

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

December 7, 2007

Committee
Report No.

07-149

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

Chair and Members:

Your Public Works and Facilities Committee, having met on July 5, 2007, September 19, 2007, and November 14, 2007, makes reference to County Communication No. 07-95, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION IMPROVEMENTS".

The purposes of the proposed bill are to: (1) delete an allowance for deferral of frontage improvements for subdivisions of three lots or less; and (2) require certain minimum pavement specifications for required improvements to existing streets resulting from such subdivisions.

At its meeting of July 5, 2007, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

There was no public testimony.

The Director stated that the first proposed amendment would require frontage improvements to be made at the time of subdivision for projects of three lots or less. He stated that such improvements are currently required for those subdivisions containing more than three lots. He further stated that the Department has not been able to adequately track current deferral agreements, and that its ability to monitor and enforce such agreements has been questioned.

The Director stated that the second proposed amendment eliminates the option of paying an in-lieu fee and instead requires the subdivider to construct access road improvements. He stated that the Department considers the in-lieu fee to be an inadequate means of addressing pavement requirements resulting from subdivisions of property.

Your Committee discussed the impact of the proposed bill on family subdivisions and affordable housing projects.

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The Director stated that the proposed bill attempts to treat all subdividers equitably, and require only a fair share of infrastructure improvements from each individual project.

The Deputy Corporation Counsel stated that the difficulty in collecting an upfront pro rata share of future infrastructure costs is in accurately calculating those costs if the timeline for those projects is not known at the time of subdivision.

Your Committee deferred consideration of the matter pending further discussion.

At its meeting of September 19, 2007, your Committee met with the Deputy Director of Public Works, the Corporation Counsel, and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Director gave a brief overview of the purposes of the proposed amendments.

Your Committee raised concerns about whether the amendments would create hardship for small family subdivisions and make housing less affordable for residents.

The Deputy Director indicated that the amendments to Section 18.20.040.B.3, Maui County Code, were necessary to prevent a situation where a subdivider pays the in-lieu fee rather than improve a substandard access road. The proposed amendments enhance the Department's ability to ensure that a subdivision has an adequate and safe access road.

Your Committee acknowledged the need for the amendments, but suggested that the burden on small family subdivisions be considered as well as the needs of the County.

Your Committee deferred consideration of the matter pending further discussion.

At its meeting of November 14, 2007, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

Your Committee received public testimony from one individual who spoke in opposition to the proposed bill. He stated that eliminating the option of deferring improvements would negatively impact families who want to divide their property among their members.

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The Director reviewed the purpose of the proposed bill and provided hypothetical case descriptions as illustrations of the improvements required of subdividers under the proposed bill.

Your Committee discussed the potential impact the proposed bill would have on affordable housing projects. Your Committee further noted concerns raised by the Subdivision Engineering Standards Committee regarding the hardship that the proposed bill may present to family subdivisions and affordable projects.

The Director stated that the Department considers the impact on affordable housing to be negligible, given that most affordable housing projects involve more than three units and that the proposed amendment would, therefore, not apply. He further stated that the process allowing family subdivisions remains intact.

Your Committee discussed the cost of such infrastructure improvements and the relative benefit of having this cost borne by the beneficiaries of the subdivision as opposed to paying for such improvements with tax proceeds.

Your Committee voted to recommend passage of the proposed bill and filing of the communication.

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Bill No. _____ (2007), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION IMPROVEMENTS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 07-95 be FILED.

Adoption of this report is respectfully requested.

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