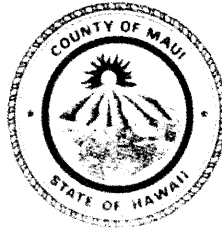


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
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April 11, 2019

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COUNTY COUNCIL

Ms. Michele M. Yoshimura *MJY*
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Michael P. Victorino 4/12/19

Mayor Date

For Transmittal to:

Honorable Keani Rawlins-Fernandez
Chair, Economic Development and Budget Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez:

SUBJECT: FISCAL YEAR ("FY") 2020 BUDGET (PL-10) (EDB-1)

Thank you for your letter dated April 10, 2019 with further questions about the FY20 budget narrative for the Department of Planning (Department). Please consider the following in response:

1. We do not include annual employee evaluations as a performance goal because we see these as a fundamental day-to-day function of the Department that must be performed, not a goal that we aspire to achieve. With very few exceptions, all personnel have annual evaluations and periodic check-ins (ideally quarterly) with their supervisor.
2. The Development Services Administration (DSA) within the Department of Public Works administers building permits. DSA routes many – but not all – building permits to the Department for review for zoning compliance. We review 100 percent of the building permits that are routed to us, and we investigate 100 percent of the zoning complaints that we receive unless it is determined that the complaint does not pertain to the Department.

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3. High (or low) numbers of permits or exemptions issued do not indicate performance or achievement of our goals; this statistic, and similar statistics, are included in the Department's performance measures as a means to provide basic data.
4. The annual Coastal Zone Management (CZM) grant that the Department receives via the State CZM Program has generally been secured. We have exchanged the necessary paperwork with the State CZM Program office but the FY20 contract has not yet been finalized. We and the other counties have been receiving CZM grants from the State for decades, and we are confident about the availability of this funding for FY20.

The Certified Local Government (CLG) program grant is generally available to the Department when we have an eligible project. We do not execute grant documents until a project has been identified and approved as eligible by the CLG program.

5. As noted in our response to PL-5, the requested \$300,000 for the South Maui Community Plan update would be used to contract for professional services to complete pre-planning analysis, identify key issues, prepare technical resource papers, prepare an initial draft and all revisions throughout the Community Plan Advisory Committee (CPAC) and Maui Planning Commission (MPC) review, prepare CPAC meeting summaries and produce materials, and work with Long Range Division (LRD) and other staff to finalize the CPAC draft, MPC draft and submittal to the County Council. It is envisioned that LRD will be responsible for all community engagement, facilitating the CPAC meetings and attending MPC and County Council and committee meetings.

A detailed breakdown of the \$300,000 is provided in our response to PL-5.

The requested \$100,000 for a South Maui Urban Design and Physical Form Study is part of the South Maui Community Plan update process. Upon further consideration, however, it would be more beneficial for these funds to be joined with the \$300,000 described above in order to have a more comprehensive and consistent work product. The original intent of this separate line item was to contract for a study to complete a macro-scale analysis of existing growth and development patterns that exist throughout South Maui. Specifics to be studied would include documenting "place types" and establishing a profile of the design character (or lack thereof) of existing town centers, neighborhood character and corridors within South Maui.

The region's existing walkable and mixed-use centers would be identified and assessed, and include the existence of "five-minute walkable" neighborhoods as well as areas where these neighborhoods should exist. Again, though, this can be incorporated in the overall update process rather than as a separate study.

We have not prepared Requests for Proposals for either line item since we do not know if the funds will be budgeted or in what amount(s).

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6. While the Budget Office compiled the FY20 budget narrative document, it is likely that the omission of the header in the Grant Revenue Fund table on page 483 was an oversight. The headers should be the same as those on the tables on pages 476 and 484: 2017 Actual, 2018 Actual, 2019 Adopted, 2020 Proposed, Change Amount, and Change Percentage.
7. “Premium pay” includes overtime pay. For our four CZM program–funded personnel, the FY19 premium pay budget was \$150, which is insufficient, as these staff attend evening meetings, travel for site visits and training sessions with the Lanai and Molokai planning commissions, and attend meetings and conferences on Oahu. While the proposed increase is a large percentage (more than 5,000 percent), the dollar amount is modest (\$7,525).
8. The process to amend a zoning ordinance (Title 19 of the Maui County Code) involves review by the three planning commissions and adoption by the Council. A proposed bill can be drafted by the Department or the Council (if drafted by the Council, it is referred to the commissions by resolution). The Department will circulate the proposed bill for review by relevant agencies, prepare a staff report and recommendation, schedule a public hearing before each commission, and then present the bill to the commissions for their review, comment and recommendation. The recommendations are compiled and transmitted to the Council, along with the commissions’ meeting minutes, and a revised proposed bill if applicable.

The process to amend any part of the General Plan (community plan, Maui Island Plan or Countywide Policy Plan) can be initiated by the Department, the Council, or an individual. If initiated by the Department or Council, the process is similar to the process described above; if initiated by an individual, the process is as described above, except that the amendment likely triggers compliance with Chapter 343, Hawaii Revised Statutes, which typically involves the preparation of an Environmental Assessment or Environmental Impact Statement. That document would have to be accepted before the Department would present the proposed amendment to the planning commissions.

It should be noted that a proposed amendment to an island-specific plan, such as the Lanai Community Plan or the Maui Island Plan, or to a zoning ordinance that pertains to only one island, would only have to be reviewed by that island planning commission.

If an amendment is proposed by the Department, we typically engage various stakeholders in small group meetings, announce and hold public meetings, issue press releases, and post information on our website, prior to presenting the proposed amendment to the commissions.

The commissions’ and Council’s review of such amendments constitutes discretionary decisions, and these are made at public, agendaized meetings where written and verbal testimony are accepted.

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Proposed amendments to the Department's or any of our boards' or commissions' administrative rules are reviewed in a similar way, with outreach and stakeholder meetings, and noticed public hearings. Any such administrative rule change must be the subject of at least one public hearing (with at least 30 days' notice published in the newspaper) prior to adoption, and has to be signed by the Mayor before taking effect.

9. We track all Bed and Breakfast (B&B) and Short-Term Rental Home (STRH) permits and keep a running tally as soon as any permit is approved to ensure that we do not exceed the statutory caps. Each quarter, we post a list of permitted B&Bs and STRHs on our website, separated by community plan area, which is how the caps are established.


As noted in our response to PL-5, only the Maui Meadows area of the Kihei-Makena Community Plan region has reached its cap of five STRH permits. No other region for B&B or STRH permits has approached even 75 percent of their cap.

We will continue to accept applications until the cap is reached because some applications do not result in permit issuance. When we approach 90 percent of the cap, then we will inform new applicants that their applications may not result in a permit if the cap has been reached prior to their applications being finalized. If the cap is reached, any remaining applications are closed, and new applications are not accepted.

10. Yes, we rely heavily on staff input for new streamlining opportunities and the effectiveness of any streamlining efforts. We also look for input and feedback from the public. Such input can be quantitative and measurable (*e.g.*, building permit reviews are taking less, or more, time than previously) or can be qualitative (*e.g.*, the public expresses higher levels of satisfaction, or staff believes they are working more efficiently). If the feedback is positive, then we will continue with the change; if it is not positive, then we will discuss other possible changes.

We hope this information satisfactorily answers your questions. If you require additional information, please feel free to contact me.

Sincerely, .



MICHELE CHOUTEAU MCLEAN, AICP
Planning Director