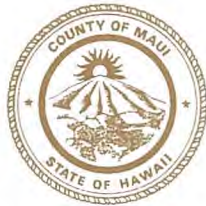


ALAN M. ARAKAWA  
MAYOR



KEITH A. REGAN  
MANAGING DIRECTOR

**DEPARTMENT OF MANAGEMENT**

COUNTY OF MAUI

August 15, 2017

Stacy Crivello, Chair  
Housing, Human Services, and  
Transportation Committee  
Maui County Council  
County of Maui  
Wailuku, HI 96793

RECEIVED  
2017 AUG 15 PM 2:36  
OFFICE OF THE  
COUNTY COUNCIL

Dear Councilmember Crivello:

**SUBJECT: "ONE-STOP SHOP" FOR PROCESSING PERMITS (HHT-4)**

Thank you for your letter of August 2, 2017 which requested we provide your office with a copy of a "Blue Ribbon Committee report prepared during Mayor Tavares' administration" on improving the permitting process. Based on your request, we contacted the Mayor's Office, Department of Planning, and the Department of Public Works to locate a copy of the report.

We were able to locate the report and have attached it to this response. Please do not hesitate to contact our office should you have any questions or concerns pertaining to this report.

Sincerely,



KEITH A. REGAN  
Managing Director

cc: Mayor Alan M. Arakawa  
David Goode, Public Works Director  
William Spence, Planning Director  
Carol Reimann, Housing and Human Concerns Director

# **Report of the Mayor's Permitting and Processing Task Force**

**February 2009**

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## **TASK FORCE**

The Task Force was established following a June 26, 2008, meeting held with the County Administration (Mayor, Managing Director, Executive Assistants, Maui Leadership Fund representatives and representatives of developers and landowners).

The meeting with the Mayor was of one of numerous meetings that would follow with other organizations, to discuss measures that can be taken to help mitigate the effects of the downturn in the economy.

The Task Force was comprised of the following members:

Don Fujimoto  
David Goode  
Howard Hanzawa  
Charlie Jencks  
Howard Kihune  
Clyde Murashige  
Gwen Ohashi Hiraga  
Roy Silva  
Colleen Suyama  
Daren Suzuki

Landowner representatives, permitting consultants, licensed professionals (engineers, architects, and planners) users of the systems, and County agencies provided comments and suggestions.

The Task Force met on the following dates:

July 24, 2008  
July 31, 2008  
August 7, 2008  
September 4, 2008  
October 8, 2008  
October 28, 2008  
November 11, 2008

## **Task Force Report**

With increasing demands over time being placed upon the County of Maui's limited land, infrastructure, and environmental resources, policy and procedural responses have been implemented to ensure optimal consideration and management of these resources. As a means of ensuring administrative accountability to such policies and procedural requirements, individual agencies have established their own protocols and internal policies to best manage their respective areas of responsibilities.

The developmental progression of policies, procedures, and rules, which seeks to consider the best interest of Maui's residents, has matured to a phase which now requires a review and assessment from a more global perspective. Specifically, there is a need to consider the current administrative context for these policies, procedures, and rules in a comprehensive and strategic manner, which is particularly critical in times of economic destabilization. Thus, an attempt to better manage one key element of the County's administrative system, that is, developmental permit processing, the Mayor of the County of Maui assembled a Task Force to examine issues which can be addressed and which can ultimately form the basis for a more integrated approach to development permit processing. The findings contained herein represent the initial step in formulating and implementing a strategic direction which will yield a more efficient and connected process for managing development or construction related permits.

This report includes ALL comments and suggestions offered. This report is organized by County departments and includes a general section when multiple departments are affected. The County departments are those which are directly involved with the review and approval of the various permits and applications.

This report identifies problem areas and concerns, and provides suggestions and solutions that would assist the County Administration in addressing the problems and concerns.

This report was prepared in effort to mitigate the effects of the downturn in the economy, and more importantly, to implement actions that would benefit the public (private) sector and the County of Maui.

In an effort to assist the County Administration to implement action items contained in this report, Section 6 includes draft legislation, policies, and forms.

In addition, Section 7 includes a suggested timeline for implementation.

# **1. EXECUTIVE SUMMARY**

## **Executive Summary**

This report is a compilation of the results gained through in depth discussion with members of the business community, the construction and development industry as well as the professional community comprised of architects, engineers and urban and environmental planners. The Task Force itself is represented by some of these areas of expertise and includes representation from the current County of Maui Administration.

What is interesting to note in the discussions with the Task Force and the contributing areas of expertise is the timing of this report relative to the nation's and county of Maui's economy. It is fair to state that the concerns expressed by the Task Force and those contributing to this report were identified and developed prior to the current economic slowdown and now with the current status of the economy become more important than ever in terms of identifying areas of concern and recommendations for corrective action. The following summary highlights the areas of concern that are highlighted in detail in the relevant sections of the report.

### **General Comments**

#### **Capital Improvement Projects**

The overall concern is that the current economic condition of the county economy dictates urgency in getting capital improvement programs that have been budgeted managed and processed to create employment but also implement the requested budget allocations approved by the elected officials in Maui County.

Clearly, more management is necessary to direct and ensure budget CIP projects are contracted for and completed. The Mayor and Managing Director must take a hands on approach to ensure all projects are processed through to completion through a regularly scheduled review of all project status with the responsible Director and Deputies

#### **Communication between Department Heads and Mayor**

Despite regular meetings with the Mayor it is clear there is a lack of communication between the Directors and the Mayor on important issues.

It is recommended that the Mayor and Managing Director meet with both the Director and Deputy of each department once a week with an agenda to discuss departmental and legislative issues.

#### **Prioritizing Permit Reviews**

There is a failure to recognize the complexity of different types of permits. All permits have equal weight and direction is needed to prioritize permit reviews.

The review of complex permit applications must be assigned to the more experienced review staff. Some review functions may be handled by staff other than licensed

personnel and a county wide priority list must be established. County CIP projects should have priority over all other applications. Priority in the review process must be given to projects that have received initial review.

A long term solution is to evaluate permit functions where possible and adopt rules to assist in reducing permit review and processing time.

#### **Establishment of Review Standards**

A lack of unified standards exists within and between departments. There is too much discretionary interpretation by employees creating delay in getting permits reviewed in a timely and consistent manner.

A short term solution must be to develop policy memorandums based upon well established current policy to ensure review consistency within the departments. The policy memorandum must be coordinated with outside agencies to eliminate inconsistencies in interpretation. A long term solution must be to adopt rules to ensure consistency of review within and between departments.

#### **KIVA System**

The KIVA system is not being used to its fullest potential in either the regulatory enforcement or permitting process.

A short term solution must be to issue a County-wide directive mandating that each department shall evaluate and revise as necessary their current use of the KIVA system in order to increase efficiency and work with MIS to revise the Permit routing form to eliminate agencies automatically when it is not under their jurisdictions. A long-term solution must be to investigate new technologies that can increase employee efficiency in conducting permit reviews.

#### **General Plan Update**

The Department of Planning Policy regarding Community Plan amendments is unnecessary and further contributes to the downturn in the economy. The department, GPAC, and County Council are behind schedule and the update process is lagging.

It is recommended the policy memorandum regarding Community Plan Amendments be revised to allow for such applications and that the Department of Planning be required to reduce cost and establish a clear schedule for completion of the General Plan.

Additional comments and concerns relative to individual departments not referenced above are summarized as follows:

#### **Department of Public Works**

- Unnecessary Plan Submittal Requirements – Submittal of full sets of plans to the Department of Housing and Human Concerns for affordable housing review is unnecessary and adds additional cost to process for applicants not to mention environmental conservation concerns.



- Plan Sheet replacement – Changes to plans should not require complete re-submittal of plan sets. Policy must be set for individual sheet replacement to conserve cost and the environment.
- Unnecessary Department Reviews – Reduce the unnecessary review of project applications by departments where there is no relevant concern or issue.

The Department made recommendations for consideration as follows

- Reduce referrals of specific types of permits to reduce review time.
- Individual agencies should use staff for screening to determine if review is necessary.
- Reintroduce Plan Review Waiver and modify standards for application to broaden applicability.

#### **Department of Water Supply**

- Review of Plans After Completion – This review must be expedited to shorten bond term, allow for quicker final map and reduce costs. A third party review of the plans against as built plans and inspection records could improve turn around time.
- Review of Easements, Warranty and Repair Bonds – Review of legal documents by DWS staff is inappropriate; bond verification amounts and completion verification can be done by a third party. Timing of review must be at end of project to ensure consistency with final as built plans.
- Current Plan Review and Permit Processing – Time frame for review is completely uncontrolled and entirely too long. Significant financial losses to private and taxpayer are the result of poor management and processing control. Third party reviews against adopted standards and rules must be allowed. Establish time frames for reviews to ensure predictability in the process.
- Standards and Rules for Plan Preparation – There are no standards or rules for engineers to evaluate projects in the same manner.
- Timing for Easements – Easements must be in place before construction which may require modification after final completion given field conditions. This creates unnecessary delay and cost in finalizing documents.

#### **Department of Fire Control**

- Department does not review plans until construction plans are submitted. Review at the initiation of any permit process will eliminate duplicative processing. Standards for review must be developed to assist department in accomplishing goals for infrastructure completion.

The Fire Prevention Bureau offered suggestions as noted in Section 2. Refer to letter dated October 10, 2008.

#### **Department of Planning**

- Divisions within the department request duplicative information from applicants - Use of KIVA would reduce this problem.

- Delay in zoning and flood zone requests - These requests sometimes take months to complete when proper use and updating of KIVA land use information could make this easy for the applicant using the county website and or use of clerical staff within the department.
- Inconsistencies in Application Information – The department must standardize the information needs by application.
- Conflicts in Enforcement of Codes – Establish what division enforces what code section to eliminate confusion.

The Department made recommendations for consideration as follows:

- Change Step 3 Planned Development Approval from Planning Commission to administrative action.
- Allow for off street parking approval by department and not Planning Commission.
- Allow for department to review and approve time extension requests for Conditional Use Permits instead of Planning Commission to reduce work load for Commission.

**Department of Environmental Management**

- Department has first in policy for review of plans - This policy must be revised to expedite plans that have been revised per comments.

The professional and technical community on Maui was asked to provide comments and recommendations for the Task Force. Those comments are summarized in detail in the body of this report and are, in general, represented by the above comments, noted by department.

## **2. DISCUSSION OF COMMENTS/ CONCERNS AND SUGGESTED SOLUTIONS/ACTIONS**

## General

### 1. Capital Improvements Projects

**Comment/Concern:** Lack of coordination of CIP Projects between agencies.

**Solution/Action:** Short-term: Assign an EA in charge of CIP projects and/or forming a CIP Coordination Committee made up of Department Heads. It is suggested that department deputies coordinate projects.

Long term: Hire a CIP Coordinator

### 2. Communication between Department Heads and Mayor

**Comment/Concern:** Department Heads are not informing the Mayor or Managing Director in advance of potential problems within their department, council, other agencies or the public. Department heads are not administering their departments. Some Directors are taking it upon themselves to do the work of their managers or employees.

**Solution/Action:** Short-term: Department Heads (both Directors and Deputies) should be meeting with the Managing Director on a weekly basis. When new Legislation and responsibilities are created, the Managing Director should be actively working with the Department Heads to ensure *timely* and *effective* implementation (i.e. Residential Workforce Housing Rules).

Long-term: The Managing Director needs to be more involved in the management of the individual departments. The Managing Director should be working with the Department Heads to review their functions, procedures and operations to ensure effective use of departmental resources. Regardless of size, each Department should have an Administrative Officer that is responsible for the daily office operations and employee matters. Temporarily, for departments without Administrative Officers, the deputies would assume this responsibility.

### 3. Prioritizing Permit Reviews

**Comment/Concern:** Failure to categorize complexity of different permits. All permits have equal weight and direction is needed to prioritize permit reviews.

**Solution/Action:** Short-term: Direct Departments to categorize permits by complexity, with the more complex permits reviewed by the more experienced and/or trained personnel. Investigate if there are functions that can be handled by current support staff rather than licensed personnel such as engineers within the existing or comparable job classifications. A county-wide priority list should be

established. Public benefit projects (e.g. CIP projects) should have priority over other projects. Departments should give priority to those projects that have received initial review and are submitting corrected plans for final approval.

Long-term: Departments should review their permit functions and determine whether they are still applicable. As necessary, a conscientious effort should be made to adopt amendments to rules, regulations and ordinances. Departments, in consultation with Department of Personnel Services, should review the employees job classifications as to whether they are still current, or based on changes in the department, whether they should be re-described. Consistent deadlines should be established on each permit so staff can appropriately schedule their workload. In addition, the Departments should make staff accountable for their lack of performance.

#### 4. Standards

**Comment/Concern:** Lack of unified standards within and between departments. There is too much discretionary interpretation by employees.

**Solution/Action:** Short-term: Departments, as necessary, should establish Policy Memorandums that clarify interpretation of the standards so they are uniformly applied. Coordinate consultation meetings between the reviewing agencies and the development community to establish standards to be applied, and to resolve conflicting standards between agencies in order to expedite development reviews.

