

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

July 22, 2014

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on July 3, 2014, makes reference to the following:

1. County Communication 14-138, from Councilmember Don S. Guzman, on the matter of amending the Maui Island Plan Implementation Program relating to the establishment of permanent community plan area advisory committees;
2. County Communication 14-139, from Councilmember Don S. Guzman, on the matter of amending the Maui Island Plan Implementation Program relating to the County's establishment of an infrastructure funding strategy;
3. County Communication 14-140, from Council Chair Gladys C. Baisa, on the matter of amending the Maui Island Plan Implementation Program relating to time limits on future community plan and zoning entitlements; and
4. County Communication 14-141, from Councilmember Donald G. Couch, Jr., on the matter of amending the Maui Island Plan Implementation Program relating to additional funding sources for infrastructure improvements, stronger Planning Director oversight of Environmental Impact Statement and Environmental Assessment preparation, and the County's discretion to require updating and resubmission of outdated documentation in land use applications.

The purpose of the communications is to identify possible amendments to the Maui Island Plan Implementation Program ("Implementation Program").

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Pursuant to Chapter 2.80B, Maui County Code (“MCC”), the General Plan consists of three components: the Countywide Policy Plan, the Maui Island Plan, and the community plans. The Countywide Policy Plan was enacted by Ordinance 3732 (2010), the Maui Island Plan by Ordinance 4004 (2012), and the Implementation Program by Ordinance 4126 (2014).

The Implementation Program is a chapter of the Maui Island Plan. Pursuant to Section 2.80B.030(G)(4), MCC, it includes a capital improvement element, a financial element, and an implementation schedule.

Your Committee noted the Implementation Program amendments would be nondecennial amendments to the General Plan. Pursuant to Section 2.80B.060(A), MCC, nondecennial amendments to the General Plan shall be referred to the appropriate planning commission for findings and recommendations, and pursuant to Section 2.80B.060(C), MCC, prior to approving such amendments, the Council shall hold public hearings on Lanai, Maui, and Molokai. Your Committee expressed interest in considering legislation that would require hearings for island-specific General Plan amendments only on the relevant island. The Chair of your Committee stated his intent to separately introduce legislation on this matter.

On the matter of establishing permanent community plan area advisory committees (“CPACs”), your Committee notes CPACs are currently convened, on a temporary basis, to provide advice on decennial community plan updates. Your Committee noted the proposed permanent CPACs could be similar to the neighborhood boards in the City and County of Honolulu. The Maui Planning Commission (“Commission”) could refer applications for land use changes to the proposed CPACs.

The Planning Director stated the length of the application review process is already a concern, and the proposed CPACs would add to the process. As an example, he informed your Committee nine months is added to the timeline when an application is referred to the Hana Advisory Committee, which advises the Commission on East Maui matters. The Director also identified additional staffing requirements for administration of the proposed CPACs.

Your Committee noted potential implementation challenges with the establishment of permanent CPACs and opportunities for community input on land use applications already exist. To facilitate even more community input, the Commission could be encouraged to hold more regular hearings in the various community plan areas.

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Your Committee further noted requiring the Commission to have a member from each community plan area may also help to ensure community input. The Chair of your Committee stated his intent to separately introduce legislation on this matter.

On the matter of establishing an infrastructure funding strategy, your Committee noted a Capital Program is enacted each year as part of the fiscal year budget, as described in Section 9-6 of the Revised Charter of the County of Maui (1983), as amended.

On the matter of time limits on future community plan and zoning entitlements, a Deputy Corporation Counsel stated the Council has the ability to set time limits. He further advised the Council has the authority to downzone properties for non-compliance with conditions. Your Committee expressed interest in requiring the Council to include time limits on conditions for future entitlements, and in having a mechanism for regular review of all time-limit conditions. The Chair of your Committee stated his intent to separately introduce legislation on this matter.

Your Committee noted interest in amending the Implementation Program on the matters of additional infrastructure funding sources, stronger Planning Director oversight of environmental documents, and requiring outdated application documentation to be updated. The Chair of your Committee stated his intent to separately introduce legislation on this matter.

Your Committee voted 5-0 to recommend filing of County Communication 14-138. Committee Chair Couch, Vice-Chair Victorino, and members Baisa, Crivello, and Guzman voted "aye". Committee members Cochran and White were excused.

Your Committee voted 5-1 to recommend filing of County Communication 14-139. Committee Chair Couch, Vice-Chair Victorino, and members Baisa, Cochran, and Crivello voted "aye". Committee member Guzman voted "no". Committee member White was excused.

Your Committee voted 6-0 to recommend filing of County Communications 14-140 and 14-141. Committee Chair Couch, Vice-Chair Victorino, and members Baisa, Cochran, Crivello, and Guzman voted "aye". Committee member White was excused.

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Your Planning Committee RECOMMENDS the following:

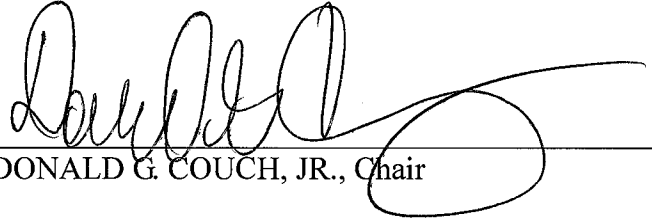
1. That County Communication 14-138 be FILED;
2. That County Communication 14-139 be FILED;
3. That County Communication 14-140 be FILED; and
4. That County Communication 14-141 be FILED.

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



DONALD G. COUCH, JR., Chair

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