

## PSLU Committee

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**From:** Michele McLean <Michele.McLean@co.maui.hi.us>  
**Sent:** Tuesday, January 29, 2019 2:57 PM  
**To:** PSLU Committee; Tamara A. Paltin  
**Subject:** PowerPoint for tomorrow  
**Attachments:** 2019 Council Overview.ppt

Aloha Chair Paltin and PSLU staff,

Attached is the PowerPoint that I'd like to give tomorrow for item PSLU-1(1). It should take no more than 20 minutes, not including questions in between or after.

If this can be loaded on the laptop as a live file with transitions and animations, I would appreciate it!

Mahalo,  
Michele.

# PLANNING AND SUSTAINABLE LAND USE COMMITTEE

## **Planning Department and Land Use Processes Overview**

January 30, 2019

PSLU-1(1)

- ▶ Planning Department (6 slides)
- ▶ Land Use Regulations and Council's role (14 slides)
- ▶ Environmental Review (4 slides)

# OVERVIEW

A series of several parallel white diagonal lines of varying lengths, starting from the right edge and extending towards the bottom left, creating a sense of motion or a modern design element.

## Four Divisions with 71 Existing Employees:

- ▶ Zoning Administration and Enforcement Division (“ZAED”) – 26 employees
- ▶ Current Planning - 24 employees
- ▶ Long Range Planning (“LRD”) – 12 employees
- ▶ Plan Implementation Division (“PID”) – 3 employees
- ▶ *Administration – 6 employees*

## Seven boards and commissions, plus CPACs:

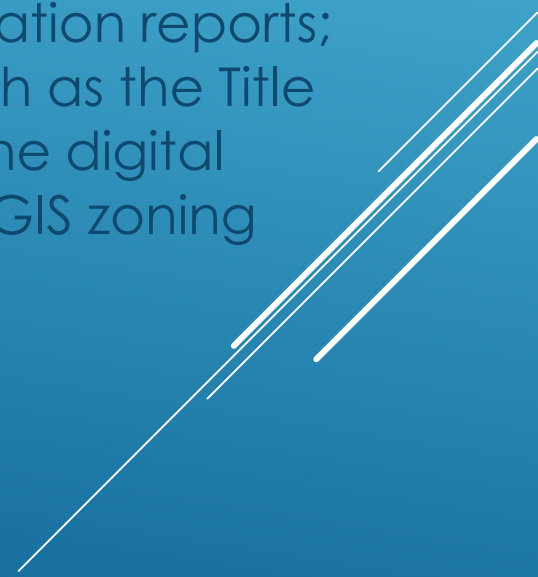
- ▶ Maui Planning Commission
  - ▶ Hana Advisory Committee
- ▶ Moloka`i Planning Commission
- ▶ Lana`i Planning Commission
- ▶ Urban Design Review Board
- ▶ Cultural Resources Commission
- ▶ Board of Variances and Appeals
- ▶ Coming soon: West Maui Community Plan Advisory Committee

# DEPARTMENT OVERVIEW

# ADMINISTRATION

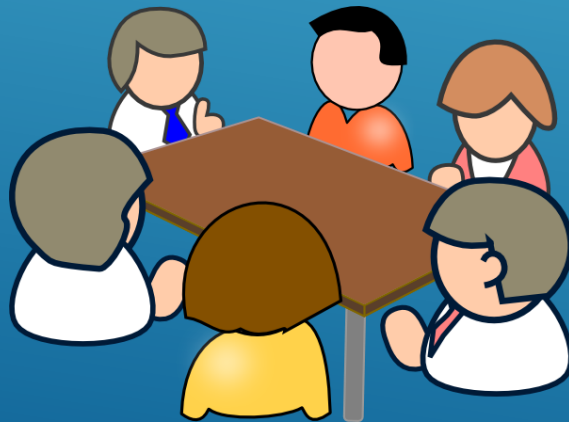
- ▶ Responsible for oversight and management of the entire department; personnel, grievances, workers comp and hiring; procurement, purchasing and budgeting; and front desk and telephones

## PID

- ▶ Prepares community plan and MIP implementation reports; manages various implementation projects such as the Title 19 rewrite project, ongoing administration of the digital zoning map (DSSRT) and maintenance of the GIS zoning layer, and revising SMA boundaries
- 
- A series of three parallel white diagonal lines in the bottom right corner of the slide.

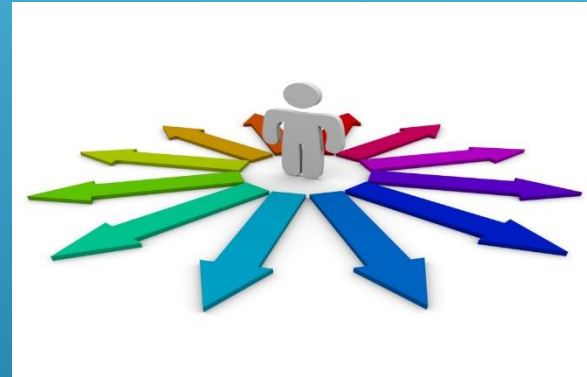
- ▶ Responsible for long-range plans (Maui Island Plan, Community Plan updates), the County's cultural resources program (being updated), various master plans
- ▶ Updates socio-economic and land use forecasts and maintains the MIP and CP GIS land use databases
- ▶ Participates in the Maui Metropolitan Planning Organization and the state Transit Oriented Development Council
- ▶ The Division staffs the Cultural Resources Commission, and the Community Plan Advisory Committees (CPACs)

LRD



Responsible for administrative and discretionary permit processing

- ▶ SMA assessments, exemptions, minor and major permits; state and county special and conditional use permits; changes in zoning; community plan amendments; state district boundary amendments; B&B and STRH permits
- ▶ EAs and EISs
- ▶ time extensions



Current staffs the Maui Planning Commission and its Hana Advisory Committee, the Lana`i and Moloka`i Planning Commissions, and the Urban Design Review Board.

