

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i & City & County of Honolulu

AGENDA

HSAC EXECUTIVE COMMITTEE MEETING

Friday, September 11, 2015 at 11:00 a.m. or Soon Thereafter
Room 826, Council Chamber, 8th floor
Kalana O Maui Building
200 S. High Street
Wailuku, Hawai'i 96793

RECEIVED
CITY CLERK
& C OF HONOLULU
2015 SEP -4 PM 1:37

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. MINUTES

- A. Minutes of the August 27, 2015 HSAC Executive Committee Meeting, as submitted by the HSAC Secretary.

IV. REPORTS

A. Treasurer's Report

1. Treasurer's Report for the month of August 2015, as submitted by the HSAC Treasurer.

B. County Reports

1. County of Maui Report
2. County of Hawai'i Report
3. City and County of Honolulu Report
4. County of Kaua'i Report

C. National Association of Counties (NACo) Report

D. Western Interstate Region (WIR) Report

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

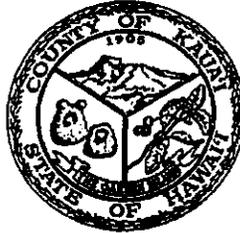
- A. Communication (September 3, 2015) from Council Chair Mel Rapozo, Kaua'i County Council, transmitting for the Executive Committee's consideration, A Bill For An Act Relating To Zoning to be included in the 2016 HSAC Legislative Package, which was approved by the Kaua'i County Council on September 2, 2015.

VII. ANNOUNCEMENTS

- A. Schedule the next meeting.
- B. Other announcements.

VIII. ADJOURNMENT

COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

September 3, 2015

RECEIVED

Executive Committee Members
Hawaii State Association of Counties
4396 Rice Street, Suite 209
Lihu'e, Hawaii 96766

'15 SEP -4 AM 12:24

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Dear Executive Committee Members:

**RE: PROPOSAL FOR INCLUSION IN THE 2016 HSAC
LEGISLATIVE PACKAGE**

On September 2, 2015, the Kaua'i County Council approved the following proposal for inclusion in the 2016 Hawaii State Association of Counties (HSAC) Legislative Package:

"A Bill For An Act Relating To Zoning," which distinguishes Single-Family residential use from Single-Family vacation rental use, and also allows for amortization by Ordinance for Single-Family Transient Vacation Rentals over a reasonable period of time.

Your consideration of the attached proposal to be included in the 2016 HSAC Legislative Package is appreciated. Should you have any questions, please feel free to contact the Office of the County Clerk, Council Services Division, at 241-4188.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel Rapozo".

MEL RAPOZO
Council Chair, Kaua'i County Council

AO:mn
Attachment

JUSTIFICATION SHEET

- PROPOSER:** Hawai'i State Association of Counties
- TITLE:** A Bill for an Act Relating to Zoning
- PURPOSE:** This proposed Bill for an Act distinguishes Single-Family residential use from Single-Family vacation rental use, and allows amortization by Ordinance for Single-Family Transient Vacation Rentals over a reasonable period of time.
- MEANS:** Amends Section 46-4 of the Hawai'i Revised Statutes (HRS)
- JUSTIFICATION:** This proposed Bill was introduced by several Legislators during the 2014 Hawai'i State Legislative Session, addressing the issue regarding Single-Family Transient Vacation Rentals and whether they should be treated as residential or resort units. It is evident that the vacation rental market has grown over the year and has significantly impacted many residential areas. The current statute allows certain vacation rental operations to circumvent many regulatory controls and claim their use is residential. To properly regulate and align non-conforming vacation rentals with other similar uses, this proposal distinguishes Single-Family residential use from Single-Family vacation rental use, and allows amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period of time.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO ZONING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1 Section 46-4, Hawaii'i Revised Statutes, is amended by
2 amending subsection (a) to read as follows:

3 "(a) This section and any ordinance, rule, or regulation adopted in
4 accordance with this section shall apply to lands not contained within the forest
5 reserve boundaries as established on January 31, 1957, or as subsequently
6 amended.

7 Zoning in all counties shall be accomplished within the framework of a long-
8 range, comprehensive general plan prepared or being prepared to guide the overall
9 future development of the county. Zoning shall be one of the tools available to the
10 county to put the general plan into effect in an orderly manner. Zoning in the
11 counties of Hawaii'i, Maui, and Kaua'i means the establishment of districts of such
12 number, shape, and area, and the adoption of regulations for each district to carry
13 out the purposes of this section. In establishing or regulating the districts, full
14 consideration shall be given to all available data as to soil classification and
15 physical use capabilities of the land to allow and encourage the most beneficial use
16 of the land consonant with good zoning practices. The zoning power granted herein
17 shall be exercised by ordinance which may relate to:

VI. NEW BUSINESS A.

____.B. NO. _____

- 1 (1) The areas within which agriculture, forestry, industry, trade, and
2 business may be conducted;
- 3 (2) The areas in which residential uses may be regulated or prohibited;
- 4 (3) The areas bordering natural watercourses, channels, and streams, in
5 which trades or industries, filling or dumping, erection of structures, and the
6 location of buildings may be prohibited or restricted;
- 7 (4) The areas in which particular uses may be subjected to special
8 restrictions;
- 9 (5) The location of buildings and structures designed for specific uses and
10 designation of uses for which buildings and structures may not be used or altered;
- 11 (6) The location, height, bulk, number of stories, and size of buildings and
12 other structures;
- 13 (7) The location of roads, schools, and recreation areas;
- 14 (8) Building setback lines and future street lines;
- 15 (9) The density and distribution of population;
- 16 (10) The percentage of a lot that may be occupied, size of yards, courts, and
17 other open spaces;
- 18 (11) Minimum and maximum lot sizes; and
- 19 (12) Other regulations the boards or city council find necessary and proper
20 to permit and encourage the orderly development of land resources within their
21 jurisdictions.

VI. NEW BUSINESS A.

____.B. NO. _____

1 The council of any county shall prescribe rules, regulations, and
2 administrative procedures and provide personnel it finds necessary to enforce this
3 section and any ordinance enacted in accordance with this section. The ordinances
4 may be enforced by appropriate fines and penalties, civil or criminal, or by court
5 order at the suit of the county or the owner or owners of real estate directly affected
6 by the ordinances.

7 Any civil fine or penalty provided by ordinance under this section may be
8 imposed by the district court, or by the zoning agency after an opportunity for a
9 hearing pursuant to chapter 91. The proceeding shall not be a prerequisite for any
10 injunctive relief ordered by the circuit court.

11 Nothing in this section shall invalidate any zoning ordinance or regulation
12 adopted by any county or other agency of government pursuant to the statutes in
13 effect prior to July 1, 1957.

14 The powers granted herein shall be liberally construed in favor of the county
15 exercising them, and in such a manner as to promote the orderly development of
16 each county or city and county in accordance with a long-range, comprehensive
17 general plan to ensure the greatest benefit for the State as a whole. This section
18 shall not be construed to limit or repeal any powers of any county to achieve these
19 ends through zoning and building regulations, except insofar as forest and water
20 reserve zones are concerned and as provided in subsections (c) and (d).

____.B. NO. _____

Report Title:

County Zoning; Single-Family Transient Vacation Rentals

Description:

Clarifies County zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allowing amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period.