or compatible to the permitted uses, and which has a special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

According to the Deputy Planning Director, each of the planning commissions voted against the proposed bill because of concerns over whether certain desirable uses would be discontinued and whether some property owners would be forced to unnecessarily bear the burden of applying for a Change in Zoning.

According to a representative from the Department of Planning, Conditional Permits are often used to provide minimal urban services in rural communities without the need for a Change in Zoning. A Change in Zoning would create spot-urban zoning, which each of the planning commissions is trying to avoid.

The representative further noted a Change in Zoning is not always necessary especially when the use for which the Conditional Permit is granted is temporary in

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

Page 2

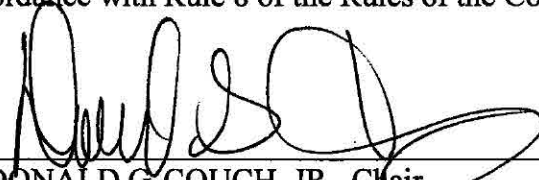
Committee
Report No. _____

nature. Once the use is completed, the landowner may want the land restored to its original use.

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

Your Planning Committee RECOMMENDS that County Communication 13-136 be FILED.

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



DONALD G. COUCH, JR., Chair

pc:cr:13017aa:srg