**CURRENT**

- ▶ Administers zoning and land use laws (Title 19, Chapter 205)
- ▶ Processes zoning confirmations and responds to zoning and land use inquiries (“can I do this on my property?”)
- ▶ Reviews building permits, subdivisions and Certificates of Occupancy for zoning and other land use compliance
- ▶ Responds to complaints for zoning and other land use violations (such as SMA, historic districts, signs, permit conditions), conducts investigations, issues NOWs and NOVs
- ▶ Issues or approves flood development permits, sign and banner permits, landscaping plans, parking plans
- ▶ ZAED staffs the Board of Variances and Appeals (processes variances and appeals)

# ZAED





## Reviews:

- Department reviews for zoning compliance but does not issue approval or denial
- EXAMPLES: building permits, subdivisions, Certificates of Occupancy

## Department Authority (administrative and discretionary):

- Department issues approval or denial after reviewing for code compliance, seeking agency comment (if applicable), and addressing issues
- EXAMPLES: signs and banners, flood development permits, landscaping plans, off-site parking, shoreline setback determinations, SMA emergencies, SMA exemptions, SMA minors, B&Bs\* and STRHs\*

## Board/Commission Authority (discretionary):

- Board/commission grants approval or denial; Department prepares a staff report and recommendation after reviewing for code compliance, seeking agency comment (if applicable), and addressing issues
- EXAMPLES: B&Bs\*, STRHs\*, SMA majors, shoreline setback variances, county special use, state special (<15 acres), variances, appeals

## Council Authority (discretionary):

- Council grants approval or denial
- Board/commission process is followed, with a recommendation to Council
- EXAMPLES: changes in zoning, community plan amendments, state land use district boundary amendments (<15 acres), conditional permits, changes to Title 19

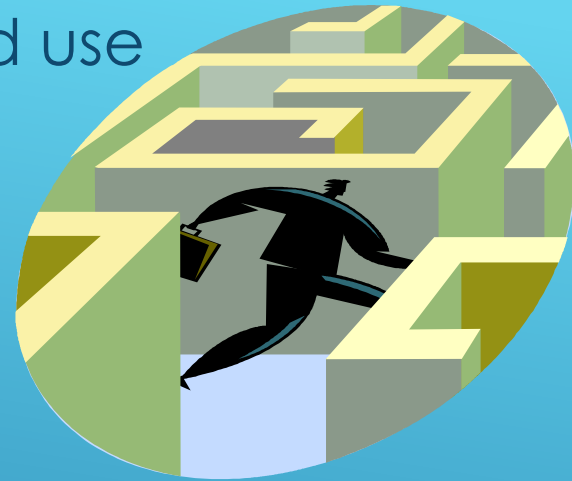
# PERMIT PROCESSING



QUESTIONS ABOUT THE  
DEPARTMENT?

# Maui has a complex and multi-tiered land use regulatory system

- ▶ State Land Use Districts (HRS Chapter 205)
- ▶ Maui Island Plan (MCC Chapter 2.80B)
- ▶ Community Plans (MCC Chapter 2.80B)
- ▶ Zoning (MCC Title 19)
- ▶ Environmental Review (HRS Chapter 343)
- ▶ Plus other designations like Special Management Area, Historic Districts, FEMA special flood hazard areas.....
- ▶ The general objectives of land use regulation are to
  - ▶ Encourage appropriate uses of land
  - ▶ Conserve and stabilize property values
  - ▶ Prevent uses that would be detrimental to existing uses
  - ▶ Promote the health, safety and general welfare

