

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

April 10, 2007

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

07-48

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

Chair and Members:

Your Public Works and Facilities Committee, having met on March 14, 2007, makes reference to County Communication No. 05-255, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, PERTAINING TO APPLICATION AND PROCEDURES".

The purpose of the proposed bill is to streamline the application process for various permits and approvals processed by the Department of Planning.

Your Committee notes that the Council referred County Communication No. 05-255 to its Public Works Committee at the Council meeting of August 5, 2005.

At its meeting of August 29, 2005, the Public Works Committee met with the Director of Public Works and Environmental Management; the Assistant Engineering Program Manager, Development Services Administration Division, Department of Public Works and Environmental Management; the Administrative Planning Officer, Department of Planning; and a Deputy Corporation Counsel.

The Committee received public testimony from Mahealani Ventura-Oliver of Luna Hoomalu, Luna Kanawai; and Dr. Petro Hoy, Ambassador to the United Nations and Member of the International Diplomatic Corps. Both testifiers addressed general concerns relating to native Hawaiian claims on property considered for development, and submitted written testimony describing their concerns. In addition, Ms. Ventura-Oliver suggested that the proposed bill be revised to require that all permit applicants provide legal evidence showing undisputed ownership of the property affected by the proposed development.

The Director of Public Works and Environmental Management stated that in accordance with Section 19.510.010, Maui County Code (MCC), the Department of Planning currently transmits applications to the Department of Public Works and Environmental Management, for the purpose of checking whether the application is considered complete. He stated that this provision stems from a previous period in time

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

April 10, 2007  
Page 2

**Committee**  
**Report No.**      07-48

when the Department of Public Works and Environmental Management was involved in zoning administration. He further stated that the zoning administration functions were reassigned to the Department of Planning after a 1996 amendment to the Revised Charter of the County of Maui (1983), as amended (County Charter amendment).

The Director further stated that the proposed bill would eliminate the transmittal of applications for permits and approvals to and from the Department of Public Works and Environmental Management, thereby, eliminating unnecessary paperwork for both departments. He noted that this change could shorten the time needed to process permit applications by one to three weeks.

The Administrative Planning Officer stated that the Department of Planning is preparing a wide range of revisions to Title 19, MCC. He further stated that any change to Title 19, including the proposed bill, would need to be referred to all three planning commissions for review and approval prior to any Council action.

The Committee discussed the impact of the proposed bill on the Central Coordinating Agency created by the State, as well as the upcoming audit of the Department of Planning.

The Committee deferred consideration of the matter pending further discussion.

By correspondence dated August 26, 2005, the Planning Director transmitted written comments regarding changes to the proposed bill.

By correspondence dated November 16, 2006, the Planning Director transmitted the Department of Planning's report and agency comments, and draft minutes of the Maui, Molokai, and Lanai Planning Commissions' meetings on this matter. All three planning commissions as well as the Department of Planning recommended that the proposed bill be passed.

At its meeting of February 2, 2007, the Council referred County Communication No. 05-255 to your Public Works and Facilities Committee (County Communication No. 07-58).

At its meeting, your Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

There was no public testimony.

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC WORKS AND  
FACILITIES COMMITTEE**

April 10, 2007  
Page 3

**Committee**  
**Report No.** 07-48

The Director of Public Works and Environmental Management stated that the provisions of Section 19.510.010, MCC, reflect a period in time when the Department of Public Works and Environmental Management was involved in zoning administration. Since the County Charter amendment in 1996, zoning administration functions were reassigned to the Department of Planning. The proposed bill will eliminate the transmittal to and from the Department of Public Works and Environmental Management, thereby, streamlining the application process for the Department of Planning by one to three weeks.

Your Committee voted to recommend passage of the revised proposed bill and filing of the communication.

Your Committee is in receipt of a further revised proposed bill, changing the date of the bill from "2005" to "2007".

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Bill No. \_\_\_\_\_ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, PERTAINING TO APPLICATION AND PROCEDURES", be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**; and
2. That County Communication No. 05-255 be **FILED**.

Adoption of this report is respectfully requested.

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

April 10, 2007  
Page 4

**Committee**  
**Report No.** 07-48

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**BILL KAUAKEA MEDEIROS** Co-Chair

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**DANNY A. MATEO** Member

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**MICHAEL P. VICTORINO** Co-Chair

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**JOSEPH PONTANILLA** Member

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**G. RIKI HOKAMA** Member