

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

December 19, 2008

Committee
Report No. 08-158

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

Chair and Members:

Your Planning Committee, having met on December 2, 2008, makes reference to the referrals noted on Exhibit "A", attached hereto and incorporated herein.

At its meeting, your Committee met with the Planning Director and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee noted that the end of the current Council term was approaching. In preparation for the new Council term, the Chair of your Committee recommended that certain pending matters be referred to the Council Chair for the term beginning January 2, 2009, pursuant to the following provision of the Rules of the Council:

Sec. 19. Filing of Items.

A. At the expiration of a Council term, all items pending before the Council and its committees shall be deemed filed and disposed of; provided that the following items shall be deemed referred to the Council Chair for the ensuing term, for consideration by the Council:

1. an item transmitted by another governmental agency to the Council, pursuant to a legal requirement, for Council action;
2. pending legislation that has passed only one of the required readings; and
3. subject to Council approval, items recommended for referral by the Council Chair for matters pending before the Council, and items recommended for referral by a committee chair

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with the approval of that committee for matters pending before that chair's committee.

B. This provision shall not prevent the resubmittal of any matter to the Council in a subsequent term, for consideration as a new item.

Accordingly, the recommendation of the Chair of your Committee was approved.

Your Planning Committee **RECOMMENDS** that all communications noted on Exhibit "A" be **REFERRED** to the Council Chair for the term beginning January 2, 2009.

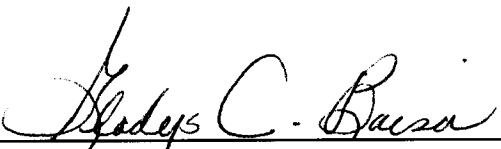
Adoption of this report is respectfully requested.

pc:cr:08end:dmr

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GLADYS C. BALSA Chair

BILL KAUAKEA MEDEIROS Member

JO ANNE JOHNSON Vice-Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Member

EXHIBIT "A"

PC-16 CONTROLLING FOWL IN RESIDENTIAL AREAS

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| Oct. 4/01 | C.C. 01-277 | Council Vice-Chair, relating to the matter of crowing roosters in or near residential areas. |
| Sept. 15/06 | C.R. 06-110
(Recommitted) | Planning Committee, recommending adoption of resolution referring a draft bill relating to fowl in Residential, R-0 Zero Lot Line Residential, Two-Family (Duplex), and Apartment Districts to the Planning Commissions. |

PC-26 AGRICULTURAL TOURISM

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| Oct. 5/07 | C.C. 07-285 | Councilmember Baisa, relating to agricultural tourism. |
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PC-30 COASTAL EROSION AND SEA-LEVEL RISE

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| Jan. 25/08 | C.C. 08-23 | Councilmember Baisa, pertaining to the matter of policy issues relating to coastal erosion and sea-level rise. |
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PC-33 PALI TO PUAMANA PARKWAY MASTER PLAN

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| Mar. 23/05 | C.C. 05-123 | Planning Director, transmitting the "Pali to Puamana Parkway Master Plan". |
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PC-34 FOREST PESTS

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| Mar. 7/08 | C.C. 08-73 | Mayor, transmitting a proposed resolution entitled "SUPPORTING SAFE, EFFECTIVE BIOLOGICAL CONTROL FOR MAUI COUNTY'S FOREST PESTS". |
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PC-36 **TITLE TO REAL PROPERTY**

Apr. 4/08 C.C. 08-94 Councilmember Baisa, relating to the title to real property.

PC-40 **TRANSIENT VACATION RENTALS LEGISLATION**

Feb. 22/08 C.C. 08-61 Planning Director, transmitting documentation relating to five draft bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE RURAL DISTRICT TO ALLOW THE ESTABLISHMENT OF BED AND BREAKFAST OPERATIONS";
2. "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.30A AGRICULTURAL DISTRICT";
3. "A BILL FOR AN ORDINANCE RELATING TO THE PERMITTING OF TRANSIENT VACATION RENTALS";
4. "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.40 CONDITIONAL PERMITS"; and
5. "A BILL FOR AN ORDINANCE TO AMEND THE BED AND BREAKFAST ORDINANCE".

PC-43 **RURAL ZONING DISTRICTS**

Oct. 3/08 C.C. 08-225 Council Chair, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL PERTAINING TO RURAL DISTRICTS".

PC-44 **AMENDMENT TO DEFINITION OF HEIGHT**

Apr. 7/06 C.C. 06-104 Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS", and related documents.

PC-45 **ELIMINATING "STACKING" OF USES IN HOTEL AND LIGHT INDUSTRIAL ZONING DISTRICTS**

June 23/06 C.C. 06-178 Council Chair, transmitting the following draft resolutions entitled:

1. "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL TO AMEND SECTION 19.14.020, MAUI COUNTY CODE, RELATING TO PERMITTING USES IN HOTEL DISTRICTS"; and
2. "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL TO AMEND SECTIONS 19.24.020 AND 19.26.020, MAUI COUNTY CODE, RELATING TO USE REGULATIONS IN LIGHT INDUSTRIAL DISTRICTS".

PC-47 **TRAFFIC IMPACT FEES**

Nov. 3/06 C.C. 06-276 Councilmember Tavares, transmitting the following:

1. A draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN HANA, MAUI, HAWAII";
2. A draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO IMPACT

FEEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN PAIA-HAIKU, MAUI, HAWAII”;

- 3. A draft bill entitled “A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN MAKAWAO-PUKALANI-KULA, MAUI, HAWAII”;
- and
- 4. A draft bill entitled “A BILL FOR AN ORDINANCE RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU-KAHULUI, MAUI, HAWAII”.

Jan. 05/07	BILL 66 (2006)	“A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR KIHEI-MAKENA TRAFFIC IMPACT FEES”.
Jan. 05/07	BILL 67 (2006)	“A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR WEST MAUI TRAFFIC IMPACT FEES”.
Jan. 05/07	BILL 77 (2006)	“A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – RATES, FEES AND ASSESSMENTS FOR TRAFFIC IMPACT FEES”.
Apr. 10/07	C.C. 07-116	Director of Finance, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.62, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WEST MAUI, HAWAII”.
Apr. 10/07	C.C. 07-117	Director of Finance, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.68, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN KIHEI AND MAKENA, MAUI, HAWAII”.

June 15/07	C.C. 07-185	Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.70, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN HANA, MAUI, HAWAII".
June 15/07	C.C. 07-186	Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.74, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN MAKAWAO-PUKALANI-KULA, MAUI, HAWAII".
June 15/07	C.C. 07-187	Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.76, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU-KAHULUI, MAUI, HAWAII".
June 15/07	C.C. 07-188	Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.78, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN PAIA-HAIKU, MAUI, HAWAII".

**PC-51 REPETITIVE LOSS PROPERTIES FLOODPLAIN
MANAGEMENT PLAN**

Nov. 7/08	C.C. 08-254	Planning Director, transmitting the following documents: <ol style="list-style-type: none"> 1. Resolution No. 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN"; 2. County of Maui, Repetitive Loss Properties Floodplain Management Plan - Updated 2008; and
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3. County of Maui, Repetitive Loss Properties Floodplain Management Plan, Annual Evaluation Report, October 2008.

END OF EXHIBIT "A"