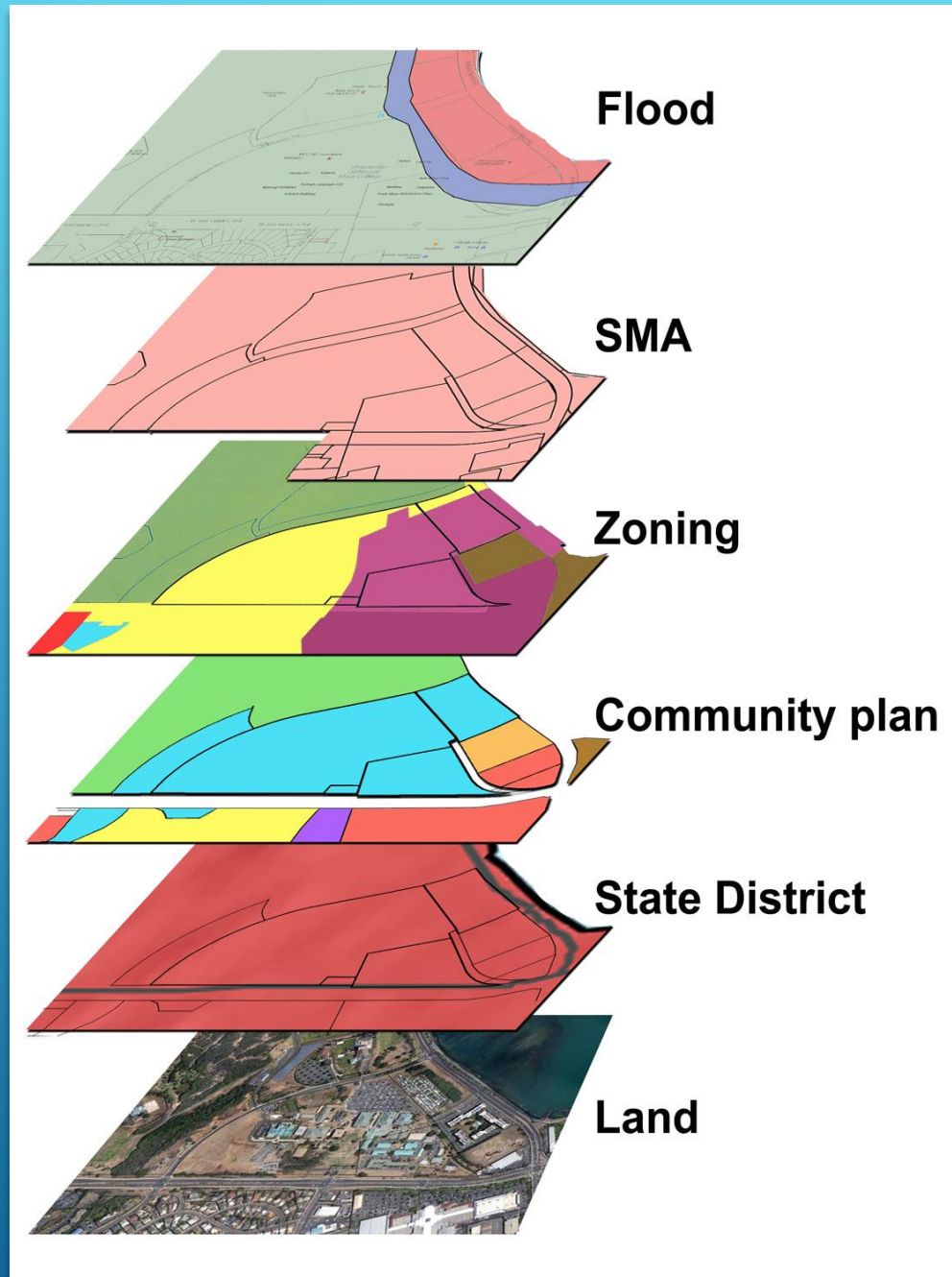


## DISCRETIONARY PERMITS (COUNCIL)

It works in layers

Each has its own regulations,  
sometimes  
interrelated,  
sometimes  
independent

*Not shown: Maui Island  
Plan layer*



94% of Maui's land is Agriculture or Conservation  
6% is Urban or Rural

<b>DISTRICT</b>	<b>ACRES</b>	<b>% of Total</b>
Agriculture	242,720	52.0%
Conservation	194,836	41.8%
Urban	24,191	5.2%
<u>Rural</u>	<u>4,053</u>	1%
Total	465,800	

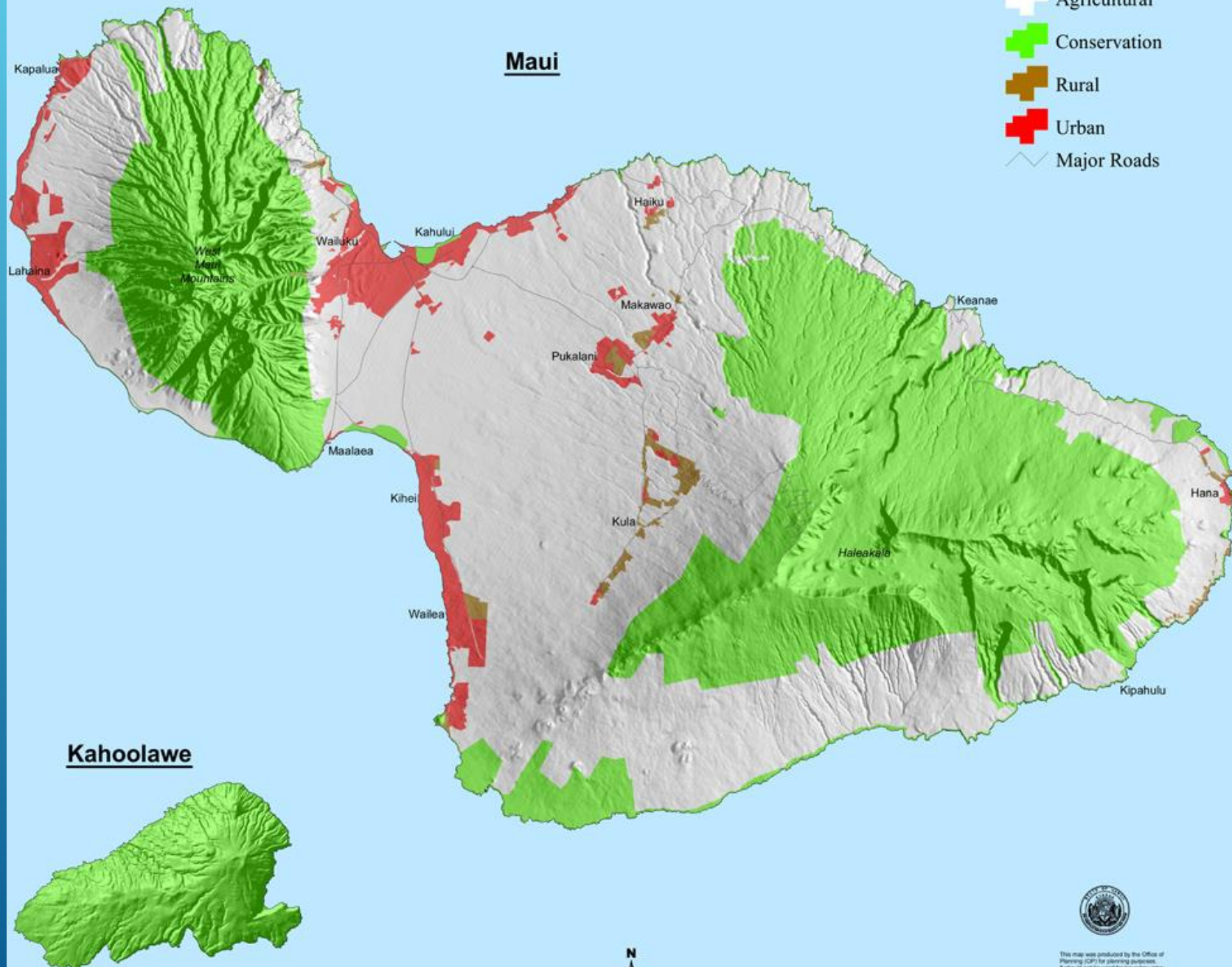
The Council has authority over State Land Use District Boundary  
Amendments <15 acres

