

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

January 24, 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 December 18, 2019, makes reference to County Communication 19-290, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS."

The purpose of the proposed bill is to suspend processing of an application for land use on a lot that is the subject of a pending enforcement action by the Department of Planning unless outstanding fines are paid and the application will remedy the enforcement action.

The Planning Director said the Department has not issued land use permits for lots on which land use violations exist. The proposed bill will codify the procedure.

Your Committee discussed whether the proposed bill would impact the issuance of Special Management Area permits. The Planning Director said the Special Management Area permits are not issued under Title 19 of the Maui County Code, therefore the proposed bill would not affect Special Management Area permits.

A representative from the Department of Planning clarified enforcement of the proposed bill as it relates to condominium property regime units. The proposed bill would only apply to the unit owner in violation, not the entire condominium property regime.

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair

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

Page 2

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Paltin, Vice-Chair Sinenci, and members King, Lee, Rawlins-Fernandez, and Sugimura voted "aye." Committee member Molina 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 19.510.010, MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-290 be FILED.

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



TAMARA PALTIN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010,
MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS

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

SECTION 1. The purpose of this ordinance is to prohibit or suspend the processing of an application for land use on a lot that is the subject of a pending enforcement action by the Planning Department.

SECTION 2. Section 19.510.010, Maui County Code, is amended by amending subsection C to read as follows:

“C. Application [Completeness Review] completeness review. 1. [Review of Applications for Completeness by the Planning Director.] All applications required by this title shall be submitted to the [planning] director. [Not more than] Within fifteen business days [from the date upon which] after receiving an application [is received], the [planning] director shall review the application [to] and determine if the application is complete or incomplete. If the application is complete, the [planning] director shall continue processing the application. If the application is incomplete, the [planning] director shall provide the applicant with a written statement that identifies the portions of the application [determined to be] that are incomplete. In addition to incompleteness as determined by the director, an application is automatically incomplete, at any stage of the application process, if it is for or relates to land use on a lot or on a unit in a condominium property regime that is the subject of an unresolved enforcement action by the department, if the department has sent a notice of warning or notice of violation for the enforcement action. However, an application is not automatically incomplete if: a) the applicant pays all fines associated with the unresolved enforcement action as required by the director, and b) approval of the application would resolve the enforcement action. An enforcement action is unresolved until all fines as determined by the director have been paid.

2. For all community plan amendment and change in zoning applications deemed complete, the [planning] director shall prepare a report that [shall include] includes an assessment and detailed explanation for each requirement set forth in [section] subsection 19.510.010(D). The report shall include all relevant data, studies, agency reports, and any other information relied upon by the [planning] director in finding that an application is complete.


3. The [planning] director shall transmit the report to the council and the appropriate planning commission as a part of the report [that is] required by [section] subsection 19.510.020(A)(5) or 19.510.040(A)(3).

4. The [planning] director shall prepare an updated report for each amendment made to the application and transmit the updated report to the council and appropriate planning commission.”

SECTION 3. Repealed material is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the bracketing or underscoring.

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
2019-0101/2019-0709
PSLU-37 2020-01-08 Ord Amd 19.510.010