

To: Chair Kelly King, Planning Committee  
Maui County Council

From: Albert Perez, Executive Director  
Maui Tomorrow Foundation, Inc.

Re: PC-2 CC 16-98, Molokai Community Plan Update

Date: February 15, 2018

Aloha Chair King and Members of the Planning Committee,

When you go through the minutes of the Molokai CPAC, it becomes clear that the Molokai community was very concerned about keeping Molokai, Molokai. It also becomes clear that the Planning Department was determined to have things their way, to the point where they would state that they would be asking the Council to approve things that the CPAC specifically rejected. For example, the Planning Department wanted to eliminate the Conservation designation from the Community Plan. The CPAC felt that leaving the Conservation designation in would provide double protection in case the State Land Use district boundary was amended. The Planning Department said that they would be asking the Council to eliminate it anyway.

The Planning Department has repeatedly said that the Community Plans do not control detailed land use. However, that is one of the purposes of the Community Plans, as stated in the Maui County Charter, Section 8-8.5.5:

The community plans created and revised by the citizen advisory committees shall set forth, in detail, land uses within the community plan regions of the county.

Based on the minutes of the meetings, it is clear that both the Molokai Community Plan Advisory Committee and the Molokai Planning Commission had serious doubts about these types of statements by Planning Department staff. Example statements include:

On page 3 of the May 20, 2015 CPAC minutes, William Spence said, "The community plans are not law but do provide direction for decision making."

On page 7 of the July 15, 2015 CPAC minutes, Pam Pogue (now Pam Eaton) said, "Community plan land use designations do not have the force of law, but they have the will of the community."

These statements fly in the face of state law. HRS 46-4 says that,

Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall

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development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect. Zoning in the counties of Hawaii, Maui and Kauai means the establishment of districts of such number, shape, and area, and the adoption of regulations for each district to carry out the purposes of this section.

Any statements in the plan that say the community plan is not regulatory need to be removed.

In addition, notations on the maps say that they are not for regulatory purposes:

**This map is for planning purposes only and should not be used as a regulatory map.**



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This language needs to be removed for maps that show community plan land use designations, such as Maps 6.2, 6.3 and 6.4.

An incredible amount of time, energy, and thought has been put in on developing the community plans throughout Maui County. Hundreds of ordinary citizens, county staff, Planning Commissioners, and Council members spent years developing these plans – all of which would be rendered meaningless if language such as that proposed were to be adopted. Not only would this run completely counter to good planning practice, and be contrary to state and county law, but it would send a terrible message to the people who participated for many years, pouring their hearts and aspirations into developing the Community Plan, crafting a better future for their community.

When next we need citizen volunteers, who will want to answer the call? This language would run counter to the stated intent of 2.80B, “to increase public and community participation in the planning process.”

Maui Tomorrow respectfully requests that any such language be removed. We also request that work begin in earnest to revise zoning designations and zoning standards to conform with the wishes of the people in the various communities of Maui County, as expressed in the objectives, policies and land use designations of their versions of their respective Community Plans.

Mahalo nui loa.