# STATE LAND USE DISTRICTS

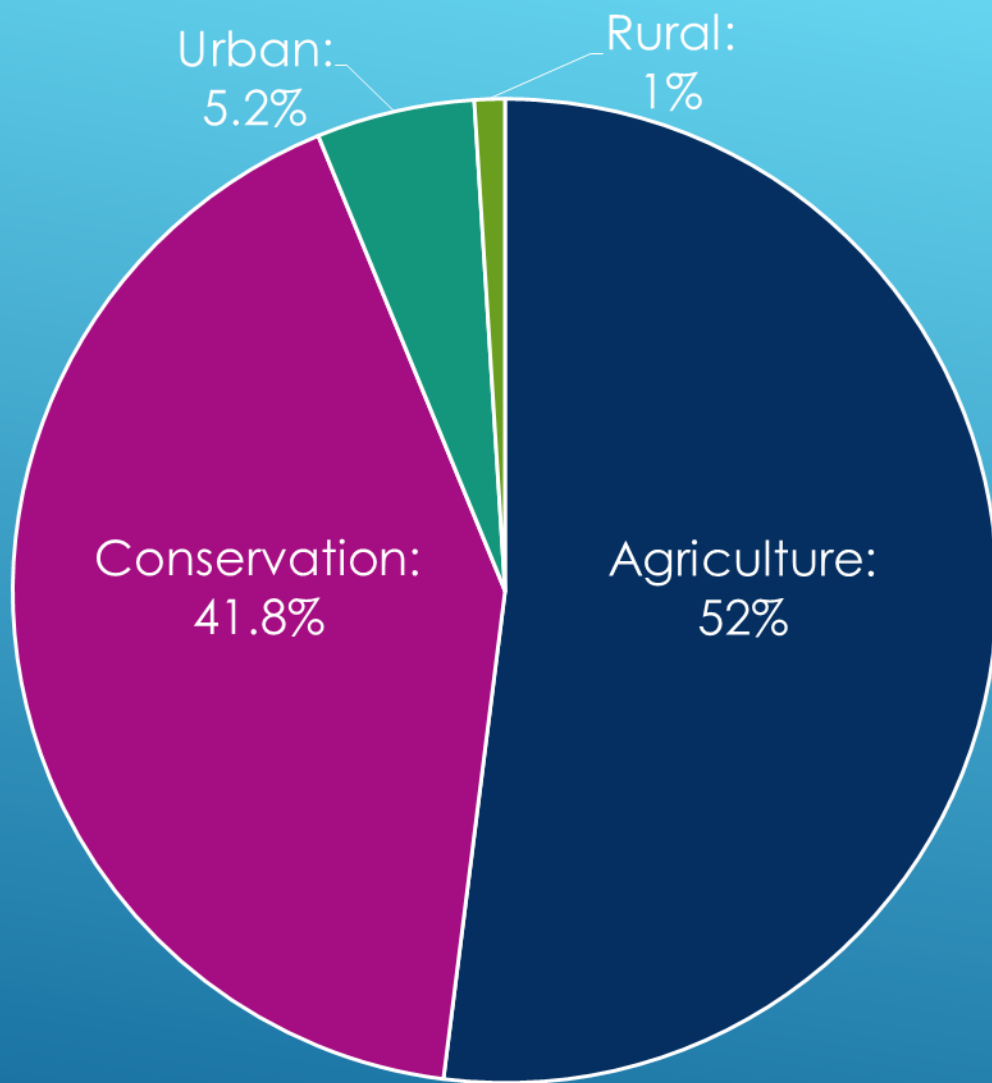


# State Land Use Districts

-  Agricultural
-  Conservation
-  Rural
-  Urban
-  Major Roads



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary, claim, or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.

