

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

April 17, 2020

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on January 22, 2020, makes reference to the following:

1. County Communication 19-228, from Councilmember Tamara Paltin, transmitting a proposed bill to require improvements to existing streets for subdivisions creating two developable lots.
2. Water and Infrastructure Committee Report 19-100, which was referred to your Committee by the Council at its meeting of August 23, 2019.
3. County Communication 20-25, from Councilmember Tamara Paltin, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS."

The purpose of the proposed bill is to require improvements to existing streets for subdivisions creating two developable lots.

Your Committee notes the Subdivision Code generally requires subdividers to provide improvements upon existing streets, subject to exemptions listed in Section 18.20.040, Maui County Code.

Your Committee further notes Ordinance 4255 (2015) exempted subdivisions creating only two developable lots from the standard

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

Page 2

**Committee**  
**Report No. \_\_\_\_\_**

requirements to improve existing streets. The proposed bill attached to County Communication 20-25 repeals the exemption.

Your Committee received oral and written testimony generally supporting the proposed bill.

The Deputy Director of Public Works stated the Department had no position on the proposed bill.

The Chair of your Committee stated the proposed bill ensures existing streets are improved for the community's benefit at the developer's cost, rather than at County taxpayers' cost.

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading, filing of the committee report, and filing of the communications. Committee Chair Paltin, Vice-Chair Sinenci, and members King, Molina, Rawlins-Fernandez, and Sugimura voted "aye." Committee member Lee was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee **RECOMMENDS** the following:

1. That Bill \_\_\_\_\_ (2020), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Committee Report 19-100 be FILED;
3. That County Communication 19-228 be FILED; and

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING AND SUSTAINABLE LAND  
USE COMMITTEE**

Page 3

Committee  
Report No. \_\_\_\_\_

4. That County Communication 20-25 be FILED.

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

*Tamara M. Paltin*

---

TAMARA PALTIN, Chair

pslu:cr:20049aa:alkl

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040,  
MAUI COUNTY CODE, RELATING TO EXISTING STREETS

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

SECTION 1. Section 18.20.040, Maui County Code, is amended by amending subsection A to read as follows:

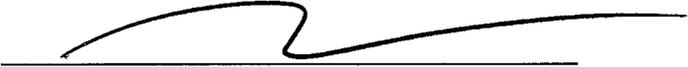
“A. No improvements [shall be] are required; upon existing streets for a consolidation of lots; for a subdivision creating only road widening lots; for a consolidation of three developable lots or less [which] that is resubdivided without creating additional developable lots; [for a subdivision into two developable lots] or for a subdivided parcel used for a church. Churches [shall] must dedicate land necessary for road widening purposes to comply with the requirements of this chapter. [Parcels that have undergone a subdivision into two developable lots under this subsection shall not qualify for this exemption with respect to any subsequent resubdivision of any of the parcel which creates additional developable lots.]”

SECTION 2. Material to be repealed is bracketed. In printing this bill, the County Clerk need not include the brackets or the bracketed material.

SECTION 3. This ordinance does not apply to subdivisions that receive preliminary approval within ninety days after the effective date of the ordinance.

SECTION 4. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



---

MICHAEL J. HOPPER  
Department of the Corporation Counsel  
County of Maui  
2019-0101  
PSLU-49 2020-01-30 Ord Amd 18.20.040