

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING COMMITTEE**

March 15, 2002

**Committee**  
**Report No.**

02-43

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

Chair and Members:

Your Planning Committee, having met on February 1, 2001, May 3, 2001, July 5, 2001, August 2, 2001, August 16, 2001, October 18, 2001, January 10, 2002, and February 14, 2002, makes reference to County Communication No. 98-51, from Councilmember Alan Arakawa, relating to improving the process for updating the County's general and community plans.

Your Committee notes that this matter arises from concern that the County's process for updating the general and community plans is "broken." There have been complaints that the update process takes too long to be completed. By the time the Council reviews an updated plan, social conditions have changed, technical studies are outdated, and the Citizen Advisory Committees (CAC) have long since disbanded. There have also been complaints that the implementation and enforcement of plans have been lacking. As such, methods to improve the update, implementation, and enforcement of the County's general and community plans have been requested.

Your Committee further notes that County Communication No. 98-51 was referred to the 1997-1999 Planning Committee at the Council meeting of February 20, 1998.

By memorandum dated February 24, 1998, Councilmember J. Kalani English transmitted a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.80A.030 AND 2.80A.050 OF THE MAUI COUNTY CODE, RELATING TO CITIZEN ADVISORY COMMITTEES".

The purpose of the draft bill is to revise the order in which the CACs would review the County's nine community plans. Under the proposal, CACs would become the final body to review a community plan prior to referral to the Council. Under current law, it is the appropriate planning commission, and not the CACs, that is the final body to review a community plan before referral to the Council.

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The Committee met on this matter on March 3, 1998, March 17, 1998, and April 14, 1998. Following each meeting, the Committee deferred this matter pending further discussion.

By memorandum dated May 5, 1998, the Chair of the Committee submitted a draft proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 2.80A OF THE MAUI COUNTY CODE AND ADOPTING A NEW CHAPTER 2.80A RELATING TO AMENDING AND UPDATING THE GENERAL AND COMMUNITY PLANS".

The purpose of the proposed bill is to establish a procedure for a decennial update of the general and community plans, and a mid-decennial (five-year) review of community plans, each with a one-year deadline in order for a plan to be adopted.

The Committee met on this matter on May 11, 1998, and June 16, 1998. Following each meeting, the Committee deferred this matter pending further discussion.

At its meeting of December 1, 1998, the Committee recommended that County Communication No. 98-51 be referred to the Council Chair for the term beginning January 2, 1999, for a recommendation as to referral or other disposition.

At its meeting of January 15, 1999, the Council referred County Communication No. 98-51 to the 1999-2001 Planning Committee (County Communication No. 99-13, As Amended).

At its meeting of November 30, 2000, the Committee recommended that County Communication No. 98-51 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 98-51 to your Planning Committee (County Communication No. 01-23).

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Following referral of this matter, your Committee received 20 written testimonies offering suggestions to improve the general and community plan processes. Your Committee also received other correspondence.

At its meeting of February 1, 2001, your Committee met with the Planning Director and a Deputy Corporation Counsel.

Your Committee received verbal testimony from 13 persons offering suggestions to improve the general and community plan processes.

Your Committee deferred this matter pending further discussion.

By memorandum dated April 24, 2001, the Chair of your Committee transmitted a proposal suggesting that informal workshops be conducted to obtain community input regarding improving the County's general and community plan processes. The workshops would be facilitated by the Chair, and a maximum of four Committee members could attend, but no formal action would be taken. The workshops would be held under the provisions of the State Sunshine Law [Section 92-2.5(b), Hawaii Revised Statutes]. This section states that two or more members of a board, but less than the number of members which would constitute a quorum, may be assigned to investigate a matter relating to official business of their board.

At its meeting of May 3, 2001, your Committee met with the Planning Director, a Planner from the Department of Planning, and a Deputy Corporation Counsel.

Your Committee received verbal testimony from two persons offering suggestions to improve the general and community plan processes.

Your Committee voted to approve the informal workshops as proposed by the Chair of your Committee. The Deputy Corporation Counsel cautioned your Committee that a quorum of Committee members may not be present at any of the informal workshops.

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Your Committee deferred this matter pending the completion of the informal workshops.

At its meeting of July 5, 2001, your Committee met with the Planning Director; a Planner from the Department of Planning; a Programmer Analyst from the Management Information Systems Division, Department of Management; and a Deputy Corporation Counsel.

Your Committee received verbal testimony from six persons offering suggestions to improve the general and community plan processes. One of the testifiers made a presentation and submitted a handout describing how the progress of community plan implementing actions could be monitored using the County's KIVA computer tracking system. The Programmer Analyst agreed that the KIVA system was capable of such monitoring.

The Chair of your Committee submitted a report dated July 5, 2001, entitled "REPORT TO THE MAUI COUNTY COUNCIL'S PLANNING COMMITTEE, INFORMAL COMMUNITY WORKSHOPS TO IMPROVE THE GENERAL PLAN AND COMMUNITY PLAN UPDATE PROCESSES". The report presented the findings and recommendations of the informal workshops held between May 29<sup>th</sup> and June 11<sup>th</sup>, 2001, in each of the County's community plan districts except for Kahoolawe. The major recommendations contained in the report were as follows.

1. The plans should have the force and effect of law, and should be enforced.
2. The plans should be implemented by being more specific and prioritized.
3. The CACs should have more authority and longevity.
4. More emphasis needs to be placed on island-wide and inter-regional issues.
5. The plans should be updated more frequently, and with deadlines.

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6.     Public participation should be increased through increased public notice.

Your Committee deferred the matter pending further discussion.

At its meeting of August 2, 2001, your Committee met with the Planning Director; a Planner from the Department of Planning; a Deputy Corporation Counsel; Ben Kama, Executive Director, Neighborhood Commission, City and County of Honolulu; and Elwin Spray, Elections Coordinator, Neighborhood Commission, City and County of Honolulu.

Your Committee received verbal testimony from seven persons offering suggestions to improve the general and community plan processes. Mr. Kama and Mr. Spray provided an overview of the City and County of Honolulu's Neighborhood Board system.

Your Committee deferred this matter pending further discussion.

At its meeting of August 16, 2001, your Committee met with the Planning Director, a Planner from the Department of Planning, and a Deputy Corporation Counsel. Your Committee discussed various suggestions to improve the general and community plan processes, and deferred this matter pending further discussion.

At its meeting of October 18, 2001, your Committee met with the Planning Director; the Planning Program Administrator, Long-Range Planning Division, Department of Planning; and a Deputy Corporation Counsel.

Your Committee received verbal testimony from two persons offering suggestions to improve the general and community plan processes.

Your Committee voted to approve a second round of informal workshops to obtain community input regarding improving the County's general and community plan processes. As with the first round, the workshops would be held under the provisions of the State Sunshine Law [Section 92-2.5(b), Hawaii Revised Statutes] which provides that two or more members of a board, but less

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than the number of members which would constitute a quorum, may be assigned to investigate a matter relating to official business of their board.

Your Committee deferred this matter pending completion of the second round of informal workshops.

At its meeting of January 10, 2002, your Committee met with the Planning Program Administrator, Long-Range Planning Division, Department of Planning; and a Deputy Corporation Counsel.

Your Committee received verbal testimony from three persons offering suggestions to improve the general and community plan processes.

The Chair of your Committee submitted a report dated January 10, 2002, from Planning Committee Chair Charmaine Tavares, entitled "REPORT TO THE MAUI COUNTY COUNCIL'S PLANNING COMMITTEE, SECOND ROUND OF INFORMAL COMMUNITY WORKSHOPS TO IMPROVE THE GENERAL PLAN AND COMMUNITY PLAN UPDATE PROCESSES". The report presented the findings and recommendations of the informal workshops held between October 29<sup>th</sup> and December 5<sup>th</sup>, 2001.

The major recommendation contained in the report was that the CACs should become permanent bodies. The basic proposal was that the CACs would update their community plan, and thereafter the CAC would remain in place to review land use applications proposed by landowners. One member from each CAC would also serve on the appropriate planning commission. The CACs could also address other neighborhood issues and perhaps lessen the number of boards and commissions for the County.

It was recognized that many details need to be worked out before permanent CACs become a reality. But for the most part, permanent CACs were supported as a major means of improving the County's planning process.

Your Committee deferred this matter pending further discussion.

By memorandum dated February 7, 2002, the Chair of your Committee transmitted proposed amendments to the Charter of the County of Maui,

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specifically to Chapter 8, relating to the Department of Planning. The proposed Charter amendments were aimed at improving the general and community plan processes, and served the following specific objectives:

1. The CACs shall be permanent bodies charged with additional duties pertaining to promoting public participation, monitoring plan implementation and enforcement, and reviewing proposed development projects.
2. At least one member from each CAC shall be a member of the appropriate planning commission.
3. The Planning Director shall submit annual status reports on community plan implementation and enforcement.
4. The General Plan shall contain an inter-regional plan between the various community plan regions of the Island of Maui.
5. Community plan implementing actions shall be required to identify priorities, completion dates, estimated costs, and the County departments accountable for completion.

At its meeting of February 14, 2002, your Committee received verbal testimony from five persons offering suggestions to improve the general and community plan processes.

Your Committee voted to recommend Council approval of the proposed Charter amendments for the following reasons.

1. The amendments are responsive to the recommendations that were put forth by the public at the informal workshops.
2. The amendments represent a basic framework for improved planning that may be further detailed through amendments to the County Code.

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3.     The amendments will be more enduring if placed in the County Charter.
4.     The amendments only add to the current planning process. They do not take anything away.
5.     Transmittal of the amendments will assist the Charter Commission in its review of the planning process.

Your Committee is in receipt of a proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE DEPARTMENT OF PLANNING". The purpose of the proposed resolution is to amend the County Charter as recommended by your Committee.

Your Committee notes that Charter amendments initiated by the Council require that a proposed resolution be adopted on two readings on separate days, passed by a vote of six or more members of the Council.

Your Planning Committee RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE DEPARTMENT OF PLANNING" be ADOPTED.

Adoption of this report is respectfully requested.

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**CHARMAINE TAVARES** Chair

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**JO ANNE JOHNSON** Member

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**MICHAEL J. MOLINA** Vice-Chair

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**DAIN P. KANE** Member

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**ALAN M. ARAKAWA** Member

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**PATRICK S. KAWANO** Member

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**ROBERT CARROLL** Member

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**WAYNE K. NISHIKI** Member

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**G. RIKI HOKAMA** Member