

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Acting Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

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OFFICE OF THE MAYOR

January 18, 2019

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

For Transmittal to:

Honorable Michael J. Molina, Chair
and Members of the Governance, Ethics,
and Transparency Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P Victorino 1/18/19

Mayor Date

Dear Chair Molina and Committee Members:

SUBJECT: NOMINATION AS PLANNING DIRECTOR (GET-1)

I am in receipt of Council Chair King's letter dated January 10, 2019, requesting information relating to my nomination as Planning Director. Please consider the following in response:

- (1) I applied to continuing serving as Planning Director because I care about Maui County's people and want to help protect and preserve the character and lifestyle that make our community so special.
- (2) The powers, duties and functions of the Planning Director are provided in Section 8-8.3 of the Charter of the County of Maui, as amended. In practical terms, the job involves supporting seven boards and commissions as well as managing four divisions with 70 staff members to ensure that they fulfill their responsibilities and serve the public, while providing support and counsel to the Mayor and the County Council.
- (3) With a background as an analyst involved primarily in the legislative process in Maui County and in Washington, D.C., as well as private sector experience in land use planning and real estate development on Maui, and eight years managing the Maui County Planning Department, I believe I am fully qualified to serve as Planning Director.

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OFFICE OF THE
COUNTY COUNCIL

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My most relevant quality is analytical ability – obtaining relevant information and perspectives, and knowing when and how to make a decision. Other important qualities include a thorough knowledge and understanding of our land use regulatory system, as well as the ability to be an effective manager – to give appropriate direction, listen to concerns, try new ideas, encourage collaboration, foster morale, and mentor the next generation of planners and managers.

- (4) One short-term goal is for the Maui Planning Commission to update its Special Management Area (SMA) and shoreline rules to incorporate the findings of the Hawaii Climate Change Mitigation and Adaptation Commission relating to sea level rise, to be followed by the Lanai and Molokai commissions.

One long-term goal is to work with the County Council to revise and improve the regulations and use of the County's agricultural and rural lands. We grossly underutilize the rural designation, which is what most "gentlemen's estates" and similar development patterns should be designated, and we consequently use agriculture as a default designation, which has been fraught with abuse and has not promoted or supported active agriculture. The appropriate designation and regulation of these lands would better protect valuable agricultural lands and promote real agriculture, while allowing appropriate and limited rural residential and other needed development.

- (5) Permit streamlining can mean many things. The Planning Department processes over 60 types of permits, from State Land Use District Boundary Amendments to conducting subdivision reviews. Typically permit streamlining refers to building permits, which are administered by the Department of Public Works' Development Services Administration (DSA). DSA routes building permits to various agencies for review and approval, and the Planning Department reviews most building permits for zoning and other land use compliance (approximately 2,000 per year).

The Planning Department has modified our review process to streamline as much as possible. A new building permit review fee was recently adopted to incentivize applicants to submit complete plans; there is no charge for our initial review, while subsequent reviews incur tiered fees (second review is \$250, third review is \$500, etc.). Since this fee structure was implemented, we are able to approve the majority of permits on the first review; previously, repeated resubmittals were needed.

We have also recently implemented a policy where resubmittals are given top priority over new submittals, rather than being put at the end of the queue. This will allow the plans examiner to review the resubmittal sooner while it is still fresh in the reviewer's mind, and will provide better service to

the applicant, who will receive our approval or comments soon after the resubmittal is made.

The launch and implementation of MAPPS should be of great assistance to permit streamlining, as well as making information available to the public. We have implemented viable measures that we have created or that have been presented to us, and we remain enthusiastic about any other ideas that may help the process. For example, recently adopted Department-initiated amendments to the accessory dwelling ("ohana) ordinance and parking code (Chapters 19.35 and 19.36A, Maui County Code, respectively) provide clarifications that will now reduce staff time that was previously used to analyze and interpret the code. The reality, though, is that there is greater volume than can be handled as promptly as some may wish with our existing staffing levels; we do the best we can with what we have.

- (6) The final report for the audit of our zoning code (Title 19, Maui County Code) was issued in March 2018. From that report, we created a Request for Proposals (RFP) for bids to prepare a proposed new zoning code. The RFP was posted on December 13, 2018 and it closes on January 18, 2019. From this RFP, we will execute a contract with the selected bidder over the next few months, thanks to funding provided by the County Council for this fiscal year, and then the project will proceed over the next few years.
- (7) The Department of the Corporation Counsel provided assistance in addressing possible conflicts of interest. The Code of Ethics is provided in Article 10 of the Charter of the County of Maui, as amended, in Chapter 2.56 of the Maui County Code, and in Chapter 101 of the Administrative Rules for the Maui County Board of Ethics. Based on Section 04-101-3, Definitions, "conflict of interests" means:

a real or seeming incompatibility between one's private interests and one's public or fiduciary duties; it also has meanings as explained in past board opinions, that involve a two-part test and require interpretation of section 10-4.1.c. of the Charter, that no officer or employee of the County shall engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or which may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties.

If a possible conflict of interest arises, I would look to the body of the Code of Ethics as referenced above, including past opinions of the Board of

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Ethics, and could request the Board of Ethics to review the matter and provide guidance.

Thank you for the opportunity to offer these responses. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michele McLean', with a stylized, cursive script.

MICHELE MCLEAN, AICP
Acting Planning Director

xc: Sandy Baz, Acting Managing Director (pdf)

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