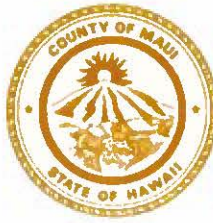


RICHARD T. BISSEN, JR.  
Mayor

KATE L. K. BLYSTONE  
Director

ANA LILLIS  
Deputy Director

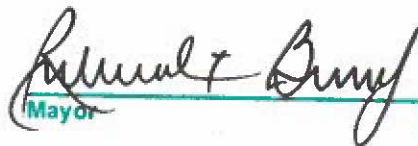


DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

October 17, 2024

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

APPROVED FOR TRANSMITTAL

 10-21-24  
Mayor Date

For Transmittal to:

Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
200 South High Street  
Wailuku, Hawai'i 96793  
via: hlu.committee@mauicounty.us

Dear Chair Kama:

**SUBJECT: BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES (HLU-34)**

Thank you for your October 16, 2024 letter with attached CD1 version of Bill 105, requesting the Planning Department's (Department) review and comments. The Department appreciates the proposed CD1 version of Bill 105 as it now incorporates an unintentional omitted existing section and provides thoughtful housekeeping and clarifying revisions. The Department supports the CD1 version as it continues to meet the intent of the proposed ordinance. There are two very minor revisions that the Department would like to propose to the CD1 version, as follows:

1. Amend Section 2 of the draft Ordinance for Bill 105, CD1, to add reference to subsection (E) as it appears that (E) should be included. The Department's proposed change below is utilizing ~~strikethrough text~~ for text proposed to be removed, and **bold underline** text for text to be added:

"SECTION 2. Section 19.39.150, Maui County Code, is amended by amending Subsection (A) to read as follows:

Honorable Richard T. Bissen, Jr  
For Transmittal to:  
Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
October 17, 2024  
Page 2


“A. Nonconforming lots, structures, and uses may continue, subject to the provisions and conditions of subsections [19.500.110(A), (B), and (C),] 19.500.110(B), (C), ~~and (D),~~ and (E); respectively.”

2. Amend subsection 19.500.110(C)(1)(a) in order to correct an incorrect reference to chapter 514A of Hawai'i Revised Statutes, which has been repealed and replaced with chapter 514B. Additionally, amend this same subsection to ensure restoration of nonconforming structures referenced in this subsection shall be “in compliance with Title 16,” as opposed to its existing reference, “permitted by the building code and flood hazard regulations.” This second change will then be consistent with other subsections that simply require compliance with Title 16. The Department's proposed changes below utilize ~~striethrough text~~ for text proposed to be removed, and **bold underline** text for text to be added:

“a. A nonconforming structure that is [an] a historic property as defined in chapter 6E of the [Hawaii] Hawai'i Revised Statutes and a nonconforming structure devoted to a conforming use that contains multi-family dwelling units owned [by owners] under the authority of chapter ~~514A~~ **514B** of the [Hawaii] Hawai'i Revised Statutes, and whether or not the structure is destroyed by accidental means, including destruction by fire, other calamity, or natural disaster, may be restored to its former condition [; provided, that such] ~~if the restoration is permitted by the building code and flood hazard regulations~~ **in compliance with Title 16** and is started within two years.”

The Department is hopeful that these very minor changes can be made to Bill 105, CD1. Thank you for the opportunity to provide this information. If you have any further questions, please do not hesitate to contact me.

Sincerely,

  
KATE L. K. BLYSTONE  
Planning Director

xc: Ana Lillis, Deputy Director (pdf)  
Jordan Hart, Planning Program Administrator (pdf)  
Gregory Pfost, Administrative Planning Officer (pdf)

KLKB:GP:jlj

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## HLU Committee

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**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Monday, October 21, 2024 10:03 AM  
**To:** HLU Committee  
**Cc:** Ana Lillis; Cynthia Sasada; Josiah Nishita; joy.paredes@co.maui.hi.us; Katie Blystone; Kelii Nahooikaika  
**Subject:** MT#10825 Bill 105  
**Attachments:** MT#10825-HLU Committee.pdf

**NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.**

*Michelle L. Santos*

Office Operations Assistant

Office of the Mayor

County of Maui

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