Long-term: Conduct a comprehensive review of development standards involving all agencies that participate in development reviews and the development community. The purpose is to reduce conflicting standards administered by the different agencies.

#### 5. KIVA System

**Comment/Concern:** Failure to use the KIVA permit tracking system to its full potential.

**Solution/Action:** Short-term: Issue a County-wide directive mandating that each Department shall evaluate their current use of the KIVA system in order to increase efficiency. *Examples:* Populate KIVA with data such as properties under private water agreements, housing agreements, R-O-W or easement agreements, etc. Also, work with MIS to revise the Permit routing form to eliminate agencies automatically when it is not under their jurisdiction (i.e. properties serviced by private water systems do not require Department of Water Supply review).

Long-term: Investigate new technologies that can increase employee

efficiency in conducting permit reviews.

**6. General Plan Update**

**Comment/Concern:** The Department of Planning's Policy regarding Community Plan amendments is unnecessary and further contributes to the downturn in the economy. The department and GPAC are behind schedule and the update process is lagging. The department must still do the updates to the Community Plans which will take another 3 to 5 years. Having a Policy of not processing Community Plan amendments is unfair.

**Solution/Action:** Rescind or revise the Policy Memorandum. Draft attached in Section 6.

## Discussion of Comments and Concerns Suggested Solution and Actions

### All Departments

#### *Preliminary Subdivision Approval*

**Comment/Concern:** Preliminary subdivision approval is issued within 45 days by the Department of Public Works, Development Services Administration (DSA) per the provisions of Section 18.08.100, Maui County Code (MCC). However, due to the lack of response from some agencies within the required 45 day time period, the preliminary subdivision approval letters from DSA do not contain specific comments from all of the agencies. This situation slows down the design and permitting schedule of projects and causes additional costs to be incurred which must be passed onto buyers.

**Solution/Action:** The Mayor's office should direct the departments that the intent and the provisions of Section 18.08.100 will be strictly enforced. If a department does not submit specific comments by the required time period, then the delinquent department is deemed to have approved the subdivision and will be unable to impose requirements after the date of preliminary subdivision approval.

#### *Subdivision Construction Plans*

**Comment/Concern:** Currently changes to standards, specifications and policies for subdivisions are made by agencies and compliance required in an arbitrary manner without having them first reviewed and approved by the Subdivision Engineering Standards Committee (SESC), per the provisions of Chapter 18.40, MCC.

**Solution/Action:** The Department of Public Works and the Department of Water Supply are required by Section 18.40.020.A, MCC to "review all engineering standards and specifications relating to subdivisions which are adopted and kept on file by the department of public works and the department of water supply". In addition Section 18.40.020.B, MCC, states that the SESC will "review proposed modifications, deletions, or additions to such existing engineering standards and specifications and transmit the same with recommendations thereon to the respective departments." The departments should be made to comply with the provisions of Chapter 18.40, MCC, and be required to publish their standards, specifications and policies that have been reviewed by the Subdivision Engineering Standards Review Committee (SESRC) and adopted by the departments. Any unwritten policies and new standards for subdivisions that have not been reviewed by the SESRC should not be enforceable.





### **Communication with Public**

**Comment/Concern:** Some departmental staff members do not have the courtesy to return phone calls and emails. It prevents discussion about project requirements, status of review, etc. and it only reinforces the public's perception that staff lacks professionalism and effective time-management skills.

**Solution/Action:** Government should be like any business and expect that their employees provide good, professional customer service. The Mayor's office should take the lead and send a written policy to all departments that phone calls and emails shall be returned by the next business day. The public should be made aware of this policy, and any employee with excessive complaints about not following the policy should be reprimanded and/or suspended.

### **Early Consultation Meeting**

**Comment/Concern:** Some departmental staffers are reluctant to meet with consultants to do discuss their projects. Early consultation meetings will save staffers time in the long run by preventing major problems later in the review process due to their reluctance to meet and discuss the project before the design is initiated.

**Solution/Action:** There should be a directive from the Mayor's office that each project's consultants shall be provided one early consultation meeting with each department upon request. A request for an early consultation meeting shall be scheduled within 10 working days of the date of the request.

## **Department of Public Works**

### **Building Permit Review**

#### **1. KIVA System**

**Comment/Concern:** The need to obtain written sign-off from each reviewing agency can often result in unnecessary delays in the building permit issuance process.

**Solution/Action:** Elimination of this requirement to allow final approval to be entered into the KIVA system would result in process efficiency gains.

**Comment/Concern:** The dates of all official comment and response letters between the county and the applicant should be entered into the KIVA system to allow both parties to track correspondence. Comments need not be typed into KIVA system as it tends to overwhelm important process information on the status matrix.

**Solution/Action:** Provide a link for the public to access an electronic copy of each comment/response letter.

**Comment/Concern:** KIVA system search needs to be improved, as it is often hard to search by prompts.

**Solution/Action:** Evaluate and improve the search system.

2. **Unnecessary Plan Submittal Requirements**

**Comment/Concern:** A full set of plans is required to be submitted to the Department of Housing and Human Concerns (DHHC) for those projects triggering affordable housing requirements. As DHHC's review is confined to the review of the applicable affordable housing requirements, a full review of the project design and the need for a full set of plans appears to be unnecessary. In the event of future traffic impact fee requirements, the same comment would apply with respect to the Department of Finance.

**Solution/Action:** Establish, as an Administrative Policy, DHHC's review to be confined to the calculation of the applicable affordable housing fee and not a full review of the project design. In the event of future traffic impact fee requirements, the same comment would apply with respect to the Finance Department.

3. **Standardize Process for Plan Sheet Replacement**

**Comment/Concern:** In responding to comments from agencies, design revisions are often necessary. There are instances where design revisions are substantial and replacement sheets need to be inserted into the plan sets that are in the process of being reviewed.

**Solution/Action:** Establish set procedures for plan sheet replacement.

4. **Central Coordinating Agency**

**Comment/Concern:** The appropriate agency should determine which departments need to review permit applications. Often times plans are routed to agencies that do not have anything to do with the project and approvals are not granted until comments are received from these non-involved agencies. An example is where a road resurfacing project goes to Water and Housing, both of which take months to comment with a "no comment" or "does not involve us". All the while the project does not move.

**Solution/Action:** Improve the system of initial review to determine what departments should be reviewing certain plans, to provide for faster processing of

permits and reduction on other departments' time. As an example, application forms for plan approval could indicate if water improvements are being proposed,

5. **Subdivision Code - Consistency and Conformity**

**Comment/Concern:** Subdivision review of the Community Plan takes too long.

**Solution/Action:** Review the subdivision code to streamline the process and clarify the terms "consistency" and "conformance". Once consistency is defined, the Departments (of Public Works and Planning) need to establish a uniform application of the definition between DSA and ZAED Divisions.

**Comments from Department**

A suggestion has been made that referrals of certain categories of permit applications to certain agencies could be reviewed so that some of the more minor application reviews could perhaps be eliminated thereby cutting some of the permit processing time.

The screening of permit applications at DSA would fall to the DSA permit clerks. This puts a lot of pressure on the clerks to know the scope of each reviewing agency's jurisdiction. In the past, this has worked until an agency complains about why a certain application has not been sent to them. Or, a member of the public complains about why an application has not been routed to a certain agency. So, the response has been to add that particular category of application to the review process. Over time, the tendency is to add categories.

What we would suggest instead is that individual reviewing agencies utilize one of their staff as a screener/facilitator. This person could do a quick review of the application to determine if review will be 1) detailed and complex or 2) simple and fast. The simple and fast applications can be done by a staff person in a generally quicker time frame than employing a first in-first out method. DWS has been using this method and it has helped to reduce their overall permit processing time.

One other suggestion which may be considered is the utilization of an often overlooked tool, the plan review waiver. Although there have been some snafus with a few projects, if the plan review waiver is used properly, this can save the applicant considerable time. It can be used on projects like interior office renovations, shopping center tenant renovations, single family homes, etc. The applicant submits plans and signs a non-occupancy agreement basically stating that he will not occupy the space until all the required agency approvals are obtained. But, construction can start in advance of agency sign off. The plan review waiver should really be used for fairly minor projects since problems can arise if agencies do not sign off on the application.

### **Response from Architects**

After checking with the architects, the problem with the current plan review waiver process is as follows:

The process still allows the County Inspector on final inspection, to demand costly changes according to his interpretation of the code. This could result in a lawsuit against the architect.

A related issue is that the plan review waiver does not by-pass the zoning and SMA review process. Plan review waiver permits should only be issued **after** the SMA permit has been processed.

If the process could be changed so that the architect can meet with the County plan checker to discuss and verify code issues before he submits plans for a plan review waiver and is allowed to make a written record of what was discussed and what answers he has received from the plan checker the architect's liability would be greatly reduced. The final inspection should then be limited to verifying that the construction was completed per plans and not for code compliance.

## **Department of Water Supply**

### **Subdivision Review**

#### **1. Subdivision Approval After Completion of Construction**

**Comment/Concern:** It currently takes the Department over 2 months to review, and this affects timing on securing bond and obtaining final subdivision approval.

**Solution/Action:** Allow 3<sup>rd</sup> party review of cost affidavit for water system. 3<sup>rd</sup> party is closer to construction costing and could do this in 2 weeks. Applicant to pay for review. DWS to choose reviewing 3<sup>rd</sup> party and will accept their approved amount. Review is started within a day of submission by developer.

#### **2. Processing of Easements, Grants of Easements, Warranty and Repair Agreements**

**Comment/Concern:** The processing of easements, grants of easements, warranty and repair agreements affects timing on securing bond and obtaining final subdivision approval. A person should be assigned to process easements, grant of easements, warranty and repair agreements (any project related approval/agreement that requires review by Corporation Counsel), similar to a Land Agent position. Currently, processing of these documents is an after thought as the reviewing engineer has to prepare and review the documents then process through Corporation Counsel. Often the documents are created or routed

for a long time after the project is completed. This delay (often 2 – 4 months) holds up getting final approvals, CO, etc. and significantly affects financing and sale of product. There needs to be more accountability on this matter.

**Solution/Action:** Allow execution of a blanket easement agreement which encompasses the entire property similar to that allowed by Maui Electric Co. and Hawaiian Tel. Once final construction plan review is complete and easements are specific, the subdivider can amend the original easement documents. In addition, establish a land agent position to handle this responsibility with time limits on preparing and processing the documents including review time by Corporation Counsel. The signing of the grants needs to be tracked so that delays will not occur. Often times, the Departments of Public Works and Finance need to sign the documents but there is no KIVA tracking assigned.

3. **Permit processing**

**Comment/Concern:** Current subdivision processing is about two (2) years before plans are opened for the first review. This is many years lost in missing the market opportunities. Additionally, no other approvals can be obtained. Significant losses can be avoided if review is quicker. Currently, a large part of the construction industry layoff is due to DWS' inability to process subdivisions.

**Solution/Action:** Evaluate DWS review procedure to see if the review could be faster. Maybe use 3<sup>rd</sup> party review for small building permit items so engineers can focus on subdivisions. Establish a set time review for DWS to provide initial comments. After first verbal or written review, second submittal should be page by page review of resubmittal by DWS engineer, developer, developer's consulting engineer within a prescribed number of days. Failure of DWS to meet this time frame would require DWS to meet with applicant within 2 weeks for a page by page review of the plans.

4. **Construction Plan preparation**

**Comment/Concern:** Each reviewing engineer has some of their own engineering standards that they impose on plan review. This leads to confusion, frustration and lost time in changing plans. Communication from the DWS is inconsistent.

**Solution/Action:** Consider hiring consulting firm to work with DWS engineers to develop a standards book of is desired or required to be shown on plans. Utilize resources such as HSPE for workshops to update standards.

5. **Water Easements Requirement**

**Comment/Concern:** Currently, there is a requirement that water easements be in place before review of construction plans. How can a developer or consultant know exactly where easements should be (and therefore create and record them)

before DWS has commented on the construction plans. What if DWS wants the lines relocated elsewhere. It is similar to requiring a road right-of-way to be established before any agency comments on what they need with the road. The costs and legal issues with changing easements are significant. Additionally, DWS will not sign an easement without knowing if the water lines are in the right place. They cannot determine this unless they review construction plans.

**Solution/Action:** Change this requirement immediately to allow construction plans to be reviewed before easements are established. The change in this requirement would save both the DWS and developer time and provides for a practical and sensible review system. Require construction plans to show proposed easements.

6. **Construction Plan Approvals**

**Comment/Concern:** Subdivision construction plans submitted to Department of Water Supply (DWS) are not often reviewed for a period of twelve (12) months or more. Additional problems arise due to the lengthy period between submittal and review, such as plans being misplaced which have become a common occurrence. The lengthy period of time to obtain even initial comments is a tremendous burden on the subdivider as he is unable to move forward with construction even though other agencies have approved and the long time frame greatly increases the land carrying cost and the project risk.

**Solution/Action:** The department has not been complying with the provisions of Section 18.20.160, MCC. The code states that "If no action is taken by the Director within forty-five calendar days of submission, or such longer period as may have been agreed upon in writing, the plans shall be deemed approved as submitted and it shall be the duty of the Director, the Director of Public works and the Director of Water Supply to affix their approval thereon." **As the County has enforced the laws for transient vacation rental and bed and breakfast operations, the Mayor's office should ensure that the provisions of Section 18.20.160, MCC, as well as the other time related provisions of Title 18, Subdivisions, MCC, are complied with by all departments. All County staff should comply with the provisions of the Maui County Code and their work should meet the intent of the law. Improvements constructed under plans approved under this section should be inspected and accepted by the departments.**

**Comments from Department**

As with other departments, the Task Force requested comments from the department.

The department did not submit comments for the Task Force's review and consideration.

## **Department of Fire Control**

### **1. Plan review**

**Comment/Concern:** Fire does not review any plans until construction plans are submitted. At that time, Fire can implement any requirement which can affect design and engineering and even require rehearing by the Planning Commission on SMA applications and re-subdivision. Up front review and sharing of standards should allow for design to address Fire's concerns and incorporate them into schematic design drawings and construction drawings. This reduces the processing and redesign time not to mention significant costs.

**Solution/Action:** Allow department to do schematic plan review rather than wait until construction drawings are completed. Fire, with the help of consulting engineer should put together a standards book, to provide for set standards such as turning radius, slope requirements, spacing of hydrants, etc.

**Comment/Concern:** The lateness of plan review during construction is costly. Fire is asked to comment on the project after construction starts and often times comments made are requirements that could stop a project such as turning radius requirements if the Fire department acquires trucks that are not standard sizes.

**Solution/Action:** Plan review or schematic to be reviewed by Fire instead of waiting for construction plans to be prepared. Fire should be involved early in the review process to address any operating concerns. Reduce the independent unlimited authority of Fire to make wholesale changes which could be significantly costly since project is under construction and/or require developer to amend approvals including SMA, Subdivision and building permits. This type of action could open County to significant legal challenges. Standardize review process and issue written process to consultants.

### **Comments from Department**

See letter below.

October 10, 2008

Mr. Roy Silva, Executive Assistant  
Office of the Mayor, County of Maui  
200 South High Street  
Wailuku, HI 96793

**SUBJECT: Comments by the Fire Department Concerning Plan Review**

Dear Mr. Silva,

After reading your email dated 10-9-08, I am only going to comment on the plan review process for the fire dept. I do have comments in general but can address that separately if you want. The Fire Prevention Bureau conducts permit plan reviews in accordance with the adopted fire code and amendments of the County of Maui. Our Bureau reviews about 2200 permits annually. Most permits have a turn-around time under 14 days. Plans that are rejected obviously take longer as communication is conducted and the issue is resolved.

Some plans submitted to us consist of very simple requests that take less than five minutes to review and approve. Other plans take as much as 40 hrs to review such as a new hotel with fire sprinkler systems. If the project is quite large, we may take as much as two months to review the permit plan. It is important for us to "catch up" and clear our work load to prepare to review a large plan such as a hotel. Plans will sit on the side and get backed up while a large plan is being reviewed. Even in this case, the wait is usually no longer than 14 days.

Our department has only one commercial plan reviewer. Another plan reviewer/inspector on staff will review private water and subdivision permit applications 2 days a week.

In general, I honestly do not believe the fire department is a bottleneck in the County's permitting process. If our Department receives negative feedback, it is due to a mistake we made in a system that works; or the applicant is unhappy with requirements that are imposed by the fire code/Fire Chief. If it is desired for us to improve our permit turn-around time, a new plan reviewer position needs to be requested.

Here are some things that I feel all department's management can improve on in general:

1. Equipment, tools, filing systems and other devices need to be given to the permit process personnel to make the job simpler. Adequate workspace is important.
2. Continuous training classes/courses need to be given by 3<sup>rd</sup> party personnel experienced in the selected field. Not by other County Employees. People don't take other County employees seriously.



3. Communication with other jurisdictions at conferences & seminars are important for those on the front lines. Management should not be the only ones to attend. People on the front lines know what the problems are.
4. Code Enforcers need to be close with the code creators and involved with the creation process to understand “why” it is that way. Get involved at the roots level. Get involve with how others enforce the code across the country. Learn permitting processes in other jurisdictions. Give front line employee’s freedom to make ideas a reality. Let it be “their” idea.
5. Create a policy/manual that employees need to follow and understand. Discipline employees where due.

Aloha,

*Val Martin*

Val Martin  
Fire Prevention Bureau

## **Department of Planning**

### **1. Zoning and Enforcement Division (ZAED)**

**Comment/Concern:** There is an unreasonable delay in the completion/issuance of "Zoning and Flood Confirmation" forms. These delays (months) in providing the confirmation form impacts the cost of project significantly as many consultants cannot begin work. The information should be available as this is documented information approved by ordinances including zoning maps.

**Solution/Action:** Increase the efficiency of the land use confirmation process in terms of reducing the time it takes to obtain confirmation. This will be one step in significantly reducing the processing time of permits as processing cannot start until this action is completed by the department.

### **2. All Divisions**

**Comment/Concern:** ZAED and Current Division request the same information from the applicant. ZAED personnel are unaware of approvals that have already been granted or compliance with permit conditions have already been fulfilled. The Division is not utilizing the KIVA system appropriately.

**Solution/Action:** Short-term: Assign a "KIVA" person in each Division to be responsible for KIVA administration within the Division, including training of employees are trained and employee accountability for the system.

The GIS section of the Long Range Division, with its technological background, should be more involved in getting the KIVA system to work more efficiently in the Department.

Establish Departmental procedures on the use of KIVA to make it a daily part of the work process.

Establish a list of information that should be attached in KIVA as related documents (such as all approval letters and supporting documents; department reports, agency comments, and recommendations; adopted project plans; compliance reports; settlement agreements; petitions to intervene; unilateral agreements; easement agreements; etc.). Utilize the clerical staff as much as possible to input much of this work. If administered and utilized properly, staff would not need to retrieve from hard files.

Establish a list of information that should be attached in KIVA as information flags such as ongoing conditions that run with the land, follow-up agreements with the property owner, etc. to ensure future compliance and to ensure that other employees and agencies are aware of these conditions before granting final approvals.

**Long-term:** Establish a position in the Department who will be responsible for its technological needs including KIVA, the Departmental web page, etc.

Update and complete the user's manual.

In coordination with other reviewing agencies investigate other technologies to improve the permit review process. There should be a follow-up reporting from attendance at KIVA conferences and other meetings.

**Comment/Concern:** Current and ZAED employees are establishing their own list of what information needs to be submitted for the different types of permits, and interpreting the code differently, as there is no uniform interpretation in place.

**Solution/Action:** **Short-term:** Categorize the permit types under review such as single family dwellings, interior work, etc. and establish a check list of minimum information that needs to be submitted with each type of application, so the applicant knows in advance what information is required.

If additional information is requested an appropriate justification should be included in the request letter so the applicant understands why the information is being requested.

Establish a pre-review process where applicants, especially for major projects, can meet with someone in the Department to review their application to ensure that the information is adequate for review prior to submittal.

**Long-term:** Review codes and rules and regulations as to what types of permits can be streamlined or eliminated from the review process.

**Comment/Concern:** Enforcement is being handled by both Divisions which sometimes conflict with each other.

**Solution/Action:** **Short-term:** Enforcement is the responsibility of ZAED. If there are conflicting opinions, the ZAED interpretation should prevail.

**Long-term:** If Current Division wants to be the lead in certain types of enforcement then change the laws and rules and regulations.

### **Comments from Department**

**Comment/Concern:** Remove Planned Development Step 3 review/approval by Planning Commissions and allow for administrative review/approval.

**Solution/Action:** Amend Maui County Code. Draft attached in Section 5.

**Comment/Concern:** Remove off-site parking review/approval by Planning

Commissions and allow for administrative review/approval.

**Solution/Action:** Amend Maui County Code. Draft attached in Section 5.

**Comment/Concern:** The Conditional Permit process is time-consuming and costly, requiring review by the Planning Commissions and the County Council. All time extensions and transfer of permits must be reviewed by the Planning Commission and County Council. Remove Conditional Permit Time Extension and transfer of permit review by Planning Commissions and allow for administrative review/approval if there are no changes to the project and if there are no violations.

**Solution/Action:** Amend Maui County Code. Draft attached in Section 5.

## **Department of Environmental Management**

### **Comments from Department**

**Comment/Concern:** The department has a “first-in/first-out” policy for all reviews. When plans require revisions and the revised plans are re-submitted, they go to the bottom and start over.

**Solution/Action:** The department should prioritize its reviews and “move up” plans that are revisions.

**Comment/Concern:** Each department has its own review procedures and policies and there is a need for County-wide consistency in reviews.

**Solution/Action:** Establish County-wide consistency for reviews.

### **3. COMMENTS FROM LANDOWNERS AND DEVELOPERS**

## Mayor's Permitting and Processing Task Force 06/26/08 Meeting Comments

Thank you for this opportunity to meet with Mayor Tavares and her key cabinet members. The downturn in the economy is certainly on the forefront of everyone's mind and we do believe that healthy discussions aimed at mitigating/adjusting to the ebbs and flows are always a positive endeavor. For DR Horton, the majority of our time is spent reconciling the rising cost of development, lengthy entitlement/approval processes and the challenges of selling homes. Below are a few topics, relative to what we do at DR Horton, that we suggest as points for discussion.

### County Fees

In 2006, we experienced a 108% increase in Park Dedication fees for the Lahaina area from \$13,620/unit in 2005 to \$28,365/unit in 2006. This is a fee required to be paid at building permit approval on residential units that will be selling 2-3 years down the line. Even in a robust economy, this is a tough hurdle to overcome. With the current state of the economy and the lengthy amount of time it takes to bring residential units on line, we recommend review and discussion on reducing park fees and any other fees that will be obstacles to getting projects started, creating construction jobs and putting Maui's families in homes.

### County Review and Approvals

Lengthy civil construction plan approvals have been an ongoing concern. Although site work can begin with an approved grading permit, final subdivision approval cannot be granted until the civil construction plans have received approval. Of note, we have experience lengthy review times with DWS. In addition, subsequent to final subdivision approval, we continue to seek from DWS an executed easement agreement, repair and maintenance bond and lastly issuance of water meters. We understand the heavy workload and staffing vacancies that many departments are facing. Therefore, we suggest review and discussion on possibly revising procedures to expedite steps (such as allowing developer to provide boiler plate documents as a standard procedure) and approvals.

### EA Requirement per HRS Chapter 343

This has recently surfaced as an 11<sup>th</sup> hour issue for a DR Horton project. Of particular interest on our project was that DOT denied MECO's (not DRH) request for an EA Exemption to install a single anchor pole within a DOT right-of-way citing that the installation tied to the larger development "action" of DRH's project, of which is not EA exempt. The project, although adjacent to the DOT ROW, did not require DR Horton to make any physical improvements within the ROW other than this single power pole by MECO. We suggest review and discussion on potential County influence that can mitigate what could halt projects (over minor infrastructure improvements) too late in the process or potentially halt projects altogether.

Road/Infrastructure Dedication

It appears that the requirements for road dedications to the County makes the process very long and drawn out. In the past, we have been advised that roads cannot be dedicated if the road does not connect with an existing County road. We have also been advised that a sewer system cannot be dedicated if any part of the system downstream is privately owned. If this is correct, private road ownership takes a very long term view as these requirements are outside of the control of the private road owner. In addition, we are experiencing a situation where road dedication has taken so long that in order to dedicate today, the roads (built to County approved plans then) will need to be upgraded to current standards. These types of back end costs heavily burden the developer and possibly the homeowners association. Clarification and discussion on this would be appreciated.

At the request of Howard Hanzawa, we are submitting a couple examples of the hurdles Maui Lani has been facing in the County approval process.

One of our Development Manager's noted the following example of project delays related to permitting:

"We submitted construction plans for Maui Lani Phase 6 Subdivision on April 18, 2007. (Construction Plan Review No. 3.2157). As of June 2008 (approximately 14 months after submittal), Department of Water Supply has not completed its initial review of these construction plans. This review and approval is needed in order to obtain Final Bonded Subdivision approval. After meeting with the Department on several occasions, we were informed that the Project is in the "July Queue" for initial review. "

Another concern is the implementation of existing agreements with the County. Maui Lani has several "Master Agreements" with the County. As an example, a Master Roadway Agreement was executed with the County in June 2003 for the timely build out of the road network within the Project District. Maui Lani has been constructing the road infrastructure in phases, in accordance with the agreement, to mitigate any project generated impacts. Recently, Public Works has been trying to add roadway conditions to our project approvals that are contrary to the executed agreement. These conditions are being suggested without a warrant study.

We appreciate your time in coordinating this meeting with the Mayor.



Thanks for allowing me to participate in the upcoming meeting.

I have put down some preliminary thoughts based on my development experiences on Maui. See attached, which focuses on permitting and development only. (Note that many of the permitting process issues go away when the economy slows and few projects are going through the process.)

Also, we believe that there are other important issues, outside development, that should also be discussed:

1. Look for public/private development opportunities.  
Fund such projects through bonds, the additional ½% general excise tax possibility, and the affordable housing fund.  
The dual purpose of getting needed infrastructure and projects (e.g., schools, water-related facilities, road improvements) and creating jobs.
2. Attract businesses and focus on job creation.  
Create enterprise zones and promote job growth in strategic areas.  
High tech.  
Movies/entertainment.  
Agri-business.  
Green technologies.

Got hung up in meetings today so here is the short version:

1. Affordable Housing-need to revise housing policy to provide incentives so that housing gets built.
2. State Land Use/ EIS-rather than wait for the Maui Island Plan to get through the process of approval, support those projects that are consistent with the Administration's draft plan. This process will take 2 to 3 years.
3. Revise zoning application requirements so that the Council does not get confused with when a application is deemed complete.
4. Invest in community infrastructure to support the directed growth policy. Build needed regional roads.
5. Develop water resources and distribution system to support directed growth and affordable housing.
6. Land Inventory Assumptions need to be reviewed to verify assumptions.  
This can have a significant impact to how much land should be included in the UGB.
7. Improve permit review and approval process. Coordinate agency review comments.

We respectfully request that these issues be presented generally for the group's discussion as opposed to specifically for our project. Feel free to edit out any issues if not deemed applicable for this meeting.

#### Parks

We have an Agreement with the Park's Department for the development of Kehalani. In late 2007, it was brought to our attention by the Park's Director that permits and occupancies would no longer be approved because of non-compliance with current park dedication standards (enacted after 2002 Agreement was signed). Despite our strong feelings about the grandfathered rights under this Agreement, we've since met with the Park's Director to resolve this issue which has resulted in a resolution that will be put forth to County Council to waive our restroom requirements and accept dedication of our larger parks in accordance with this Agreement. Many of our Kehalani residents (especially those adjacent to these parks) have voiced concern over the inclusion of restrooms primarily because of its facility for drugs and homeless. Because of the Administration's experience with County Council, we are looking for your guidance and support on this resolution so that we may continue with the development of our parks without the encumbrance of subsequent policy changes or requirements.

#### Subdivisions

We currently have five subdivision plats in process with the County. Two of them involve the subdivision of tank sites that will be dedicated to the Department of Water Supply. They are the Mid-Level Tank subdivision (submitted 2004) and the High-Level Tank subdivision (submitted 2006). Although, both are being processed as limited subdivisions, the process continues to be time consuming. We ask that this process somehow be expedited since it involves the dedication of lands and capital improvements to the County.

#### Water

Since 2000, the Department of Water Supply has been utilizing Kehalani's Shaft 33 well to pump nearly 5 MGD of water for the County. This use has been permitted without compensation with the understanding that the Department would work with us to ensure water for its future projects. In addition to this, Kehalani is constructing 3 water storage tanks, two booster systems and multiple transmission lines to enhance the Department's water service. We've also allowed for the installation of a transmission line through Kehalani to facilitate a water treatment facility which is currently adding much-needed potable water to the Central Maui water system. We're aware of the new ordinance requiring permanent water source and are concerned about its negative impact to our current and planned neighborhoods. We are currently working to document an agreement with the Water Department to develop new water source wells in Kehalani. More recently we were informed that one of our projects will not be reviewed because of the new water ordinance. FYI, this project was planned for affordable units.

### Road Dedication

Roads at Kehalani and other projects (i.e. Eha Street and Wailuku Parkside) have not yet been accepted by the County. These roads were originally constructed in accordance with County-approved plans but have since been subject to higher standards for acceptance. These higher standards include but are not limited to: shielding of street lights, reconstruction of sidewalks, streets and driveway aprons to ADA standards, traffic calming devices, thermoplastic striping, wheelchair ramp certifications, removal and replacement of bends with manholes in existing drainage systems. Estimated costs for some of these items are in excess of \$2MM. These changes are impractical, unfeasible and question the rights, if any, that are vested in the plan approval process. We continue to pay for street light utility bills, insurance and other holding costs associated with these areas, not to mention liability. We cannot hold on to these areas any longer so we are seeking the Administration's support in mitigating this problem. Since the roads are currently open to the public, we ask that the County assist us in getting them turned over to the County in a timely manner.

### Height Envelope

The County's change in interpretation of the building height envelope has created specific hardships for Kehalani and has had a tremendous impact on costs. Many projects have been reworked as a result of this change. The measurement of heights from the pre-graded elevations in lieu of the post-grades make it very difficult for hillside developments and are not always conducive to good neighborhood planning and engineering. If the primary reason is to minimize impacts on adjacent neighborhoods, then Kehalani should be exempted since it was conceived within the context of a larger master-planned community through a public hearing process. We understand that this issue is pending Council review and approval. We ask that Kehalani and other master-planned developments be allowed to proceed in accordance with its master-planned concepts without this additional encumbrance.

### Plan Approvals

The length of time needed for the plan review process continues to negatively impact our projects. Delays add to costs and negatively affect the supply of housing. Because of the delays, the Developer is typically left with two options. One is waiting and the other is commencing with construction based on interim approvals at their own risk. The later method poses a challenge since subsequent changes often manifest itself in retroactive work to completed areas and additional costs. Waiting adds costs and ultimately delays the delivery of product, which is the sole means of repaying debt. We recommend that the County find alternative ways to streamlining this process. The subdivision code limits review/comments to a 45-day period. Unfortunately, this process is rarely ever upheld. Outsourcing is another option that could help address the backlog of work during periods of unusually high volume.

## **4. COMMENTS FROM CONSULTING ENGINEERS**

# **ENGINEER 1**

## **Proposed Changes to Construction Plan Approval Process**

### **I. Preliminary Subdivision Approval**

Presently, preliminary approval is issued within 45 days by DSA. However, due to some agencies not responding within the 45 days, preliminary approvals are subject to belated responses by these agencies.

Policy should be changed so that if responses are not received within 45 days per provisions of 18.08.100.2 these belated conditions shall not be included as conditions of the preliminary approval.

Accountability:

Agencies that do not respond in a timely fashion should be prohibited from imposing conditions later or have the authority to invalidate the improvements after they are completed.

### **II. Construction Plans**

1. County review agencies should be required to publish their standards and specifications and have them approved by the "Subdivision Standards Committee" (SSRC) per Ordinance 18.40.020. Any subsequent changes to the standards or specifications must also be approved by the Standards Committee before implementation.

Currently changes to standards are made and compliance required in an arbitrary manner without having them first reviewed and approved by the SSRC.

2. Construction Plan Approvals

- a. Construction plans submitted to Department of Water Supply (DWS) are not reviewed for a period of twelve (12) months or more. This often results in them losing the plans. Moreover, this is a clear violation of Article 18.20.160 of the Maui County Code.

The code states that "If no action is taken by the Director within forty-five calendar days of submission, or such longer period as may have been agreed upon in writing, the plans shall be deemed approved as submitted and it shall be the duty of the Director, the Director of Public works and the Director of Water Supply to affix their approval thereon." In our experiences, this has never been done, a clear violation of the ordinance!!

Engineers and developers are reluctant to pursue this issue due to fear of reprisal and or retribution by Administration and staff.

- b. Ordinance should be amended to signify automatic approval of construction plans and acceptance of all improvements constructed in accordance with the approved plans. This decision should not be discretionary on the part of the affected Department and staff. Ordinance 18.04.040 "Guidelines for Acceptance" must also be amended to correspond to the amended conditions of 18.020.160.
- c. Plan review by agencies should be limited to one (1) review. Once the points raised by review agencies are addressed, the agencies should not be permitted to ask for additional revisions. Otherwise, they'll make a cursory review just to comply with the 45 day deadline and continue to ask for more changes during the second, third and subsequent review sessions.

It should not take a professional engineer more than a few hours to check whether the revisions requested in the first review have all been addressed.

The Chief Engineer should stop micro-managing and delegate responsibility to other professionals on staff instead of waiting until he can get to it. That's what they are being paid for!! This will greatly speed up the final approval process.

- d. State of Hawaii Department of Transportation Approval

State Highway District Engineer's approval in a timely fashion has also been a problem. However, he should be held to the same time limit and standards as the Directors for the various County departments. County should seek the cooperation of the Director of Transportation and the Governor regarding this matter.

### **III. Modification of certain County Standards and Policies**

- Drainage System
- Allow the use of one fabricated band between manholes.
- Allow the use of CAP manholes on Cap drainlines greater than 60 inches in diameter. Specify minimum 12 gauge for drainline and manhole riser.

*Rationale:* Have not seen substantiation that bends are causing drainlines to clog. Also, have not heard of CAP manhole failure when designed properly.

- Subsurface Drainage System Capacity
- Allow use of 100% of voids in filter rock. County presently allows use of 50% of 40% of voids space for storage.

*Rationale:* By lining the trench and pipe with filter fabric, fines can be prevented from migrating into the voids from the trench walls or from the perforated pipe.

#### **IV. Response to fax messages, phone calls and e-mails**

- DWS Engineering staff do not have the courtesy to respond to fax messages, phone calls and e-mail. It only reinforces the public's perception that staff lacks effective time-management skills or spends too much time worrying about trivial matters.



## ENGINEER 2

### 1. No Coordination Between Departments:

There is little to no coordination between the different departments, and divisions within the departments. In many cases, there are overlapping and conflicting comments from the different departments. Each department thinks that their comments are the most important and do not consider the requirements of the other departments. Most departments will not sway away from their written and unwritten standards, and do not consider other departments' standards, significant cost increases to the owner/developer, and the time it takes to redesign. Each department's strict design standards leaves little flexibility in the design of the project. A lot of time is wasted trying to resolve conflicts between two different departments who want two separate things.

(There was one (or more) project where the DWS took over a year to provide their construction plan comments. Because DWS's comments were taking too long, the developer decided to sign a hold-harmless agreement to start construction after obtaining DPW and DOH approvals. The waterline was installed 2 feet away from the roadway centerline. After construction of the water system, DWS finally came back with their construction plan comments and required the waterlines to be installed 4 feet away from the roadway centerline, and therefore required the entire water system to be reconstructed, along with other affected utilities [extremely expensive]. If comments were provided in a timely fashion, this major construction revision could have been avoided.)

### 2. Preliminary Comments and Initial Construction Plan Comments Takes Too Long:

In many cases, preliminary requirements are not provided by the Planning Department and Department of Water Supply until months (or even a year) after preliminary approval was granted. Moreover, the initial construction plan comments from departments several months after the initial submittal. Take the following typical scenario:

[If each department (DPW, DWS, & WWRD) were to each comment on the construction plans months apart from each other (DPW = 2 mons., WWRD = 3 mons., and DWS = 8 mons.), that would be three (4) times we would have to revise the construction plans. If each departments' review/comments were not completely thorough during the first review and the department decides to add additional comments after the first review, that would amount to six (6) times the construction plans would have to be revised. If each department is able to review the plans and provide additional comments two (2) months (typically longer than 2 months for some departments) after the revisions have been submitted, the earliest the construction plans can be approved is about a year!] If all the departments can review the construction plans within a reasonable amount of time, it would be possible to address all departments' comments with a single revision to the

construction plans. Approvals could then be granted within 6 months, rather than 2 years.

3. Availability of County Officials for Meetings and Questions:

Officials from many departments are consistently unavailable. It could take over a week to get in touch with an official for questions and information. Only a small handful will actually return phone calls or emails.

There are several departments in the County who are reluctant to do courtesy reviews. In one instance, when I asked a County reviewer whether or not a constructed facility is acceptable to County, his response was "you should know...you went to the same seminar as me. I don't like to review these things and I don't want to have to do it twice." I believe that a simple courtesy review or meeting would have been more efficient, not to mention that it wouldn't require the consultant to speculate about what the County wants.

4. There is No Punishment if any Department Fails to Do Their Job:

There is no punishment, that I know of, if the County does not review projects in a timely fashion. They have no incentive on reviewing projects quickly. The policy in the ordinance where preliminary approval is granted after 45 days is a great idea...if it was enforced.

### **ENGINEER 3**

1. There should be a set standard for construction plans that is approved by the Subdivision Standards Committee. Any deviation or alteration to the standards should first be approved by the Committee and then distributed to all relevant parties prior to implementation. With agencies constantly changing their standards based on new administration or personnel it is difficult for the private sector to keep up and adhere to the "current" standards.
2. Items lost/ misplaced by a County agency is unacceptable. When this occurs, the only recourse the private entity has is to replace the previous submittal at their sole cost in both time and money. The County should take greater care in handling submittals or be prepared to reimburse the private entity both momentarily to replace the lost item(s) and by expediting the review and approval.
3. We are held to submitting both construction plans and final plat one year after getting preliminary approval or else our subdivision is deemed null and void. The DWS review often takes more than a year. They should be held to a similar standard and it should be enforced. We had one project where we submitted the construction plans only to find out ten months later DWS had lost both sets that were originally submitted. It then took them over two years from the original submittal to complete the first round review of the construction plans.
4. The review of the construction plans goes through several iterations with each agency because every review contains additional comments that were not shown in the previous checkset. Agencies should not be able to continually add comments to a set of plans thus dragging out the review process.
5. Individual departments within the County are only concerned with the improvements they are responsible for and do not take into account the improvements of other reviewing agencies. Each agency should be understanding and flexible when two agencies have a conflict. There should be a give and take.
6. Out of professional courtesy county agencies should try to respond to e-mails, phone calls and fax messages. The DWS engineering staff is notorious for not doing this. They are hired to serve the County and should be obligated to do so.

