

ORDINANCE NO. 5496

BILL NO. 206 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.090,
MAUI COUNTY CODE, RELATING TO
EXTENSIONS FOR CONDITIONAL PERMITS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to allow a grace period to temporarily extend a Conditional Permit while an application for the permit's extension is being processed.

SECTION 2. Section 19.40.090, Maui County Code, is amended to read as follows:

“19.40.090 Extensions. A. [Conditional permits shall] A conditional permit must not be extended unless the terms of the initial issuance [explicitly] expressly provide for [same.] the extension. [In any case, extensions must be applied for] An applicant for an extension must submit a completed application no later than [ninety] sixty days prior to expiration; however, the director may [waive] issue a written waiver of this requirement if the director finds that unusual circumstances prevented an applicant from filing a timely extension request. A copy of the written waiver must be sent to the council at the time of issuance.

B. An applicant for a time extension [shall] must provide by certified mail a notice of application for time extension to the owners and lessees of record located within [five-hundred] five hundred feet of the parcel on which the conditional permit use is located. The notice of application for time extension [shall:] must:

1. Describe the uses permitted by the conditional permit and include a map showing the subject parcel and all other lots within a [five-hundred foot] five-hundred-foot distance[; and].

2. State that owners and lessees of record may file a written protest against the proposed extension with the

[planning] director within forty-five days of the mailing of the notice of application for time extension.

C. The [planning] director may approve the application for time extension [provided] if the following criteria are met:

1. The permit holder is in compliance with the conditions of approval[;].

2. The permitted use has not been substantially changed, and new uses have not been added that may result in significant impacts above what would result from the approved conditional permit[;].

3. [Agencies have not identified new matters of concern that require mitigation; and] The permit holder has addressed any agencies' concerns.

4. No protests have been received from the owners and lessees of record located within five hundred feet of the parcel on which the conditional permit use is located after the notice requirements of subsection B have been met.


D. If the [application for time extension does not qualify for review and approval by the planning director,] criteria of subsection C are not met, or if the council, by resolution adopted at least ninety days prior to expiration, requests review of the time extension application, the application for time extension [shall] must be processed in the same manner as the original application.

E. If a completed application for extension is submitted in accordance with 19.40.090(A), and accepted, the conditional permit remains in effect while the application is being processed for up to six months after the expiration date, or for up to twelve months after the expiration date if council approval of the extension is required, unless the applicant fails to provide requested information to the department within sixty days."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

pslu:misc:026abill01:wal
2022-12-06 PSLU-26 Ord Amd 19.40.090

WE HEREBY CERTIFY that the foregoing BILL NO. 206 (2022)


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 17th day of February, 2023, by the following vote:


Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS-FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 21st day of February, 2023.


DATED AT WAILUKU, MAUI, HAWAII, this 21st day of February, 2023.

RECEIVED
 '23 FEB 21 AM 1:23
 OFFICE OF THE MAYOR



 ALICE L. LEE, CHAIR
 Council of the County of Maui


 MOANA M. LUTEY, COUNTY CLERK
 County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS DAY OF FEBRUARY 23, 2023.


 RICHARD T. BISSEN, JR. MAYOR
 County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5496 of the County of Maui, State of Hawaii.


 MOANA M. LUTEY, COUNTY CLERK
 County of Maui

Passed First Reading on December 16, 2022
Effective date of Ordinance February 23, 2023

RECEIVED
 2023 FEB 23 PM 3:20
 OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5496, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui