

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

December 17, 2002

**Committee**  
**Report No.**     02-204

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

Chair and Members:

Your Planning Committee, having met on August 1, 2002, August 15, 2002, September 5, 2002, November 14, 2002, and December 5, 2002, makes reference to County Communication No. 98-51, from Councilmember Alan M. Arakawa, relating to improving the process for updating the County's General Plan and Community Plans.

Your Committee notes that it previously reported on this matter through Committee Report No. 02-43, which recommended that a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE DEPARTMENT OF PLANNING" be adopted. At its meeting of March 15, 2002, the Council referred Committee Report No. 02-43 to your Committee of the Whole, which subsequently recommended that the proposed resolution, as revised, be adopted. (Resolution No. 02-63).

Your Committee further notes that this matter arises from concerns that the County's process for updating the General Plan 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 By the time the Council reviews an updated plan, social conditions have changed, technical studies are outdated, and the citizen advisory committees have long since disbanded.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 Plan and Community Plans have been requested.

By correspondence dated July 29, 2002, the Planning Director transmitted a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A OF THE MAUI COUNTY CODE PERTAINING TO GENERAL PLANS, AND COMMUNITY PLANS". The purpose of the proposed bill is to amend the

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General Plan and Community Plan update process by requiring, among other things:

1. an island-wide land use strategy for Maui, Molokai and Lanai, developed by a General Plan advisory committee, and driven by a managed and directed growth plan, and urban and rural growth boundaries;
2. implementation programs for the General Plan and Community Plans containing numeric prioritization of implementing actions, identification of funding sources, benchmarks, and annual status reports; and
3. staggered consideration of Community Plan updates based upon the date of each plan's prior adoption.

At its meeting of August 1, 2002, your Committee met with the Planning Program Administrator, Long-Range Planning Division, Department of Planning; and a Planner from the Long-Range Planning Division, Department of Planning.

Your Committee received verbal testimony from one person offering suggestions to improve the General Plan and Community Plan process.

The Planning Program Administrator provided an overview of the draft bill through a PowerPoint slide presentation.

Your Committee deferred this matter pending further discussion.

By correspondence dated August 12, 2002, your Committee Chair transmitted a copy of the "MAUI COUNTY COMMUNITY PLAN UPDATE PROGRAM: SOCIO-ECONOMIC FORECAST" (Phase I Report, Final Version, dated June 14, 2002).

At its meeting of August 15, 2002, your Committee met with the Planning Program Administrator, Long-Range Planning Division, Department of Planning; and a Deputy Corporation Counsel.

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Your Committee received verbal testimony from one person offering suggestions to improve the General Plan and Community Plan update process.

The Chair of your Committee submitted a matrix document entitled "METHODS TO IMPROVE THE GENERAL AND COMMUNITY PLAN PROCESS COMPARATIVE ANALYSIS OF PROPOSED BILL AND INFORMAL MEETING RECOMMENDATIONS", dated August 15, 2002.

Your Committee notes that last year it conducted two rounds of informal public workshops in each of the County's Community Plan districts, except for Kahoolawe. The major recommendations brought forth by the public at the workshops were as follows.

1. The County's plans should have the force and effect of law, and should be enforced.
2. The County's plans should be implemented by being more specific and prioritized.
3. The County's citizen advisory committees should have more authority and longevity in order to provide recommendations regarding the County's plans.
4. The County's plans need more emphasis on island-wide and inter-regional issues.
5. The County's plans should be updated more frequently, and with deadlines.
6. Public participation in the planning process should be increased through enhanced public notice.

Your Committee reviewed the matrix document in the context of how the draft bill addressed the recommendations from the informal workshops. Your Committee noted that all of the informal workshop recommendations were addressed in the draft bill.

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Your Committee deferred this matter pending further discussion.

At its meeting of September 5, 2002, your Committee met with the Planning Program Administrator, Long-Range Planning Division, Department of Planning; and a Planner from the Long-Range Planning Division, Department of Planning.

Your Committee received verbal testimony from five persons offering suggestions to improve the General Plan and Community Plan process.

Your Committee exchanged comments regarding the draft proposed bill.

Your Committee also noted that the draft bill intermixed General Plan and Community Plan processes into the same sections of the bill. This made the bill somewhat difficult to read. Your Committee requested that the draft bill be revised in order to recodify the General Plan process and the Community Plan process into separate sections of the bill.

Your Committee deferred this matter pending further discussion.

By correspondence dated October 31, 2002, your Committee Chair transmitted a revised draft bill entitled "A BILL FOR AN ORDINANCE PERTAINING TO THE GENERAL PLAN AND THE COMMUNITY PLANS". The purpose of the revised draft bill is to recodify the General Plan process and the Community Plan process into separate sections of the bill.

At its meeting of November 14, 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 seven persons offering suggestions to improve the General Plan and Community Plan update process. Two of the testifiers also expressed concerns about the "urban and rural growth boundaries" provided for in the draft bill. In addition, four written testimonies were received.

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The Chair of your Committee submitted a matrix document entitled "REVISED DRAFT BILL TO IMPROVE THE GENERAL AND COMMUNITY PLAN PROCESS", dated November 14, 2002. The matrix document contained the aforementioned draft bill, and proposed revisions that were submitted by Committee members and the Department of Planning, or were made necessary by the Charter amendments that were approved by the voters at the November 5 General Election.

Your Committee revised the draft bill as follows:

1. accepted all revisions made necessary by the Charter amendments;
2. deleted the phrase "distribution of projected population and economic growth" in order to widen the criteria for a managed and directed growth plan;
3. inserted "telecommunications systems" as an infrastructure to be assessed;
4. inserted "environmental resources" as a resource to be inventoried;
5. increased the amount of time the General Plan advisory committee has to forward its recommendations from 120 to 180 days;
6. provided that the Council or Mayor may reappoint their General Plan advisory committee members to serve on the Community Plan advisory committees; and
7. provided that where a Community Plan revision directly triggers a General plan revision, both revisions shall be processed concurrently.

Your Committee deferred action on one proposed revision: whether all administrative actions by the County, including, but limited to, the issuance of building permits, other ministerial actions, discretionary actions, and all other administrative actions of any type shall conform to the General Plan.

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Your Committee deferred this matter pending further discussion.

By correspondence dated November 25, 2002, the Chair of your Committee requested that the Department of the Corporation Counsel review potential conflicting Charter amendments as it related to the revised draft bill, and, if necessary, provide proposed revisions.

At its meeting of December 5, 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 11 persons offering suggestions to improve the General Plan and Community Plan update process. Six of the testifiers expressed concerns about the "urban and rural growth boundaries" provided for in the draft bill. In addition, four written testimonies were received.

The Chair of your Committee submitted a matrix document entitled "REVISED DRAFT BILL ENTITLED 'A BILL FOR AN ORDINANCE PERTAINING TO THE GENERAL PLAN AND THE COMMUNITY PLANS'", dated December 5, 2002. The matrix document contained the draft bill as revised at your Committee's November 14th meeting, and further proposed revisions that were submitted.

Your Committee revised the draft bill as follows:

1. accepted further revisions made necessary by the Charter amendments;
2. inserted a purpose and intent section;
3. inserted a provision clarifying that the plans may contain regulatory provisions identifying regulatory planning standards, and that such regulatory planning standards shall be implemented through revisions to the Maui County Code or other appropriate means;

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4. changed the urban and rural growth "boundaries" to urban and rural growth "areas", which shall be both consistent and "illustrative" of the General Plan;
5. stated that "preparation" of the County's budget and capital improvement program shall implement the General Plan;
6. created General Plan advisory committees for Lanai and Molokai, in addition to Maui;
7. provided that the Planning Director shall furnish the boundaries of Community Plan districts to the U.S. Census Bureau to request that census tracts be in conformance;
8. required that Community Plans shall contain a listing of scenic sites and resources, as well as an identification of bikeways;
9. clarified that action elements in Community Plans shall be broken down into both 10- and 20-year horizons;
10. required that project districts shall identify proposed land uses by percentage of total acreage and density;
11. required that planning commissions shall hold its Community Plan public hearings in the appropriate Community Plan district;
12. clarified that applications for non-decennial Community Plan amendments need not contain required information if that information is not applicable; and
13. clarified that notification of a proposed Community Plan amendment shall be provided of owners and lessees within 500 of "the boundaries" of the subject parcel.

Your Committee did not approve the proposed revision requiring that all administrative actions of any type shall conform to the General Plan. Your

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Committee felt that the impacts of such a requirement were unknown and potentially widespread.

Your Committee voted to recommend that the revised draft bill, as further revised by your Committee, be passed on first reading.

Your Committee is in receipt of a proposed bill, approved as to form and legality by the Department of the Corporation Counsel, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80A, MAUI COUNTY CODE, PERTAINING TO THE GENERAL PLAN AND THE COMMUNITY PLANS". The purpose of the proposed bill is to provide an improved process to update the County's General Plan and Community Plans.

Your Planning Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2002), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80A, MAUI COUNTY CODE, PERTAINING TO THE GENERAL PLAN AND THE COMMUNITY PLANS" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 98-51 be FILED.

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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**DANNY A. MATEO** Member

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**ROBERT CARROLL** Member

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**WAYNE K. NISHIKI** Member

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**G. RIKI HOKAMA** Member