## **ENGINEER 4**

1. Lack of uniform design standards within the County of Maui - Many times we as consultants are faced with situations where the various agencies within the County have different standards or change their standards without full consideration of the impact on other utilities or which conflict with the standards of other agencies. Many times these standards or change in standards result in major design changes after construction plans are submitted. The conflict in standards creates a problem at times where there is not adequate space within the roadway to install the necessary utilities. The changes in standards tends to result in major design changes if they are implemented after the plans have been submitted. We have encountered situations where design changes have been implemented within a department and the consultant is not notified of the change until after the plans are submitted and reviewed.
  
2. Construction plan reviews are not done a timely basis by certain agencies within both the County and State. Many times we have encountered situations where construction plans are not reviewed for over one year after the plans are submitted. Although there are provisions in the County Code for automatic construction plan approval if the review is not conducted within a certain time, we have found that this results in agencies returning comments without conducting a full review of the plans in order to meet the deadline, and as a result requires an additional submittal of the plans. We have found that forcing the County to approve the plans for failure to conduct the review within the specified time frame under the provisions of the County Code results in agencies refusing to accept the improvements because they have not completed a thorough review of the plans.

There is a provision within the County Code that specifies a expedited review process for projects in the Maui Research and Technology Park. Although the process is well defined in the County Code, this process to the best of our knowledge has never been implemented by the County. Recent projects have resulted in the coordinating agency acknowledging that the process specified in the County Code does not work and the only assistance they can provide is to help to track the review of the plans. This results in plans following the normal review process and results in no expedited reviews as specified in the County Code.

3. Some agencies outside of the County do not conduct plan reviews in a timely manner as this may not be a priority within their department. Any attempt to expedite or improve the review process needs to involve all agencies that required to review the plans whether or not they are County agencies. If all of the agencies that are involved in trying to improve the process do not cooperate, there will be always be a source for delays in the process. Implementing changes within the County only may provide some improvement in the review process but it will not be very effective if the agencies outside of the County do not contribute to improving the process.

## **ENGINEER 5**

### **Perceived Causes of Project Approval Delays in County of Maui (Draft Revision #1, dated July 31, 2008)**

#### **Planning**

- (1) Environmental Assessment/Impact Statement Process
  - (a) Initial preparation of Draft EA for non-exempted projects
  - (b) Pre-submittal consultation with community groups, documentation
  - (c) Pre-submittal consultation with Review Agencies, possibly including DLNR, Planning (for SMA, Shoreline Setback Variance), US Fish and Wildlife, Army Corps of Engineers, SHPD, NRCS, HDOT, etc.
  - (d) Submittal of Draft EA to Planning and OEQC, delays in distribution to relevant Review Agencies
  - (e) Delays in getting comments by Review Agencies within 30-day Draft EA comment period deadline
  - (f) Acceptance by Planning to accommodate comments well past 30-day Draft EA comment period
  - (g) Response to Review Agency comments
  - (h) Submittal of Final EA with Review Agency comments and written responses to Review Agency comments to establish FONSI
  - (i) 30-day litigation period challenging FONSI
  - (j) Possible Intervention leading to potential Environmental Impact Statement Process (and significant subsequent delays)
  
- (2) Special Management Area Permit Process (if applicable)
  - (a) After FONSI has been granted to Final EA, Initial Preparation of SMA Application/Report and submittal to Planning
  - (b) Notification of Project to all residents/owners of parcels within 500 feet of project site boundaries by newspaper and certified mailing
  - (c) Submittal of SMA Application Package to Planning, delays in distribution to relevant Review Agencies
  - (d) Delays in getting comments by Review Agencies, acceptance by Planning to accommodate comments well past reasonable comment period deadline
  - (e) Once SMA Application package deemed complete (with written responses to comments on SMA package), scheduling of Planning Commission Hearing by Planning Department
  - (f) Notification of Planning Commission Hearing Date at least 30 days prior to scheduled hearing date to all residents/owners within 500 feet of project site boundaries by newspaper and certified mailing
  - (g) Possible Intervention leading to postponement of Planning Commission decision pending settlement (and significant subsequent delays)

## **DWS**

- (3) Preparation of Construction Plans, submittal to DWS
  - (a) Delays in receiving Check Set #1 with DWS comments (typically one year later)
  - (b) Preparation of Summary Matrix of DWS Comments and revision of Construction Plans to address each comment in Check Set #1
  - (c) Delays in receiving additional DWS comments (not originally included in Check Set #1) in Check Set #2
  - (d) Preparation of Summary Matrix #2 and revision of Construction Plans to address new comments in Check Set #2
  - (e) Switch in DWS policy/requirements, leading to more comments/demands in possible Check Set #3 (e.g., security fence, exterior ladder, MCC Building, equipment type, etc.)
  - (f) Change of DWS reviewer, leading to more comments/demands in possible Check Set #4
  - (g) Unexplained loss/misplacement of revised Construction Plans, requiring reproduction and resubmittal sometimes weeks/months after revised Construction Plans had been resubmitted to DWS

## **DPW**

- (4) Post-Distribution of Construction Plans through DSA to relevant Review Agencies
  - (a) Apparent unwritten “policy” that Construction Plans will not be reviewed until after DWS approval has been obtained
  - (b) Requirements for copies of calculations for designs on Construction Plans already stamped and signed by licensed Professional Engineer of Record
  - (c) Requirements for DPW approval sometimes contingent on evidence of HDOT approval
  - (d) Conflicts between DPW requirements and HDOT requirements (in adjacent County/State ROW)
  - (e) Possible requirement for Sight Distance Report in addition to Drainage Report
  - (f) Possible involvement of DCAB in cases of non-compliant ramps for recommendations based on TI or SI determination
  - (g) Change of policy (e.g., prohibiting use of fabricated bends and mandating much more costly Drainage Manholes [DMH] in drainage networks which formerly accepted use of shop-manufactured fabricated bends in County roadways)

## **DEM**

- (5) Post-Distribution of Construction Plans through DSA to relevant Review Agencies
  - (a) DEM review and approval required (via DSA), but no signature required on Title Sheet (apparently since DPWEM was split into separate DPW and DEM agencies)
  - (b) Changes in Construction Plan standards (i.e., specify thickness of PVC pipe based on unwritten minimum threshold slope of profile)
  - (c) Possible requirement to submit Closed Circuit TV (CCT) video of shallow sloped PVC to prove no sags in line

## **SHPD**

- (6) Post-Distribution of Construction Plans through DSA to relevant Review Agencies
  - (a) In general, SHPD review delayed by notoriously understaffed agency statewide
  - (b) Possible request for preparation of Archaeological Monitoring Plan
  - (c) Delays in review and approval of Archaeological Monitoring Plan (due to Item 6a above)
  - (d) Need for concurrence in review decisions with Burial Council
  - (e) Possible requirement for Cultural Assessment Study and Report in addition to Archaeological Report

## **ENGINEER 6**

- 1) County government's expectations of itself are too low. Departmental priorities—and the subsequent allocation of County resources – tend to be driven by short term “issues of the day” rather than by a genuine interest in achieving longer term goals which may be more difficult to achieve but are far more valuable to the public interest. (E.g. Championing water source development, leading the planned expansion of public infrastructure needs to enable affordable housing, aggressive processing of permits to encourage private investment and foster economic activity, etc.)
- 2) There are no negative consequences for Department heads and supervisors when inaction by staff results in delay. Excuses are plentiful (e.g. Not enough manpower, not enough money, not enough time, etc.) and are complacently accepted by those providing oversight so no meaningful corrective action results.
- 3) Department heads institute and emphasize policies which place a high priority on avoiding criticism than achieving broader public objectives. Such self-interested policies discourage Department staff from taking the initiative and using their own judgment by punishing attempts to allow sensible and reasonable exceptions which might improve efficiency. Thus, when permits and approvals are applied for, staff has learned that is far easier to impose an unnecessarily strict set of requirements with “No Exceptions”, since such behavior does not result in criticism from superiors – even though it may render the Department as a whole ineffective.



## **ENGINEER 7**

- 1)
  - A) With each agency operating independently of one another, there exists a lack of communication between agencies. For example, requirements of one agency impede the requirements set forth by another. The issue is solved after check sets are returned and the consultant persuades both agencies for approval. Hence, poor communication causes conflicting requirements resulting in unnecessary and time consuming steps.
  - B) We have all become accustomed to the use of technology for communication. However, lengthy back and forth emailing can be eliminated by conversation, either in person or over the phone. Electronic documents do serve their purpose, but conversation allows for debate among professions with a common goal in sight. This mode of communication exists between agencies and consultants as well as within agencies.
- 2) Changes to details, requirements policy, etc. should be made only when absolutely necessary and after serious consideration. These changes should be extensively announced to the public and readily to view for years to follow.
- 3) Change in reviewer should not occur. Each reviewer's comments will differ slightly resulting in additional review comments.
- 4) As projects line up for review, the incentive to finish in a timely manner diminished. Deadlines have been set in order to prevent this backup from occurring. For example, the preliminary subdivision approval process requires a response within 45 days. Projects are now incompletely reviewed in order to meet this deadline causing additional comments for a second check set. The policy which intends to achieve review deadlines ultimately slows the process.
- 5) Most importantly, the loss of plans is unacceptable. This shows a complete lack of responsibility and accountability. The reviewing agencies should set the standard of excellence which private firms consequently pursue.

## **ENGINEER 8**

- 1) Either clear time limitations on agency review, comments, and approvals, should be established; or, existing time limitations enforced and upheld so that if a department/agency does not review and comment within the specified time limitation, then the plans are automatically approved (so long as there is no clear violation of any existing code or published standard), and the department/agency should not be allowed to come back with subjective, discretionary requirements.
- (2) Respective department/agency should be the accepting agency for EAs, not the Planning Commission. Update and improve clarity of exemption list.
- (3) Improve accessibility to review staff for early consultation, return phone calls or emails, etc.
- (4) Establish Maui-first consultants policy for County projects.
- (5) Establish better system to track location and status of plan review (fewer lost plans, queue priority being shuffled, etc.).

## **ENGINEER 9**

A request was made to DSA for a decision from them that we felt had a good chance for positive response, but we were turned down. When inquiring about the reason for the denial, we were told that if their decision were challenged in court by a third party checking their files, the negative response was defensible in court whereas a positive response would have been harder to defend. Although I acknowledge that liability is always a concern, it should not be the overriding factor in a decision whose issues were not clearly black and white. I felt that in this case "no" was the easy answer, but some additional thought and initiative on the part of DSA could have yielded an answer that would have helped a family and ultimately could have created jobs and helped the economy of the County.

From my observations, the County agencies whose review time takes the longest continue to be the Water and Planning Departments.

DWS construction plan review for subdivisions have routinely taken up to 12 months for first review, although building permit reviews have recently been shorter.

Planning Department comments on preliminary subdivision applications routinely don't make the mandated 45 day review period. Review of Agricultural Subdivision Assessment applications have taken a minimum of 3-4 months with some taking over 9 months.

I imagine that with the softening economy, the flood of applications will lessen and County staff will have more time to devote to their backlog of work.

I guess the obvious answer is to fill vacancies in appropriated positions or add more staff to key positions to facilitate processing of applications within the Water and Planning Departments, for example.

I understand the difficulties in recruiting employees to fill key vacancies, especially within the Water Department, when perhaps a potential employee may find a less stressful job somewhere else in the public sector.

Recently, I understand that Mayor Tavares requested a freeze in salaries of her Department heads and while I agree that prudent fiscal management is appropriate in these uncertain economic times, I believe recruitment will suffer and ultimately the County may not be able to attract the best qualified applicants for these important positions.

In the case of the Police Department, Chief Phillips has pondered retirement and the pool of candidates for his replacement generally falls with the Deputy Chief and the Assistant Chiefs.

The difficulty will be recruiting applicants for the Chief's position from that pool where some of the Assistant Chiefs earn more than Chief. It may not be appealing for an Assistant Chief to take on the added responsibility and a cut in pay at the same time.

**Additional Comments:**

1. To re-instate provisions for deferral of improvements to existing streets for subdivisions three lots or less – this is a burden for the smaller landowners.
2. Increase the \$125,000 threshold for SMA minor permits – this is something that the Administration can include in its Legislative Package.

# **5. DRAFT LEGISLATION, POLICIES AND FORMS**

## **DRAFT LEGISLATION**

### **Amendments to Title 14**

Consider amendment of “Water Availability” provisions to exempt affordable housing.

Consider repeal of “Water Availability” provisions.

### **Amendments to Title 18**

Consider amendment of “Water Availability” provisions to exempt affordable housing

Consider repeal of “Water Availability” provisions.

Consider reinstating provisions for deferral of improvements for subdivisions of three lots or less.

Consistency and conformity provisions – draft bill attached.

### **Amendments to Title 19**

Administrative review (Project District) – draft bill attached.

Administrative review (Planned Development) – draft bill attached

Administrative review (Time extensions/transfer of permit holder for Conditional Permits) – draft bill attached.

### **Amendment to Chapter 205A (CZM)**

Increase \$125,000 threshold for SMA minor permits

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION ADMINISTRATION

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

SECTION 1. Section 18.04.030, Maui County Code, is amended to read as follows:

"18.04.030 Administration. This title shall be applied and administered within the framework of the county general plan, community plans, land use ordinances, the provisions of the Maui County Code and other laws relating to the use of land. The director shall [not] approve [any] subdivisions that [does not conform to or is inconsistent] are consistent with the county general plan, community plans, State land use, and zoning. [land use ordinances, the provisions of the Maui County Code, and other laws relating to the use of land; provided, however, that this prohibition shall not apply to:] This requirement of consistency shall not apply to the following:

- 1 Subdivisions created solely for the purpose of dedicating land to the county or State or for lands otherwise acquired by the county or the State for public purposes;
- 2 Subdivisions for affordable housing or park purposes [where the county is the applicant];
- 3 Subdivisions created solely for designating roadway or access easements;
- 4 Consolidations and resubdivisions where no additional developable lots are created; or
- 5 Large lots in subdivisions containing one or more large lots where the large lot&) [do not conform to or] are inconsistent with the aforementioned plans, ordinances, codes, and law, provided that the owners, their heirs, executors, and assigns of the subdivision execute an agreement with the director to have each large lot conform to said plans, ordinances, codes, and laws then in effect upon actual development of the large lot, or future subdivision into lots which do not fall within the large lot definition.

Determination of consistency with the county general plan, community plan, State land use and zoning shall be made by the planning director.

SECTION 2. Chapter 18.04, Maui County Code, is amended by adding thereto a new section to be designated and to read as follows:

"18.04.109 Consistency. 'Consistency' means the state land use

district, general plan and community plan maps, and zoning categories of Title 19, Maui County Code, are compatible.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed materials, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

Mayor's Permitting and Processing Task Force Bill I Subdivision 020509



ORDINANCE NO. \_\_\_\_

BILL NO. \_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.45, MAUI COUNTY  
CODE, PERTAINING TO PROJECT DISTRICT PROCESSING

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

SECTION 1. Section 19.45.050, Maui County Code, is amended to read as follows:

“19.45.050 Processing procedure.

Development of a project district shall be subject to the following [three] two phases of approvals.

A. Phase I approval shall be processed as follows:

1. After receiving an application for a project district development, the planning director shall submit to the planning commission one or more proposed project district ordinances, which provide project district zoning district standards including permitted land uses, accessory uses, special uses, densities, heights, setbacks, [and] lot dimensions, and other development standards. The planning commission shall hold a public hearing on the proposed ordinances in the affected community plan region. After the public hearing, the planning commission shall submit its recommendations and the proposed ordinances to the council. The council may approve the ordinances with or without modifications.
2. If the project district ordinance requires unilateral or bilateral agreements then, after the council approves the project district ordinance, the applicant shall negotiate the terms of the agreements with the mayor or his designated representative in accordance with the representations made to the council. Agreements shall be drafted so as to be enforceable by the County, and shall bind all persons having an interest in the property. [The unexecuted agreements shall be submitted to the council.] The council may approve unilateral agreements with or without modifications and, after proper execution, shall record the agreements with the bureau of conveyances or the land court. [The council shall review bilateral agreements and may transmit its comments and the bilateral agreements to the mayor or his designated representative for further negotiation and modification, if appropriate, and for proper execution. A copy of the recorded unilateral agreement or

the executed bilateral agreement shall be transmitted to the council.] Unless otherwise provided in the project district ordinance, no further approvals shall be granted until all required unilateral agreements have been recorded, and all required executed bilateral agreements have been transmitted to the council for its information.

B. Phase II approval shall be processed as follows:

1. Unless a concurrent application has been filed or otherwise provided in the project district ordinance, after Phase I approval the applicant shall submit to the planning director a preliminary site plan for the project district development. The preliminary site plan shall conform to the project district ordinance and shall include the following:
  - a. Proposals for drainage, streets, parking, utilities, grading, landscaping, architectural design concepts and guidelines, building elevations, building sections, construction phasing, open spaces, land uses, and signage;
  - b. Proposals for recreational and community facilities;
  - c. Proposals for floor area ratios, lot coverages, net buildable areas, open space ratios, impervious ratios, and density factors; and
  - d. Potential environmental, socioeconomic, and aesthetic impacts.
2. The planning director shall submit the preliminary site plan to the planning commission. The planning commission shall hold a public hearing in the affected community plan region. The planning commission may approve the preliminary site plan, with or without modifications.

C. [Phase III approval shall be processed as follows:

1. ] After Phase II approval, the applicant [shall submit a final site plan for the project district development to the planning director.
2. ] The director shall approve the final site plan if it conforms in all substantive respects to the approved preliminary site plan.] may apply for all other required ministerial permits of the County of Maui. Upon completion of construction, the development shall no

longer be subject to the project district processing procedures,  
unless there is a change in use or density.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed materials, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

Mayor's Permitting and Processing Task Force Project District Bill 020509

ORDINANCE NO. \_\_\_\_

BILL NO. \_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.32, MAUI COUNTY CODE,  
PERTAINING TO PLANNED DEVELOPMENT

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

SECTION 1. Section 19.32.020, Maui county Code, is amended to read as follows:

“19.32.020 Rules of procedure.

A. The owner of a parcel of land in State Urban District, three acres or more in size, who is desirous of proceeding with a planned development, shall first apply to the [ commission in writing, stating the location, size and brief description of the planned development; provided, however, that the minimum area for planned development proposed on lands outside the State Urban District shall be ten acres or more in size. The commission shall reject or tentatively approve the request.

B. Upon receipt of the tentative approval, the owner shall confer with the] planning director[, the director of public works and the director of the department of water supply and] an application for planned development approval. The application shall include a [proceed to prepare a sketch] preliminary plan of the development, showing among other things, a preliminary proposal for drainage, streets, utilities, grading, landscaping, open spaces, lots, land uses, recreational and community facilities, buildings and structures, and programming. The [commission] planning director in consultation with the director of public works, the director of the department of water supply and other agencies shall review the [sketch] preliminary plan for conformance with the standards of development in this chapter and reject or tentatively approve the [sketch] preliminary plan.

[C] B. Upon approval of the [sketch] preliminary plan, the owner shall proceed to prepare a unified site and building program which shall include, among other things, construction plans in accordance with Title 18; site plan showing grading, landscaping, protected open spaces, location of each building and structure; building plan of each building and structure; and the financing and timing program. The [commission] planning director shall review the unified site and building program, and upon approval, the owner may proceed to [finalize the planned development] obtain other ministerial plans required by the County of Maui.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed materials, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

Mayor's Permitting and Processing Task Force Planned Development Bill 020509

ORDINANCE NO. \_\_\_\_

BILL NO. \_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.40, MAUI COUNTY CODE,  
PERTAINING TO CONDITIONAL PERMITS

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

SECTION 1. Section 19.40.090, Maui County Code, is amended to read as follows:

"19.40.090 Extensions. Conditional permits shall not be extended unless the terms of the initial issuance explicitly provide for same. In any case, extensions must be applied for no later than ninety days prior to expiration and shall be made and approved [in the same manner as an original application] by the planning director, provided it meets the following criteria:

- a. The permit holder is in compliance with the conditions of approval;
- b. The use approved by the county council has not been changed or new uses added;
- c. Reviewing agencies do not identify new concerns that need to be mitigated; and

If the [administration] planning director determines that [there has been no substantial change in the factors surrounding the original application, no public hearing need be held.] the use does not qualify for an administrative review and approval, the time extension shall be processed in the same manner as an original application.

The planning director may consider circumstances that prevented an applicant from filing a timely extension and may waive the requirement that extensions must be filed no later than ninety days prior to its expiration. "

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed materials, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

(P:\Gwen\Mayor's Permitting and Processing Task Force CP Bill 020509.wpd)

**DRAFT POLICY**

**Community Plan Amendments**

POLICY MEMORANDUM

TO: DEPARTMENT OF PLANNING STAFF

FROM: JEFFREY S. HUNT, Director  
Department of Planning

SUBJECT: ABANDONMENT OF JANUARY 10, 2008, POLICY MEMORANDUM  
REGARDING DEPARTMENT SUPPORT DURING GENERAL PLAN UPDATE

As you know, we are in the process of updating our County General Plan. After several delays the Maui County-Wide Policy Plan was finally completed, reviewed by the various planning commissions, and transmitted to the Maui County Council for final review and approval in February 2008.

It was anticipated that the Maui County Council would conclude their review of the General Plan Policy Plan before the end of 2008 and the Maui Island Plan would be on its way to the Maui County Council for review. On January 10, 2008 the Maui Planning Department (Department) established a position in which the Department would not support any land use amendments until this review process was completed.

Unfortunately, due to other pressing matters such as the transient vacation issue, the Maui County Council has not been able to schedule the Policy Plan for review. In addition, the General Plan Advisory Committee (GPAC) for the Maui Island Plan through the Maui Planning Department notified the Maui County Council that they were unable to complete its review by its deadline. The Maui County Council granted an extension until March 1, 2009 to complete the GPAC review.

In 2007 and early 2008 the economic future for Maui County was very promising. Unfortunately, since then there have been several significant socio-economic changes that have occurred both nationally and locally that have negatively impacted Maui County.

First, approximately 25 percent of the seats from the mainland to the State of Hawaii were eliminated with the demise of two major carriers with the sudden closure of Aloha Airlines and ATA. With these closures fewer visitors arrived in the islands and have affected our hotel occupancy. With the lower occupancy rates there have been significant layoffs of hotel employees, many of whom depended on their second jobs in the hotel industry to support their families.

Second, the sub-prime mortgage failure on the mainland has also affected Hawaii. This is evidenced by the increase in the number of foreclosure sales that we are experiencing in our community. The increased foreclosure sales have an indirect effect on the real property values of the community. Real property tax is the major revenue source for Maui County and when this is negatively impacted, we experience fewer revenues for county operations and capital improvement projects. The revenue that Maui County can expect to collect will be substantially lower than originally projected. In anticipation of our decreasing revenue all County Departments have been requested to cut their spending by approximately ten percent.

Third, the failure of Wall Street and the stock market has severely affected our financial institutions. It is increasingly more difficult for small businesses to obtain credit from our lending institutions. This has severely affected the ability of small businesses to remain in business. Many businesses that were experiencing rapid expansion over the previous years are now experiencing a severe down-turn, many of which are barely surviving.

All of these factors have led to a decline in our economic base. For the first time in recent years we are experiencing an increasing unemployment rate. To survive these trying economic times



we need to re-evaluate the way we do business and previous positions that may have been appropriate when our economic future was very promising.

All of these delays and the changing socio-economic conditions of Maui County require a re-evaluation of the Department's original position. We can no longer take a unilateral position that we will not support all land use amendments until the General Plan Update is completed. We need to evaluate each proposed project on its merits and decide whether it will bring public benefits to the County of Maui. Hopefully, the allowance of some projects to proceed will help to stimulate the economy of Maui County and alleviate the current economic crisis. For these reasons we are abandoning our position of January 10, 2008.

Mayor's Permitting and Processing Task Force GP Policy 020509

**DRAFT FORMS**

Sewerline Easement

Waterline Easement

Waterline Easement (Roadway Lot)

LAND COURT

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

Department of Environmental Management  
County of Maui  
2200 Main Street, Suite 175  
Wailuku, Hawaii 96793

TITLE OF DOCUMENT:

SEWERLINE EASEMENT

PARTIES TO DOCUMENT:

GRANTOR:

GRANTEE: COUNTY OF MAUI  
200 S. High Street  
Wailuku, Hawaii 96793

(LUCA File No. . . . ); (Easement )

TAX MAP KEY(S): (2)

(This document consists of 9 pages.)

**SEWERLINE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter called the "GRANTOR", in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and mailing address at 200 S. High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "GRANTEE", the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantee, and its legal successors and assigns, a perpetual nonexclusive easement over, under, across and through a portion of TMK (2) \_\_\_\_\_, more particularly described in Exhibit "A" attached hereto and by reference made a part hereof, hereinafter called "Easement Area", to construct, reconstruct, maintain, operate, repair and remove a sewerline, including such sewer pipeline or pipelines, manholes and other equipment (the "Sewer System Improvements") as the Grantee shall deem necessary or expedient for the proper maintenance, operation, or repair of said Sewer System Improvements.

The foregoing grant also includes the right of ingress to and egress from said Easement Area for purposes in connection with the rights granted.

The foregoing grant is made upon the following restrictions and conditions, which shall be binding upon the Grantor, Grantee and their respective successors and assigns:

1. Waste and Unlawful, Improper or Offensive Use of Premises. The Grantee shall not commit or permit to be committed any waste, nuisance, or unlawful, improper or offensive use of the Easement Area and adjoining areas.

2. Use and Restoration of Premises. The Grantee shall, upon performing any maintenance or repair work, restore the surface of the Easement Area and the surrounding grounds, damaged in the performance of said maintenance or repair work, to its original condition to the extent such restoration is reasonably possible.

3. Use by Grantor. The Grantor shall not erect nor construct any building foundations, buildings or structures above or below the present ground level, raise or lower the present ground level, or plant any hedges or trees within the Easement Area, unless the Grantor receives prior written approval from the Grantee; provided, however, that this provision shall not prevent the Grantor from laying, constructing, operating, maintaining, repairing or removing its own sewer or water pipelines, conduits or drains below the surface of said Easement Area, provided that such sewer or water pipelines, conduits or drains do not interfere with the exercise by the Grantee of the rights herein granted; provided, further, however, that notwithstanding and irrespective of any prior written approval of the Grantee, Grantor shall defend, indemnify, and hold harmless Grantee from and against any and all damage, including loss to persons or property, and damage to Grantee's Sewer System Improvements or other appurtenances in said Easement Area, resulting or arising from Grantor's erection of said building foundation, building, or structure, from Grantor's planting of said hedge or tree, from the Grantor's raising or lowering of the ground level or from Grantor's construction, operation, maintenance, repair or removal of its own sewer or water pipelines, conduits, or drains in said Easement Area.

4. Maintenance of Easement Area. The grant of easement does not obligate nor charge the Grantee with any duties or responsibilities with regard to the ownership, condition, repair, and/or maintenance of the Easement Area except as required in paragraph 2, above.

5. Indemnity.

(a) That the Grantee shall indemnify and hold harmless the Grantor, its successors and assigns, from and against all claims for property damage, injury, or wrongful death arising out of or in connection with the Grantee's use, maintenance or operations on the subject easement area, to the extent that the Grantee's liability for such damage, loss or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Grantee, and further, to the extent the payment for such damage, loss or injury is permitted by law and approved by the Maui County Council;

(b) The Grantor shall indemnify and hold harmless Grantee, its legal successors and assigns, from and against all claims for property damage, personal injury, or wrongful death when and to the extent such damage, injury, or death proximately results from or arises out of the negligence of the Grantor and will reimburse the Grantee for any judgments, costs, and expenses, including reasonable attorney's fees, incurred in connection with the defense of any such claim, or incurred by the Grantee in enforcing this agreement.

6. Damage to Sewer System Improvements. The Grantor shall be responsible for all costs and expenses incurred by the Grantee in connection with the repair of damages to the Sewer System Improvements when and to the extent such damages result from or arise out of the negligence of the Grantor, and shall reimburse the Grantee for costs and expenses, including reasonable attorney's fees, incurred by the Grantee in enforcing this provision.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be  
executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

GRANTOR:

By \_\_\_\_\_

APPROVAL RECOMMENDED:

\_\_\_\_\_  
CHERYL K. OKUMA  
Director of Department of Environmental  
Management

GRANTEE:

COUNTY OF MAUI

By \_\_\_\_\_  
CHARMAINE TAVARES  
Its Mayor

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel  
County Of Maui

STATE OF HAWAII )  
 ) ss.  
CITY AND COUNTY OF HONOLULU )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally  
appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or  
affirmed, did say that he is the Vice President of \_\_\_\_\_,  
\_\_\_\_\_, a Hawaii corporation, the Manager of \_\_\_\_\_ a Hawaii limited  
liability company, and that such person executed the foregoing instrument as the free act and  
deed of such person, and if applicable in the capacity shown, having been duly authorized to  
execute such instrument in such capacity.

\_\_\_\_\_  
Name:

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_





**EXHIBIT "A"**

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LAND COURT

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

Department of Water Supply  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

TITLE OF DOCUMENT:

EASEMENT

PARTIES TO DOCUMENT:

GRANTOR:

GRANTEE: COUNTY OF MAUI  
200 South High Street  
Wailuku, Maui, Hawaii 96793

**Easement**

(Subdivision File No. \_\_\_\_\_ DWS Job No. \_\_\_\_\_ )

TAX MAP KEY(S):

(This document consists of 10 pages.)

**EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That

whose mailing address is \_\_\_\_\_,

referred to as the "Grantor", in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable considerations paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and mailing address at 200 South High Street, Wailuku, Hawaii 96793, referred to as the "Grantee", the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantee and its successors and assigns, a perpetual nonexclusive easement over, under, across and through a portion of Tax Map Key (2) \_\_\_\_\_, as described in Exhibit "A" attached hereto and made a part hereof, for access to water meter, and to reconstruct, maintain, operate, repair, and remove water pipelines and related appurtenances, referred to as the "Water System Improvements" installed in connection with the

Subdivision No. 2, DSA File No. \_\_\_\_\_, DWS Job No. \_\_\_\_\_.

That the foregoing also includes the right to ingress to and egress from the said perpetual easement area for purposes in connection with the rights granted.

That the foregoing grant is made upon the following restrictions and conditions, which shall be binding upon the Grantor, Grantee, and their respective successors and assigns:

1. Waste and unlawful, improper or offensive use of premises. That the Grantee shall not commit or permit to be committed any wasteful, unlawful, improper, or offensive use of the easement and adjoining areas.

2. Use and restoration of premises. That the Grantee shall, upon performing any maintenance or repair work, restore the surface of the ground, damaged in the performance of said maintenance or repair work, to their original condition to the extent that such restoration is reasonably possible.

3. Use by Grantor. That the Grantor shall not erect or construct any building foundations, buildings, or structures above or below the present ground level, raise or lower the present ground level, or plant any trees within the easement area unless the Grantor receives prior written approval from the Grantee to erect or construct said building foundation, buildings, or structures above or below the present ground level, raise or lower the present ground level, or plant any trees within the easement area; provided, however, that this provision shall not prevent the Grantor from constructing and maintaining roadways within said easement areas or from laying, constructing, operating, maintaining, repairing, or removing its own water pipelines, conduits or drains below the surface of the said easement areas provided that such water pipelines, conduits or drains do not interfere with the exercise by the Grantee of the rights herein granted; provided, further, however, that notwithstanding and irrespective of any prior written approval of the Grantee, the Grantor shall defend, indemnify and hold harmless the Grantee from and against any and all damage, including loss to person or property, and damage to the Grantee's water pipeline or pipelines, meters, fire hydrants, or other appurtenances in said easement area, resulting or arising from the Grantor's erection of said building foundation, building, or structure, from the Grantor's planting of said hedge or tree, from the Grantor's raising or lowering of the ground level, or from the Grantor's construction and maintenance, repair or removal of its own water pipelines and conduits in said easement area.

4. Maintenance of easement area. That the grant of right does not obligate nor charge the Grantee with any duties or responsibilities with regard to the ownership, condition, repair, and/or maintenance of the easement area except as required in paragraph 2.

5. Indemnity. (a) That the Grantee shall indemnify and hold the Grantor harmless from and against all claims for property damage, personal injury, or wrongful death arising out of or in connection with the Grantee's use, maintenance or operations on the subject easement area, to the extent that the Grantee's liability for such damage, loss or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Grantee, and further, to the extent the payment for such damage, loss or injury is permitted by law and approved by the Maui County Council.

(b) That the Grantor shall defend, indemnify and hold harmless the Grantee from and against all claims for property damage, personal injury, or wrongful death when to the extent such damage, injury or death proximately results from or arises out of the negligence of the Grantor, and will reimburse the Grantee for any judgments, costs, and expenses, including reasonable attorney's fees, incurred in connection with the defense of any such claim, or incurred by the Grantee in enforcing this agreement.

6. Damage to Water System Improvements. That the Grantor, regardless of any prior approval granted by the County of Maui, to make improvements within the easement area, shall be responsible for all costs and expenses incurred by the Grantee in connection with the repair of damages to the Water System Improvements when and to the extent such damages result from or arise out of the negligence of the Grantor, and shall reimburse the Grantee for costs and expenses, including reasonable attorney's fees, incurred by the Grantee in enforcing this provision.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly  
executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GRANTOR:

Approval Recommended:

By \_\_\_\_\_

Its:

\_\_\_\_\_  
Milton M. Arakawa, A.I.C.P., Director  
Department of Public Works

GRANTEE:

COUNTY OF MAUI

\_\_\_\_\_  
Kalbert Young, Director  
Department of Finance

\_\_\_\_\_  
JEFFREY K. ENG  
Director of Water Supply

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel  
County Of Maui

STATE OF HAWAII )  
 ) ss.  
COUNTY OF MAUI )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally  
appeared \_\_\_\_\_ to me personally known, who, being by me duly sworn  
or affirmed, did say that he is the \_\_\_\_\_

\_\_\_\_\_, and that such person executed the foregoing instrument as  
the free act and deed of such person, and if applicable in the capacity shown, having been duly  
authorized to execute such instrument in such capacity.

\_\_\_\_\_  
Name:

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

Date: _____	# Pages: _____
Name: _____	_____ Circuit
Doc. Description: _____	
_____	
_____	
_____	
Notary Signature	
<b>NOTARY CERTIFICATION</b>	



STATE OF HAWAII )  
 ) ss.  
COUNTY OF MAUI )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared JEFFREY K. ENG, to me personally known, who, being by me duly sworn, did say that he is the ~~Director of the Department of Water Supply of the County of Maui, a political subdivision of the State of Hawaii~~, and that the seal affixed to the foregoing instrument is the lawful seal of the County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Council, and the said JEFFREY K. ENG acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Name:

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

Date: _____	# Pages: _____
Name: _____	_____ Circuit
Doc. Description: _____	
_____	
_____	
_____	
Notary Signature	
<b>NOTARY CERTIFICATION</b>	

LAND COURT

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

Department of Water Supply  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

TITLE OF DOCUMENT:

EASEMENT

PARTIES TO DOCUMENT:

GRANTOR:

GRANTEE: COUNTY OF MAUI  
200 South High Street  
Wailuku, Maui, Hawaii 96793

**Roadway Lot**  
(Subdivision File No. \_\_\_\_\_ ; DWS Job No. \_\_\_\_\_ )

TAX MAP KEY(S):

This document consists of 11 pages.)

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_  
whose mailing address is \_\_\_\_\_  
referred to as the "Grantor", in consideration of the sum of ONE DOLLAR (\$1.00) and other  
valuable considerations paid by the COUNTY OF MAUI, a political subdivision of the State of  
Hawaii, with its principal office and mailing address at 200 South High Street, Wailuku, Hawaii  
96793, referred to as the "Grantee", the receipt whereof is hereby acknowledged, does hereby  
grant and convey unto the Grantee and its successors and assigns, a perpetual nonexclusive  
easement over, under, across and through a portion of Tax Map Key (2) : \_\_\_\_\_ as  
described in Exhibit "A" attached hereto and made a part hereof, for access to water meter, and  
to reconstruct, maintain, operate, repair, and remove water pipelines and related appurtenances,  
referred to as the "Water System Improvements" installed in connection with the  
Subdivision \_\_\_\_\_, DSA File No. \_\_\_\_\_, DWS Job No. \_\_\_\_\_.

That the foregoing also includes the right to ingress to and egress from the said perpetual  
easement area for purposes in connection with the rights granted.

That the foregoing grant is made upon the following restrictions and conditions, which  
shall be binding upon the Grantor, Grantee, and their respective successors and assigns:

1. Waste and unlawful, improper or offensive use of premises. That the Grantee  
shall not commit or permit to be committed any wasteful, unlawful, improper, or offensive use of  
the easement and adjoining areas.

2. Use and restoration of premises. That the Grantee shall, upon performing any maintenance or repair work, restore the surface of the ground, damaged in the performance of said maintenance or repair work, to their original condition to the extent that such restoration is reasonably possible, subject to the provisions of Section 7(e) below.

3. Use by Grantor. That the Grantor shall not erect or construct any building foundations, buildings, or structures above or below the present ground level, raise or lower the present ground level, or plant any trees within seven and one-half feet of the centerline of any water pipeline or related appurtenance (referred to as the "Restricted Area") unless the Grantor receives prior written approval from the Grantee to erect or construct said building foundation, buildings, or structures above or below the present ground level, raise or lower the present ground level, or plant any trees within the Restricted Area; provided, however, that this provision shall not prevent the Grantor from constructing and maintaining roadways within said easement areas or from laying, constructing, operating, maintaining, repairing, or removing its own water pipelines, conduits or drains below the surface of the said easement areas provided that such water pipelines, conduits or drains do not interfere with the exercise by the Grantee of the rights herein granted; provided, further, however, that notwithstanding and irrespective of any prior written approval of the Grantee, the Grantor shall defend, indemnify and hold harmless the Grantee from and against any and all damage, including loss to person or property, and damage to the Grantee's water pipeline or pipelines, meters, fire hydrants, or other appurtenances in said easement area, resulting or arising from the Grantor's erection of said building foundation, building, or structure, from the Grantor's planting of said hedge or trees, from the Grantor's raising or lowering of the ground level, or from the Grantor's construction and maintenance, repair or removal of its own water pipelines and conduits in said easement area.

4. Maintenance of easement area. That the grant of right does not obligate nor charge the Grantee with any duties or responsibilities with regard to the ownership, condition, repair, and/or maintenance of the easement area except as required in paragraph 2 and Section 7(e) below.

5. Indemnity. (a) That the Grantee shall indemnify and hold the Grantor harmless from and against all claims for property damage, personal injury, or wrongful death arising out of or in connection with the Grantee's use, maintenance or operations on the subject easement area, to the extent that the Grantee's liability for such damage, loss or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Grantee, and further, to the extent the payment for such damage, loss or injury is permitted by law and approved by the Maui County Council.

(b) That the Grantor shall defend, indemnify and hold harmless the Grantee from and against all claims for property damage, personal injury, or wrongful death when to the extent such damage, injury or death proximately results from or arises out of the negligence of the Grantor, and will reimburse the Grantee for any judgments, costs, and expenses, including reasonable attorney's fees, incurred in connection with the defense of any such claim, or incurred by the Grantee in enforcing this agreement.

6. Damage to Water System Improvements. That the Grantor, regardless of any prior approval granted by the Grantee, to make improvements within the easement area, shall be responsible for all costs and expenses incurred by the Grantee in connection with the repair of damages to the Water System Improvements when and to the extent such damages result from or arise out of the negligence of the Grantor, and shall reimburse the Grantee for costs and

expenses, including reasonable attorney's fees, incurred by the Grantee in enforcing this provision.

7. Special Provisions Relating to Restriction of Public Road Access. In the event public access to the internal roads in the Subdivision and the easement area is restricted, Grantor and Grantee hereby agree that the following covenants and conditions shall apply:

(a) For all purposes of this easement, the term "Grantor" shall mean the Grantor named above, and its successors and assigns, and who shall be responsible for maintaining and repairing the roadway lots within the Subdivision. If and when all or any portion of the roadway lots shall be conveyed to or acquired by any governmental authority as public highways, then and in such event, all private easement rights in said roadway lots so conveyed or acquired, shall automatically terminate. Grantor shall thereafter have no further obligations or liabilities (except for obligations and liabilities which shall have accrued or arisen prior to Grantor's transfer of its interest in the roadway lots within the Subdivision).

(b) Grantor will provide Grantee with the means to gain access to the Subdivision and easement area in the form of keys, electronic bypass code, or other device which shall be located in a lock box at the entrance of the Subdivision and easement area. The Grantor shall provide the Grantee a lock box with a padlock as specified by the Grantee so that Grantee may gain access to the Subdivision and easement area by use of the keys, electronic bypass instructions, or other devices contained within the lock box. If said keys, access codes or other devices are changed at any time in the future, the Grantor will promptly place new keys, access code or device into the lock box so that Grantee will continue to have means of access.

(c) If at any time in the future and for any reason Grantee's access to the Subdivision and easement area for the purpose of performing repairs or maintenance to the water system

improvements shall be hindered, restricted or delayed as a result of the access to said roads by the public being restricted, Grantor shall indemnify and hold harmless Grantee from and against all claims for property damage, personal injury or wrongful death when and to the extent that such damage, injury or death proximately results from or arises out of said hindrance, restriction or delay in Grantee's gaining access.

(d) Grantor shall at all times and at its sole expense keep in full force and effect a policy or policies of liability insurance, insuring against loss, damage or liability for bodily or personal injury to, or death of persons, and loss or damage to property for which Grantor is obligated to indemnify the Grantee under any provision of this easement, and said policy or policies shall name the Grantee as additional insured. The limits of public liability and property damage liability shall be not less than \$1,000,000 per person, per occurrence for personal injury and not less than \$100,000 per occurrence, per property for property damage liability. Grantor will provide Grantee with certificates or copies of such policies from time to time as Grantee may request to evidence Grantor's compliance with this insurance requirement.

(e) When the pavement within any portion of the easement area shall be excavated or removed by Grantee in connection with the repair or maintenance of any water line or appurtenance, the Grantee shall be obligated to restore the surface of the pavement only by "cold patch" method. Any final surfacing of the pavement by any more costly method shall be performed by the Grantor at Grantor's expense.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly  
executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GRANTOR:

Approval Recommended:

By \_\_\_\_\_

Its:

\_\_\_\_\_  
Milton M. Arakawa, A.I.C.P., Director  
Department of Public Works

GRANTEE:

COUNTY OF MAUI

\_\_\_\_\_  
Kalbert Young, Director  
Department of Finance

\_\_\_\_\_  
JEFFREY K. ENG  
Director of Water Supply

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel  
County Of Maui



STATE OF HAWAII )  
 ) ss.  
COUNTY OF MAUI )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally  
appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn  
or affirmed, did say that he is the Manager of

and that such person executed the foregoing instrument as  
the free act and deed of such person, and if applicable in the capacity shown, having been duly  
authorized to execute such instrument in such capacity.

\_\_\_\_\_  
Name:

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

Date: _____	# Pages: _____
Name: _____	_____ Circuit
Doc. Description: _____	
_____	
_____	
_____	
Notary Signature	
NOTARY CERTIFICATION	

STATE OF HAWAII )  
 ) ss.  
COUNTY OF MAUI )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared JEFFREY K. ENG, to me personally known, who, being by me duly sworn, did say that he is the Director of the Department of Water Supply of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Council, and the said JEFFREY K. ENG acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Name:

Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

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_____	
_____	
Notary Signature	
<b>NOTARY CERTIFICATION</b>	

## **6. TIMELINE**

	Short Term	Medium Term	Long Term	Mayor's Office	Department
<b>GENERAL</b>					
<b>1. Capital Improvements Projects</b>					
a. Assign EA in charge of CIP or form CIP coordination committee consisting of department heads	X			X	
b. Hire CIP Coordinator		X		X	
<b>2. Communication between Dept. Heads and Mayor</b>					
a. Schedule weekly mtgs. With MD and Dept. Heads	X			X	
b. Hire Administrative Officer			X	X	
<b>3. Prioritizing Permit Reviews</b>					
a. Categorize and prioritize permits according to complexity	X				X
b. Overall review of permit processes, functions, and applicability. Review employee job classifications for applicability and concurrency with department. Establish deadlines and hold staff accountable.			X		X
<b>4. Standards</b>					
a. Establish policy memorandums to clarify interpretation of departmental design Standards and its application.	X				X
b. Establish pre-design coordination meetings with owner and reviewing agencies.	X				X
c. Conduct comprehensive review of all departmental design standards to reduce conflicting requirements.			X		X
<b>5. KIVA System</b>					
a. Issue County-wide directive mandating each Department utilization of KIVA	X			X	
b. Investigate new technologies to increase efficiency			X		X
<b>6. General Plan Update</b>					
a. Rescind or revise Policy Memorandum regarding Community	X			X	X

Plan amendments.				
<b>ALL DEPARTMENTS</b>				
1. Preliminary Subdivision Approval				
a. Directive from Mayor's office to departments re: adherence to provisions of Sec. 18.08.100, MCC, and 45 day time limit to respond.	X		X	
2. Subdivision Construction Plans				
a. Enforce compliance with Chapter 18.40, MCC; require depts. to publish standards, specifications & policies reviewed by SESC & adopted by dept. Unwritten policies & new standards not reviewed by SESC will not be enforceable.		X		X
3. Communication with Public				
a. Mayor's office issue policy re: return of phone calls & response to emails by the next business day. Inform public of new policy. Employees with excessive complaints re: non-compliance reprimanded and/or suspended.	X		X	
4. Early Consultation Meeting				
a. Directive from Mayor's office allowing one (1) early consultation meeting with each dept. if requested. Meeting to be scheduled within 10 working days of request.		X	X	
<b>DEPARTMENT OF PUBLIC WORKS</b>				
<b>Building Permit Review</b>				
1. KIVA System				
a. Eliminate written sign-off from each reviewing agency. Post final approval on KIVA system.	X			X
b. Provide link on KIVA system to allow access to comment/response letters.	X			X
c. Improve KIVA system to be more user-friendly.		X		X

<b>2. Unnecessary Plan Submittal Requirements</b>					
a. Establish Administrative Policy limiting DHHC's review to calculation of applicable affordable housing fee only. Eliminate requirement for submission of full set of plans to DHHC.	X			X	X
b. When applicable, establish similar Administrative Policy for Department of Finance with regard to traffic impact fee.	X			X	X
<b>3. Standardize Process for Plan Sheet Replacement</b>					
a. Establish set procedures for plan sheet replacement.	X				X
<b>4. Central Coordination Agency</b>					
a. Improve initial review system to ensure plans are routed to appropriate departments only.			X		X
<b>5. Subdivision Code - Consistency and Conformity</b>					
a. Review subdivision code & streamline process.			X		X
b. Clarify terms "consistency" and "conformance." Once clearly defined, establish uniform application between Current and ZAED Divisions.			X		X
<b>6. Comments from Department/Response from Architects</b>					
a. Implement utilization of one (1) staff member in each reviewing agency as a "screener/facilitator" to improve review/processing time.			X		X
b. Review utilization of plan review waiver.			X		X

DEPARTMENT OF WATER SUPPLY				
<b>Subdivision Review</b>				
<b>1. Subdivision Approval After Completion of Construction</b>				
a. Allow third-party review of cost affidavit for water system.	X			X
<b>2. Processing of Easements, Grants of Easements, Warranty and Repair Agreements</b>				
a. Allow use of blanket easement agreement encompassing entire parcel. Blanket easement would be amended once final construction plan complete & easements are specific.	X			X
b. Establish Land Agent position to handle preparation, processing and review of documents.		X	X	X
<b>3. Permit Processing</b>				
a. Overall review of DWS subdivision review procedure to see where process could be improved	X			X
b. Establish set time period for review and initial comments.	X			X
c. Utilize third-party reviewer for small building permit items to allow DWS engineers to focus on subdivisions	X			X
d. Allow second submittal page by page review within prescribed number of days; failure of DWS to respond within time period would require meeting between DWS & applicant within two (2) weeks.		X		X
<b>4. Construction Plan Preparation</b>				
a. Hire consultant to help develop engineering standards to be shown on plans.		X		X
b. Utilize resources such as HSPE to update standards.		X		X
<b>5. Water Easements Requirement</b>				
a. Change current <u>established</u> water easements requirement to be <u>proposed</u> water easements prior to review of construction plan.	X			X
<b>6. Construction Plan Approvals</b>				
a. Mayor's office should ensure provisions of Sec. 18.20.160, MCC,	X		X	

and related provisions of Title 18, Subdivisions, MCC, are complied with by all departments.					
<b>DEPARTMENT OF FIRE CONTROL</b>					
<b>1. Plan Review</b>					
a. Allow schematic plan review rather than construction plan review to facilitate earlier involvement by department.	X				X
b. Work with consulting engineer to compile standards for items such as turning radius, slope requirements, etc.		X			X
c. Reduce department's authority to make changes that could significantly impact construction and/or approvals & permits already obtained by Developer.		X			X
d. Standardize review process & provide written guidelines to consultants.		X			X
<b>2. Comments from Department</b>					
a. Improve working conditions for employees involved in review by providing the right tools, equipment, work space, etc. This also		X			X
b. Provide continuous training by third-party agencies with expertise in applicable fields.		X			X
c. Allow employees (not just managers) to attend conferences & seminars to allow networking opportunities with employees of other counties.		X			X
d. Include employees involved with code enforcement in the code development process. Also provide employees with exposure to permitting process as a whole.		X			X
e. Create policy/manual for employees to follow. Discipline employees for non-compliance.		X			X
<b>DEPARTMENT OF PLANNING</b>					
<b>1. Zoning and Enforcement Division (ZAED)</b>					
a. Increase efficiency of land use confirmation process in terms of reducing time to obtain confirmation.	X				X
<b>2. All Divisions</b>					



a. Assign one (1) employee in each division to be responsible & accountable for the accuracy of pertinent data input into KIVA system & train other employees in use of KIVA system.	X				X
b. Increase involvement by GIS section of Long Range Division to help efficient use of KIVA system by the department.	X				X
c. Establish departmental procedures to incorporate KIVA into the daily work flow.	X				X
d. Establish list of information that should be attached in KIVA as related documents & utilize clerical staff for input of data.	X				X
e. Establish list of information that should be attached in KIVA as information flags	X				X
f. Establish position in department to provide technological expertise with KIVA, departmental web page, etc.		X		X	X
g. Update and complete user's manual.		X			X
h. Coordinate with other reviewing agencies to investigate other technologies to improve permit review process.		X			X
i. Categorize permit type & establish checklist of minimum information when submitted.	X				X
j. Provide justification when additional information is requested	X				X
k. Establish pre-review process for major projects to ensure adequate information is provided prior to submission	X				X
l. Review codes, rules & regulations for types of permits can either be streamlined or eliminated from review process.		X			X
m. Clarify that enforcement is responsibility of ZAED & their opinion prevails if there are conflicting opinions.	X				X
n. Change laws & regulations if Current Division wants to be lead in certain types of enforcement.			X		X

<b>3. Comments from Department</b>					
a. Amend Maui County Code to remove Planned Development Step 3 review by Planning Commissions & allow for administrative review/approval.			X	X	X
b. Amend Maui County Code to remove off-site parking approval review by Planning Commissions & allow administrative review/approval.			X	X	X
c. Amend Maui County Code to remove Conditional Permit Time Extension & transfer of permit review by Planning Commissions and allow for administrative review/approval if no changes and no violations.			X	X	X
<b>DEPARTMENT OF ENVIRONMENTAL MANAGEMENT</b>					
<b>1. Comments from Department</b>					
a. Department should prioritize reviews & "move up" plans that are revisions.	X				X
b. Establish County-wide consistency for reviews.		X			X