

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

August 24, 2018

Committee
Report No. _____

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on July 31, 2018, makes reference to County Communication 18-200, from Councilmember Don S. Guzman, relating to greenprinting and strategic conservation planning for open space, natural resources, cultural resources, and scenic views preservation.

By correspondence dated July 16, 2018, the Chair of your Committee transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 2.82, MAUI COUNTY CODE, RELATING TO OPEN SPACE CONSERVATION AND LAND MANAGEMENT." The purpose of the proposed bill is to establish a new chapter in the Maui County Code to guide decision making for purchasing or otherwise acquiring lands or property interests for land conservation purposes pursuant to Chapter 3.88, Maui County Code ("MCC"), and to establish procedures for long-term conservation planning and management of lands with open space, natural resources, cultural resources, and scenic views values.

The Chair of your Committee also transmitted a revised proposed bill incorporating clarifying revisions.

Your Committee noted the voters approved an amendment to the Revised Charter of the County of Maui (1983), as amended, in 2002, to authorize the appropriation of a minimum of 1 percent of the certified real property tax revenues to a fund known as the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund ("Open Space Fund"). Pursuant to Charter Section 9-19, revenues in the Open Space Fund are required to be used to acquire lands or property

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entitlements for land conservation for purposes including public outdoor recreation and education; preservation of historic or culturally important land areas; protection of significant habitat or ecosystems; preserving forests, beaches, coastal areas and agricultural lands; protecting watershed lands to preserve water quality; reducing erosion, floods, landslides, and runoff; and improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities.

Chapter 3.88, MCC, establishes procedures for the administration and expenditure of revenues in the Open Space Fund, as authorized by Charter Section 9-13(3).

Your Committee notes that, despite the creation of the Open Space Fund with a dedicated funding source, guidance in determining which lands to acquire is lacking. Currently, land acquisition appears to be prompted by the Mayor or Council learning of lands available for sale, and a determination those lands would fit within the purposes of the Open Space Fund. Decision making, therefore, tends to be reactive rather than proactive.

Your Committee further notes the revised proposed bill defines a “greenprint” to mean “a strategic conservation plan and tool based on local conservation priorities and grounded in science to meet the County’s conservation goals of protecting important cultural, historical, agricultural, natural, coastal, and scenic landscapes, as described in section 2.82.050 of this chapter.” The revised proposed bill contemplates establishing a conservation planning committee that would assist with and oversee the creation of a Countywide greenprint and provide advice and recommendations related to the purposes of the chapter. The committee would be a Sunshine Law board with transparent proceedings.

Representatives of The Nature Conservancy said one of the purposes of the greenprint would be to identify and prioritize lands in the County that are important for conservation, and plan accordingly. A greenprint of conservation plans would provide an informational tool for the County and

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private entities to incorporate natural resource conservation early in planning processes. Creating a greenprint would reduce siloed planning processes, promote community engagement in conservation planning, and provide direction for conservation investment through the Open Space Fund. In approaching a greenprint, the question of what is important in the County's landscape would be evaluated, and the multiple benefits of open space would be considered.

Your Committee notes creating the greenprint would likely involve a third-party entity with expertise in creating such plans. The Nature Conservancy representatives said although they did not have the capacity to create the greenprint, their organization or the Hawaiian Islands Land Trust may be interested in serving on the committee or in an advisory capacity.

In addition to providing a procedural framework for a Countywide greenprint, the revised proposed bill also authorizes the conservation planning committee, at the request of the Mayor or the Council, to prepare plans for management of lands acquired through the Open Space Fund, to be submitted to the Council for review and approval. By its own terms, the legislation would take effect January 2, 2019.

The Chair of your Committee requested the revised proposed bill be reviewed by each of the County executive offices or departments that would serve on the conservation planning committee pursuant to Section 2.82.040, MCC, or in the proposed implementation of safety and security measures for the management of land pursuant to Section 2.82.060, MCC. These include the Office of the Mayor and the Departments of Management, Public Works, Planning, Parks and Recreation, Fire and Public Safety, and Police.

The Managing Director said the Departments had met to discuss the revised proposed bill and the Mayor had expressed his full support of the proposal. He said the Departments involved feel there is a positive result to be achieved by the legislation. He also said the Departments' concerns

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deal primarily with resources, including staffing and funding for implementation. Your Committee noted a budget amendment in 2019 may be needed to accommodate the work.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Guzman and members Atay, Carroll, Crivello, and Sugimura voted "aye." Committee Vice-Chair King and members Cochran, Hokama, and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS the following:

1. That Bill _____ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 2.82, MAUI COUNTY CODE, RELATING TO OPEN SPACE CONSERVATION AND LAND MANAGEMENT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-200 be FILED.

