

MICHAEL P. VICTORINO
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DEPARTMENT OF PLANNING
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March 11, 2021

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino 3-12-21
Mayor Date

For Transmittal to:

Honorable Mike Molina, Chair
and Members of the Government Relations, Ethics, and
Transparency Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Councilmember Molina:

**SUBJECT: AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE,
RELATING TO ADVISORY COMMITTEES TO THE MAUI
PLANNING COMMISSION (GREAT-30)**

On March 9, 2021, the Maui Planning Commission (MPC) reviewed the 2021 version of a draft proposed bill to create two new advisory committees, as transmitted by County Communication No. 21-125. **The MPC unanimously opposes the creation of new advisory committees at this time.**

The proposed bill amends Title 2 of the Maui County Code, which does not trigger a requirement for the bill to be reviewed by the three planning commissions; and the Council has not transmitted the proposed bill to the MPC for review. However, the Planning Department believed that the items should be put on the MPC agenda, as an additional venue for public review and comment, and as a formal opportunity for the MPC to offer its collective comments to the Council based on their experience in the County processes that will be affected by bill. These comments are provided below.

- **The MPC does not support the proposed bill at this time, and wants that to be noted in bold.**
- Because of the economic fallout from the COVID-19 pandemic, now is not the time to increase the size or operations of government. The MPC noted that the

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County budget has nearly doubled over the past several years. Careful consideration needs to be given to the bill's added costs and staffing needs.

- Adding new advisory committees will add more time and money to the permit process, requiring additional reviews for both applicants and testifiers. Community members and testifiers who closely follow an application will have attend two meetings and testify twice to have their voices heard. The MPC does not support adding steps to the already multi-layered and time-consuming permit process.
- The MPC questioned the need for new advisory committees, and offered several alternatives to involve the community, contending that the current process should be improved rather than expanded. For example, notification procedures and requirements could be broadened to include more residents who may be affected and to increase public participation. The MPC noted that this might require additional staffing.
- Regional representation and input are important; if this is the reason for the proposed new advisory committees, requirements could be imposed on MPC positions so that there must be a member from each Maui island community plan region. The MPC noted that the Council has residency requirements but does not have statutory advisory committees. The Hana Advisory Committee and Molokai and Lanai planning commissions are needed and justified for those communities, but Paia-Haiku and Kihei-Makena do not have the same need or geographic considerations, especially with videoconferencing having become so common and accepted.
- The MPC wants to hear testimony and input directly from the community; they do not want advisory committees (or "gatekeepers") to interpret or represent what testifiers say or want. If the public only testifies to the advisory committee, then the MPC does not have the benefit of hearing their testimony or being able to ask questions or for clarification.
- The MPC sees the proposal as manipulating the process for short-term gain or reasons.
- The residency requirement of 12 months is not nearly long enough to know a community and understand its wants and needs.

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- The MPC was told that the proposed bill would likely be revised. They feel strongly that they should be given the opportunity to review the revised bill and provide comments to the Council before a bill is adopted, because it directly affects their duties as volunteer members, and the body that they serve on.
- Although a proposed bill to give the new advisory committees approval authority over certain actions was not presented to the MPC, it was noted in the transmittal memo. The MPC commented that they do not believe the authority should change, because the MPC maintains a regional understanding over applications and processes that would be lost if the authority were dispersed.

Seven people testified on this item. Two expressed support and five opposed. While there has not been enough time to provide your Committee with the transcribed minutes, the recording of the meeting can be accessed at <https://bluejeans.com/s/2PZfmj4yN1f/>; this item begins at approximately 00:56:46.

Additionally, the Hana Advisory Committee (HAC) expressed an interest in reviewing and commenting on the proposed bill. The next HAC meeting is scheduled for March 18, 2021, and its comments will be provided to the Council as soon as possible.

Please feel free to contact me if you have questions or need additional information.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Jordan Hart, Deputy Director
Hana Advisory Committee Members

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