

PLANNING COMMITTEE

Council of the County of Maui

Meeting Agenda

October 14, 2008

9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/PC/

e-mail: pc.committee@mauicounty.us

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VOTING MEMBERS

Gladys C. Baisa, Chair

Jo Anne Johnson, Vice-Chair

G. Riki Hokama

Bill Kauakea Medeiros

Michael J. Molina

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 (David Raatz 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. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

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.

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PC-40

TRANSIENT VACATION RENTALS LEGISLATION

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 08-61, from the Planning Director, transmitting the following:
 - a. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE RURAL DISTRICT TO ALLOW THE ESTABLISHMENT OF BED AND BREAKFAST OPERATIONS.". The purpose of the draft bill is to amend Chapter 19.29, Maui County Code, to establish bed and breakfast homes as permitted uses in the rural zoning districts.
 - b. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.30A AGRICULTURAL DISTRICT". The purpose of the draft bill is to establish certain bed and breakfast homes as permitted uses in the agricultural zoning districts.
 - c. A draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE PERMITTING OF TRANSIENT VACATION RENTALS". The purposes of the draft bill are to: (i) establish transient vacation rentals as permitted uses in the business zoning districts; the destination resort areas of Wailea, Makena, Kaanapali, and Kapalua; and areas defined and limited by the Lanai and Molokai community plans; and (ii) prohibit transient vacation rentals, other than bed

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- and breakfast homes and pre-existing permitted transient vacation rentals, in areas where they are not permitted uses.
- d. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.40 CONDITIONAL PERMITS". The purpose of the draft bill is to prohibit transient vacation rentals from being authorized by Conditional Permit.
 - e. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE BED AND BREAKFAST ORDINANCE". The purposes of the draft bill are to amend Chapter 19.64, Maui County Code, by: (i) streamlining the permitting process for bed and breakfast homes; (ii) allowing for renewal permits of up to five years; (iii) requiring that bed and breakfast homes conform to the residential character of the neighborhood; and (iv) limiting the ability to hold permits to natural persons.
2. Correspondence dated April 18, 2008, from the Planning Director, transmitting the following:
 - a. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO PERMITTED USES". The purposes of the proposed bill are to: (i) establish transient vacation rentals as permitted uses in the business zoning districts; and (ii) prohibit transient vacation rentals from being authorized by Conditional Permit.
 - b. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING". The purposes of the proposed bill are to: (i) establish certain Bed and Breakfast Homes (B&Bs) as permitted uses in the agricultural and rural zoning districts; and (ii) amend Chapter 19.64, Maui County Code, by: (A) streamlining the permitting process; (B) allowing for renewal permits of up to five years; (C) requiring that B&Bs conform to the character of the neighborhood; and (D) limiting the ability to hold permits to natural persons.
 - c. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, PERTAINING TO TRANSIENT VACATION RENTALS". The purposes of the proposed bill are to: (i) establish Chapter 19.38, Maui County Code, providing zoning standards for transient vacation rentals; (ii) prohibit transient vacation rentals, other than bed and breakfast homes and pre-existing permitted transient vacation rentals, in areas where they are not permitted uses; and (iii) establish transient vacation rentals as permitted uses in the business zoning districts; the destination resort areas of Wailea, Makena, Kaanapali, and Kapalua; and areas defined and limited by the Lanai and Molokai community plans.
 3. Correspondence dated June 19, 2008 (received July 1, 2008), from Council Chair G. Riki Hokama, proposing an amendment to the proposed bill referenced in Paragraph No. 2(b), above, to add a new Maui County Code Section 19.64.060(E), relating to compliance and revocation.
 4. Correspondence dated September 12, 2008, from the Chair of the Committee, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING". The purposes of the draft bill are to: (i) establish certain B&Bs as permitted uses in the agricultural and rural zoning districts; and (ii) amend Chapter 19.64, Maui County Code, by: (A) streamlining the permitting process; (B) allowing for renewal permits of up to five years; (C) requiring that B&Bs conform to the character of the neighborhood; (D) limiting the ability to hold permits to natural persons who own the subject property; (E) allowing a B&B permittee to reside in one single-family dwelling on a lot and maintain B&B units in a second single-family dwelling on the same lot; and (F) establishing special policies for the Hana, Lanai, and Molokai community plan areas, as recommended by the Hana Advisory Committee, the Lanai Planning Commission, and the Molokai Planning Commission, respectively.
 5. Correspondence dated September 18, 2008, from the Vice-Chair of the Committee, proposing an amendment to the proposed bill referenced in Paragraph No. 2(b), above, to: (a) prohibit B&Bs on any Agricultural-zoned property that is held pursuant to condominium property regime; (b) prohibit B&Bs on any property where uses are privately regulated by covenants, conditions, and restrictions; community association bylaws; or other similar private agreements among residents or owners unless B&Bs are expressly permitted by the relevant agreements; and (c) require the applicant to comply with all aspects of Chapter 205, Hawaii Revised Statutes, and provide proof that a farm plan has been fully implemented, including evidence of farm income as required by law, to qualify for a B&B permit on Agricultural-zoned property.
 6. Correspondence dated September 30, 2008, from the Chair of the Committee, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,

RELATING TO ZONING AS IT PERTAINS TO BED AND BREAKFAST HOMES". The purposes of the draft bill are to: (i) establish certain B&Bs as permitted uses in the agricultural and rural zoning districts; and (ii) amend Chapter 19.64, Maui County Code, by: (A) streamlining the permitting process; (B) allowing for renewal permits of up to five years; (C) requiring that B&Bs conform to the character of the neighborhood; (D) limiting the ability to hold permits to natural persons who own the subject property; (E) allowing a B&B permittee to reside in one single-family dwelling on a lot and maintain B&B units in a second single-family dwelling on the same lot; and (F) establishing special policies for the Hana, Lanai, and Molokai community plan areas, as recommended by the Hana Advisory Committee, the Lanai Planning Commission, and the Molokai Planning Commission, respectively.

STATUS: The Committee may consider whether to recommend passage of the draft and proposed bills on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 08-61 and other related action.