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



DON S. GUZMAN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 2.82, MAUI COUNTY CODE, RELATING TO OPEN SPACE CONSERVATION AND LAND MANAGEMENT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 2, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 2.82

OPEN SPACE CONSERVATION AND LAND MANAGEMENT

- 2.82.010 Purpose.
- 2.82.020 Definitions.
- 2.82.030 Administration.
- 2.82.040 Conservation planning committee.
- 2.82.050 Greenprint.
- 2.82.060 Land acquisition and management.
- 2.82.070 Rules.

2.82.010 Purpose. The purpose of this chapter is to guide decision making for purchasing or otherwise acquiring lands or property interests for land conservation purposes pursuant to chapter 3.88 of this code and to establish procedures for long-term conservation planning and management for lands with open space, natural resources, cultural resources, and scenic views values.

2.82.020 Definitions. Whenever used in this chapter, the following words shall have the meaning indicated:

“Committee” means the conservation planning committee.

“Council” means the Maui County council.

“Greenprint” means a strategic conservation plan and tool based on local conservation priorities and grounded in science to meet the County’s conservation goals of protecting important cultural, historical, agricultural, natural, coastal, and scenic landscapes, as described in section 2.82.050 of this chapter.

“Mayor” means the mayor of the County of Maui.

2.82.030 Administration. Unless otherwise specified, the mayor or mayor's designee shall administer the provisions of this chapter and shall provide administrative support to the committee.

2.82.040 Conservation planning committee. A. There is established a conservation planning committee consisting of the following nine voting members and three ex-officio non-voting members:

1. One representative: Office of the mayor.
2. Managing director or director's designee.
3. Director of public works or director's designee.
4. Planning director or director's designee.
5. Director of parks and recreation or director's designee.
6. One representative: Hawaii-based conservation group or land trust.
7. One council member.
8. Two representatives: general public.
9. Ex-officio non-voting members: one representative each from the State department of land and natural resources, the Sustainable Science Management program at the University of Hawaii Maui College, and the County information technology division.

B. The council member shall be appointed by the council for a term concurrent with the council member's term of office. The representative from the office of the mayor shall be appointed by the mayor without approval by the council for a term concurrent with the mayor's term in office. The general public and land trust/conservation members of the committee shall be nominated by the mayor, approved by the council, and serve staggered terms of five years.

C. Additional stakeholders may be involved as resource persons on an ad hoc basis, including subject matter experts, cultural practitioners, and stakeholders for specific lands, including lineal descendants, but shall not be considered members of the committee.

D. The committee shall assist with and oversee the creation of the Countywide greenprint, as well as provide advice and recommendations to the mayor, council, and departments related to the purposes of this chapter.

2.82.050 Greenprint. Utilizing public outreach, the general plan, and other community and documentary resources, including land conservation organizations, a comprehensive conservation

plan, also known as a greenprint, shall be created which includes a geographic information systems map. The greenprint shall guide land acquisition by the County for open space, natural resources, cultural resources, and scenic views preservation purposes, and help to identify lands suitable for voluntary private-sector conservation. The greenprint shall be adopted by the committee and submitted to the council by January 1, 2021. The committee shall oversee the review and update of the Countywide greenprint, which shall be submitted to the council every five years thereafter.

2.82.060 Land acquisition and management. A. The committee shall review and provide its recommendation on acquisition of land or property interests to the mayor and council within 120 days of transmittal of a request for review consistent with the purposes and values identified in the greenprint or this chapter.

B. At the request of the mayor or the council, the committee shall prepare plans for management of lands acquired pursuant to chapter 3.88 of this code. Plans shall be submitted to the council for review and approval within 180 days of the council providing notice of the acquisition of the land to the committee. Plans shall include, but not be limited to, the following:

1. Long-term vision.
 - a. Detailed plan and vision for the use of the land, whether passive or active, including economic or social benefits.
 - b. Outline of community partnerships for carrying out vision for the land.
2. Maintenance.
 - a. Description of necessary maintenance.
 - b. Detailed outline of maintenance plans, schedules, and entity responsible for each task.
 - c. Estimated annual cost to the County for maintenance.
3. Safety and security.
 - a. Plans for addressing safety and security concerns.
 - b. Estimated annual cost to the County to address safety and security concerns.
 - c. Safety and security plans shall be reviewed and approved by the department of police and department of fire and public safety.
4. Signage.
 - a. Description and verbiage for necessary signage, approved by the department of the corporation counsel.
 - b. Estimated cost to the County to produce, install, and maintain signage.

c. Timeline for production and installation of signage by the department of public works.

5. Designated entities. All plans for land management and maintenance shall identify the County department or private entity responsible for each component of plan implementation.

2.82.070 Rules. The committee may adopt administrative rules of practice and procedure pursuant to chapter 91, Hawaii Revised Statutes.”

SECTION 2. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

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