

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 17, 2008

**Committee
Report No.**

08-130

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

Chair and Members:

Your Planning Committee, having met on September 30, 2008, makes reference to County Communication No. 08-213, from the Planning Director, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE MAUI GENERAL PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MAUI ISLAND PLAN".

The purpose of the proposed resolution is to extend the deadline for consideration of the draft Maui Island Plan by the Maui General Plan Advisory Committee (GPAC) from October 21, 2008 to January 31, 2009, pursuant to Chapter 2.80B, Maui County Code (MCC).

Your Committee notes that, according to Chapter 2.80B, MCC, the Maui Island Plan is a component of the General Plan and that review of the Maui Island Plan by the Maui GPAC is part of the decennial General Plan Update.

Your Committee further notes that Section 2.80B.050(C)(2), MCC, states:

No later than one hundred eighty days after the Maui planning commission holds its first public hearing to discuss the Maui island plan, the Maui planning commission shall transmit the following to the council: the proposed revisions prepared and recommended by the planning director; the general plan advisory committee's recommendations and proposed revisions; and the planning commission's recommendations, findings, and proposed revisions. The council may, by resolution, extend the time within which the transmittal may be made.

In addition, your Committee notes that the Department of Planning determined that the Maui GPAC's deadline for review of the Maui Island Plan is October 21, 2008.

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By correspondence dated September 23, 2008, the Chair of your Committee requested that the Planning Director provide additional information about the General Plan Update.

By correspondence dated September 26, 2008, the Planning Director provided a timeline for the General Plan Update and related budgetary information. The Planning Director provided a breakdown of the \$610,537 in costs to prepare the draft Countywide Policy Plan, draft Maui Island Plan, and related General Plan technical studies. The Planning Director's timeline estimates that the Council's review of the draft Maui Island Plan will be completed by September 2010.

At its meeting, your Committee met with the Planning Program Administrator, Department of Planning; a Planner, Department of Planning; and a Deputy Corporation Counsel.

Maui GPAC member, Susan Moikeha, provided your Committee with a list of the investigative review committees and the investigative review committees' calendar for September 2008 through December 2008.

Your Committee received public testimony from 14 people in support of the proposed resolution. Some testifiers provided commentary on the practical difficulties associated with the Maui GPAC's work on the draft Maui Island Plan. Several testifiers discussed the investigative review committees established by the Maui GPAC pursuant to Section 92-2.5(b), Hawaii Revised Statutes, to allow the Maui GPAC to conduct investigations and provide findings and recommendations on various subjects without the need to accept public testimony, draft meeting minutes, or perform other tasks normally required of bodies subject to the Sunshine Law. Some testifiers suggested that the proposed resolution be amended to provide the Maui GPAC with more time to complete its work on the draft Maui Island Plan or to establish conditions relating to the conduct of the investigative review committees. Your Committee also received one written testimony in support of the proposed resolution.

Your Committee expressed concern about the significant public resources that have been expended on the General Plan Update thus far and that are projected to be expended over the next two years.

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In addition, your Committee expressed concern about the Maui GPAC's ability to complete its work by January 31, 2009. Therefore, your Committee voted to revise the proposed resolution by establishing a new deadline of March 1, 2009.

Your Committee also expressed concern about the lack of openness associated with the meetings of the investigative review committees. Consequently, your Committee voted to amend the proposed resolution to provide that any meetings of any investigative review committees, legally formed by the Maui GPAC, shall be conducted in full view of the public.

Your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Committee is in receipt of a revised proposed resolution incorporating your Committee's recommendations.

Your Planning Committee RECOMMENDS the following:

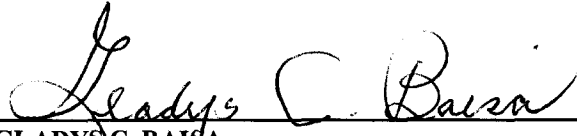
1. That Resolution No. _____, as revised herein and attached hereto, entitled "APPROVING A TIME EXTENSION FOR THE MAUI GENERAL PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MAUI ISLAND PLAN", be ADOPTED; and
2. That County Communication No. 08-213 be FILED.

Adoption of this report is respectfully requested.

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GLADYS C. BAISA Chair

BILL KAUAKEA MEDEIROS Member

JO ANNE JOHNSON Vice-Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Member

Resolution

No. _____

APPROVING A TIME EXTENSION FOR THE MAUI
GENERAL PLAN ADVISORY COMMITTEE TO REVIEW
THE DRAFT MAUI ISLAND PLAN

WHEREAS, Section 2.80B.040(D)(2), Maui County Code, provides as follows:

"2. No later than one hundred eighty days after the Maui general plan advisory committee holds its first public meeting after its receipt of the Maui island plan, the Maui general plan advisory committee shall forward its recommendations and proposed revisions to the planning director unless the council, by resolution, extends the time within which to forward the recommendations."; and

WHEREAS, the Maui general plan advisory committee held its first public meeting after receipt of the draft Maui island plan on April 24, 2008; and

WHEREAS, the Maui general plan advisory committee believes that the Maui island plan will be deficient unless additional time to complete a thorough review of the draft Maui island plan is provided; now, therefore,

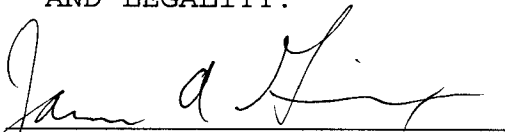
BE IT RESOLVED by the Council of the County of Maui:

1. That the Maui general plan advisory committee be granted until March 1, 2009 to complete its review of the draft Maui island plan; provided, that any investigative review committee legally formed by the Maui general plan advisory committee shall conduct its meetings in full view of the public; and

Resolution No. _____

2. That certified copies of this Resolution be transmitted to the Mayor and the Planning Director.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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