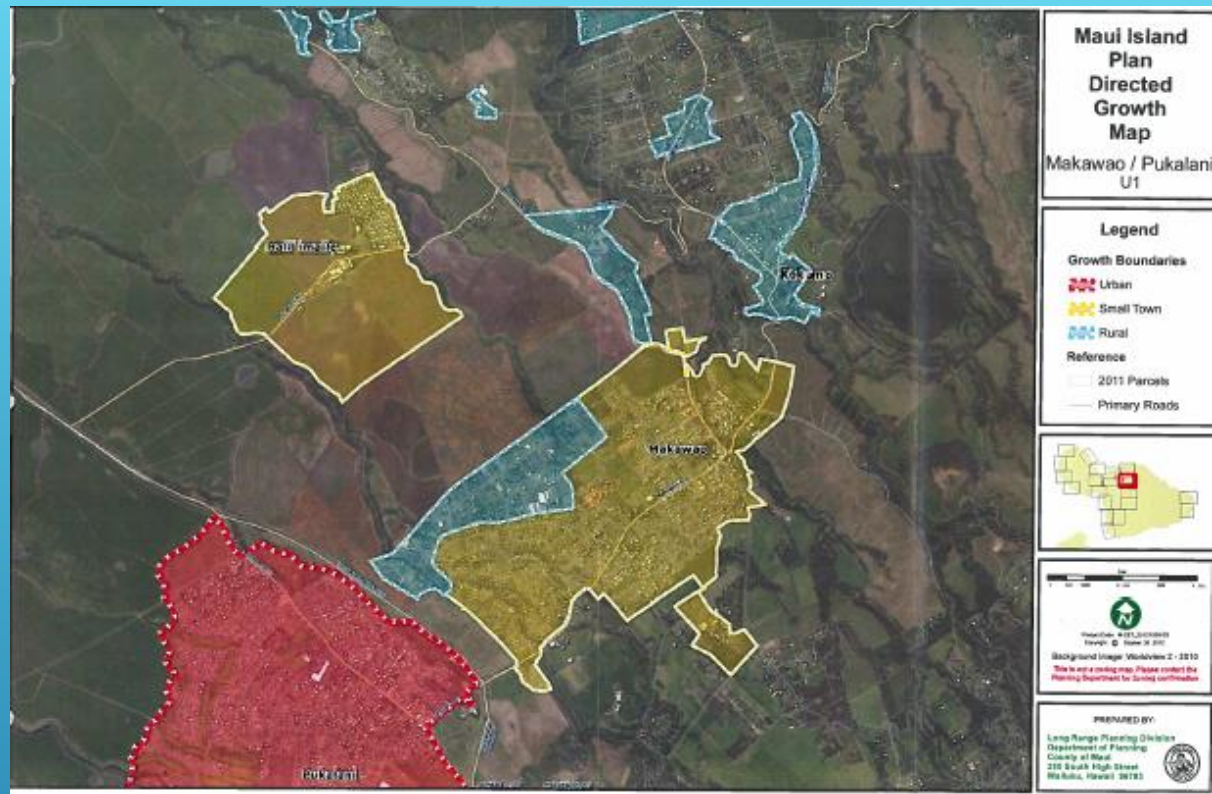


□ Agriculture

■ Conservation

□ Urban

■ Rural



- ▶ Adopted in 2012
- ▶ Urban Growth Boundaries
- ▶ Small Town Growth Boundaries
- ▶ Rural Growth Boundaries
- ▶ Also Protected Areas

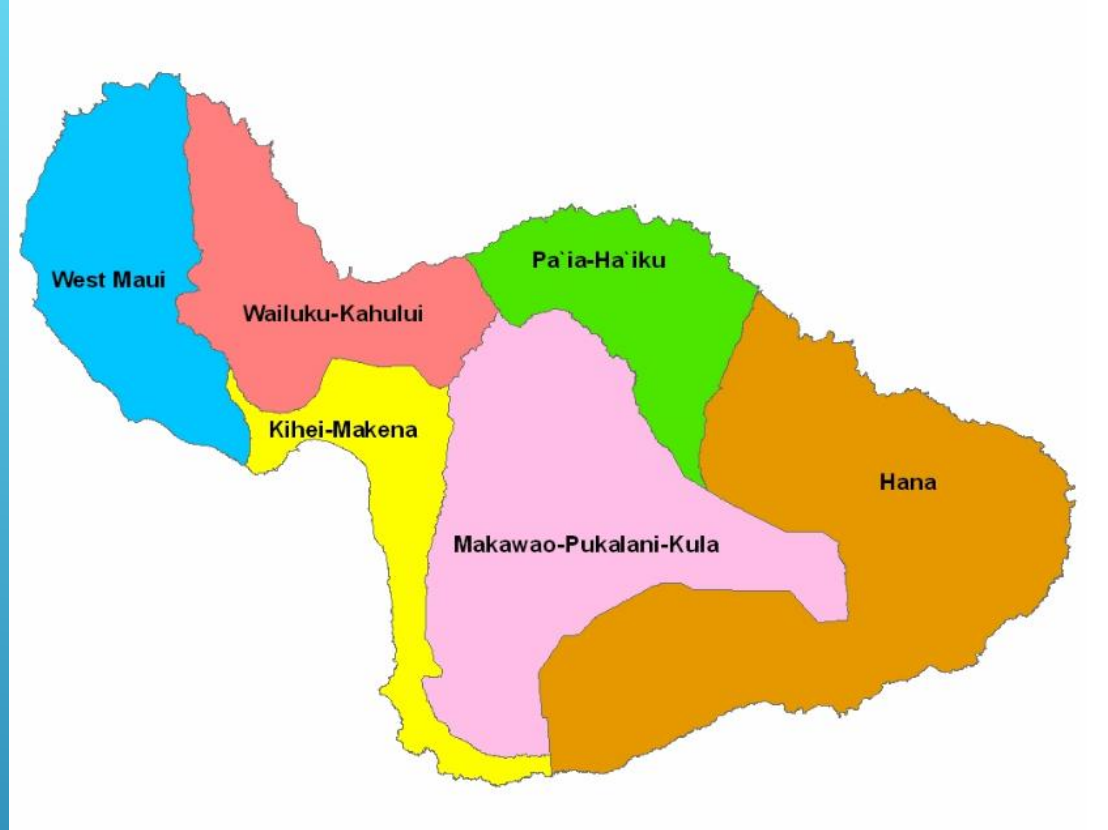
The Council has  
authority over Maui  
Island Plan  
Amendments

# MAUI ISLAND PLAN



The order is determined  
by the Council  
(Resolution No. 13-13)

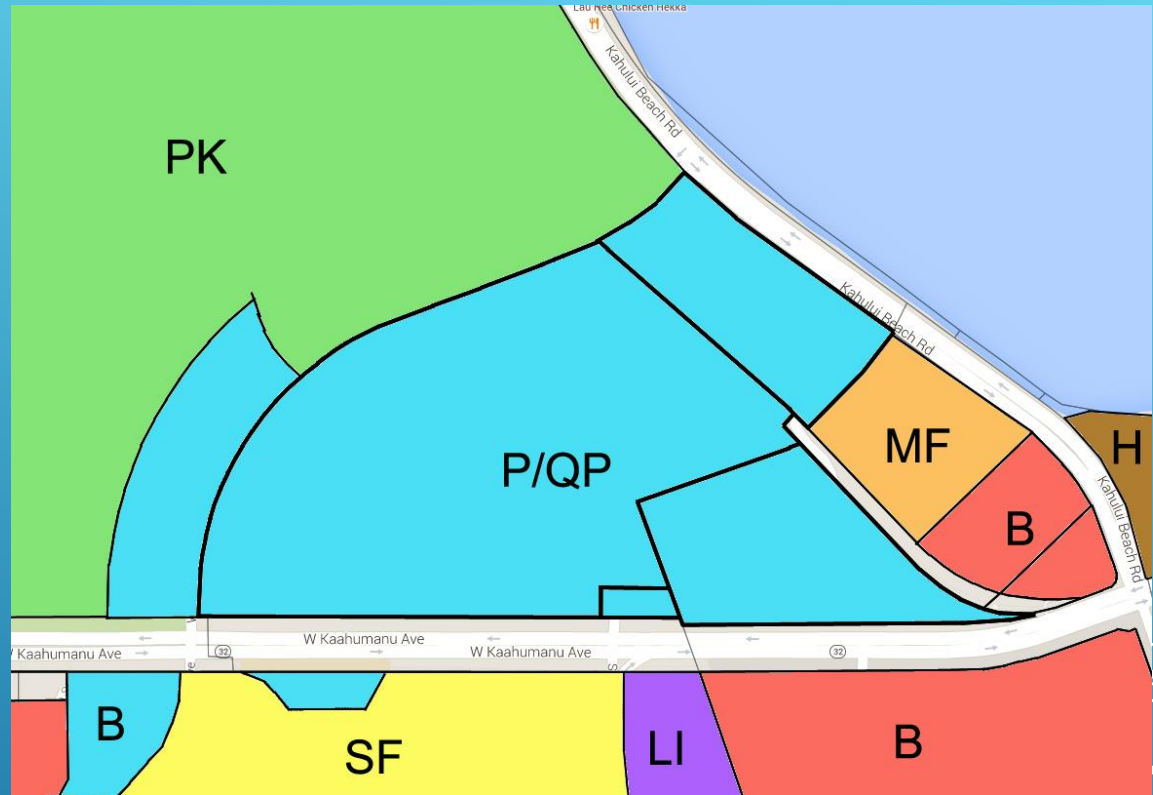
- ▶ Lana`i (2016)
- ▶ Moloka`i (2018)
- ▶ West Maui (1996)
- ▶ Kihei-Makena (1998)
- ▶ Wailuku-Kahului (2002)
- ▶ Makawao-Pukalani-Kula (1996)
- ▶ Pa`ia-Ha`iku (1995)
- ▶ Hana (1994)
- ▶ Kaho`olawe (1995)



# COMMUNITY PLANS

- ▶ Park
- ▶ Public/Quasi-Public
- ▶ Multi-Family
- ▶ Business
- ▶ Light Industrial
- ▶ Single-Family

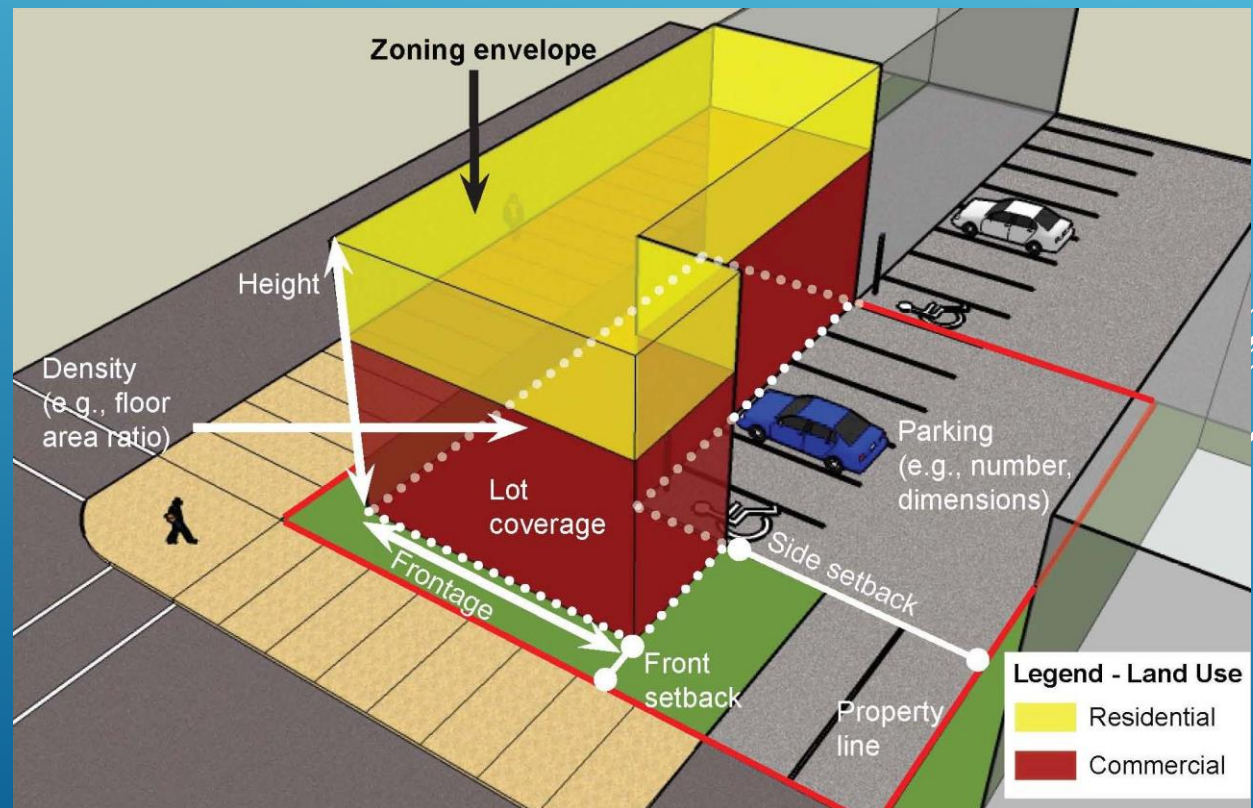
The Council has  
authority over  
Community Plan Amendments  
(map and text)



# COMMUNITY PLAN DESIGNATIONS

Zoning establishes development standards:

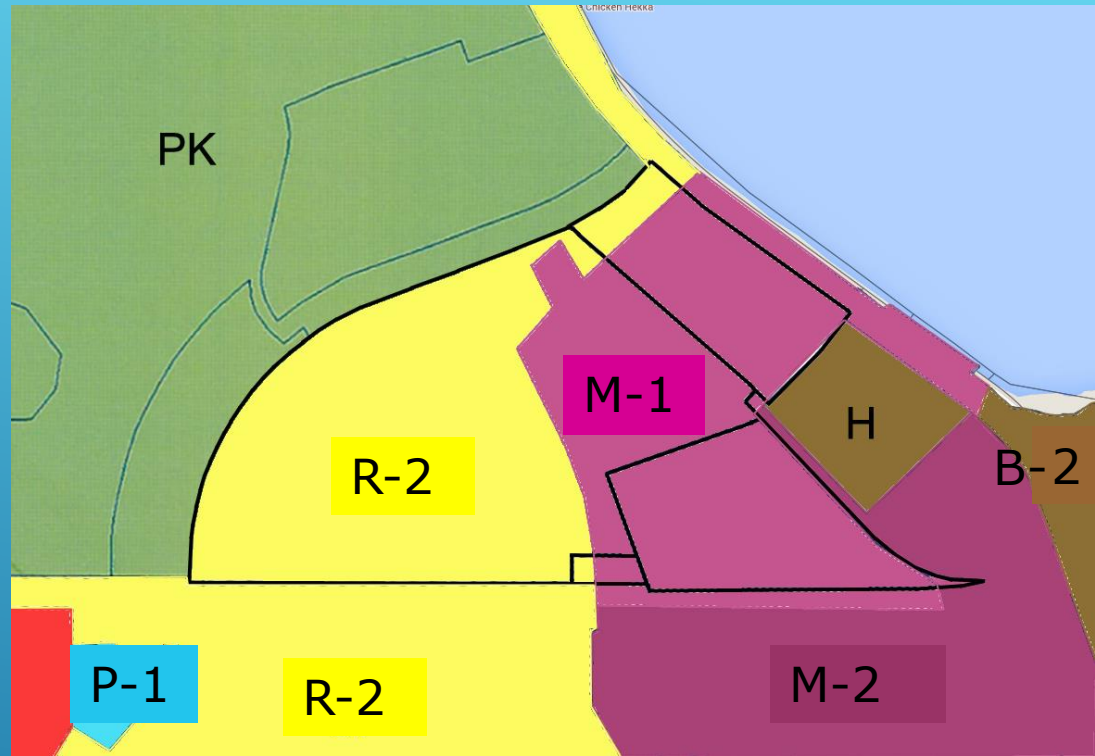
- ▶ Building heights and setbacks
- ▶ Minimum lot size and width
- ▶ Permitted uses (principal, accessory, special)
- ▶ Density
- ▶ Landscaping
- ▶ Parking



# ZONING

- PK Park
- R-2 Residential
- M-1 Light Industrial
- M-2 Heavy Industrial
- H Hotel
- P-1 Public/Quasi Public

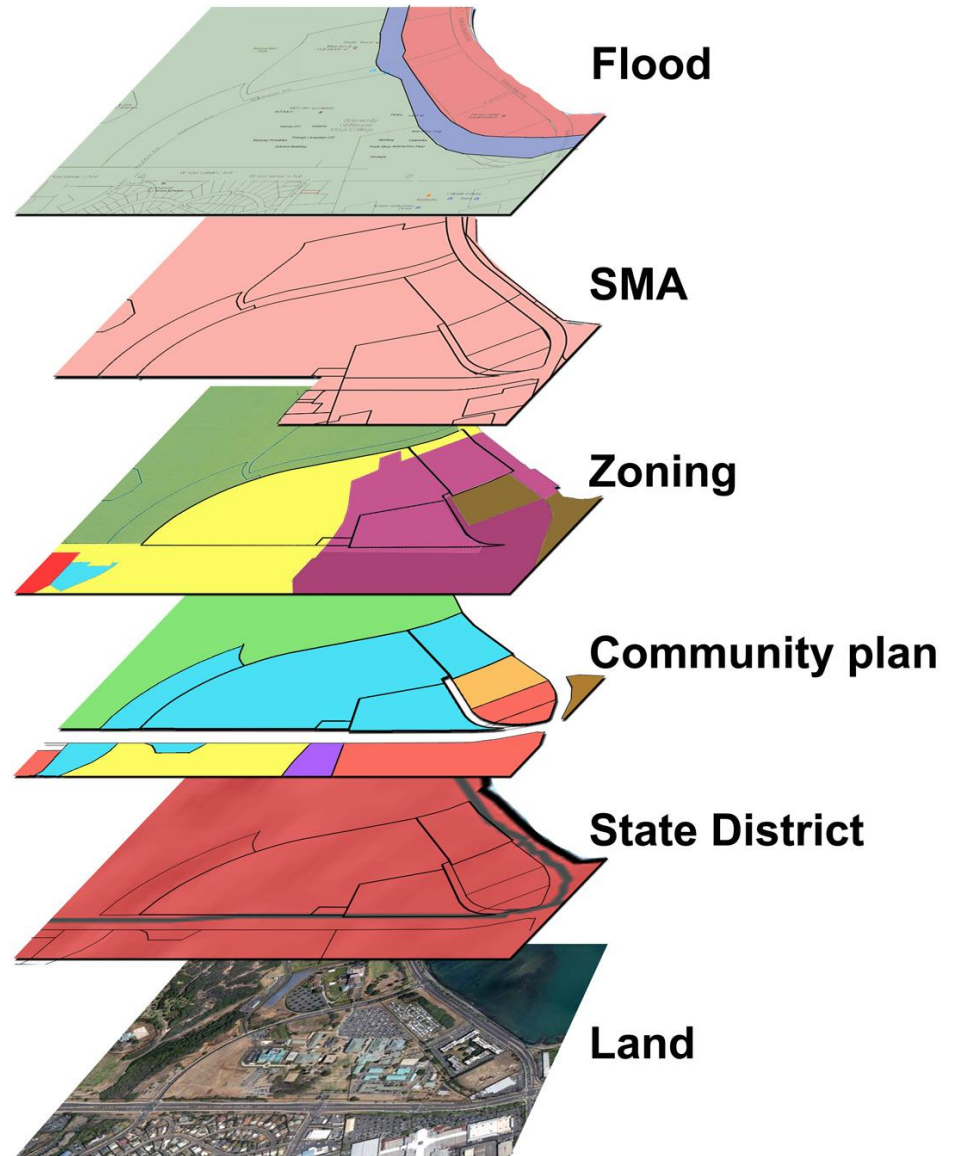
The Council has authority over changes in zoning (for individual parcels and changing the Code)



# ZONING DISTRICTS

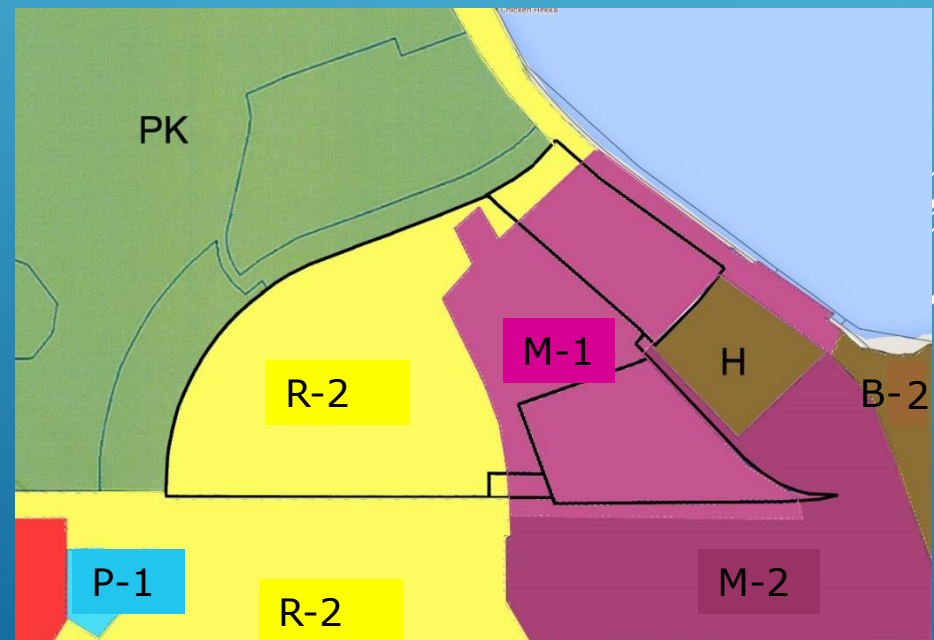
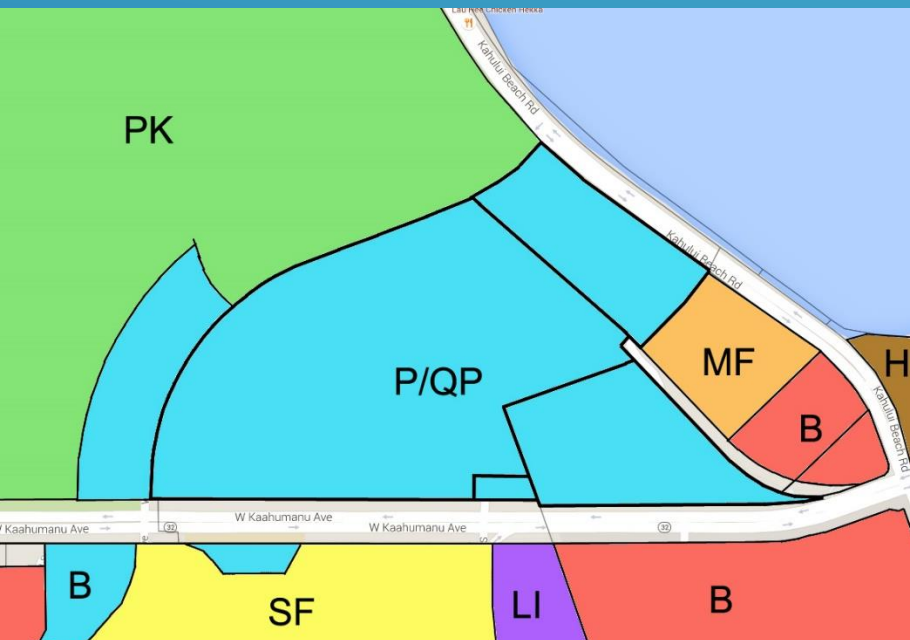


Ideally, they  
all work  
together.....





...but not  
always....





- ▶ Chapter 19.40, MCC
- ▶ Uses that are not allowed in the zoning district but that are similar, related or compatible to the uses allowed in the district
- ▶ Sometimes permanent land use changes are ultimately granted (trial basis)
- ▶ Time limits
- ▶ Examples: special events (golf courses, Haiku Mill, food and wine festivals), concrete batching plants, Banyan Tree House, cell towers

# CONDITIONAL PERMITS

Council has final approval authority over:

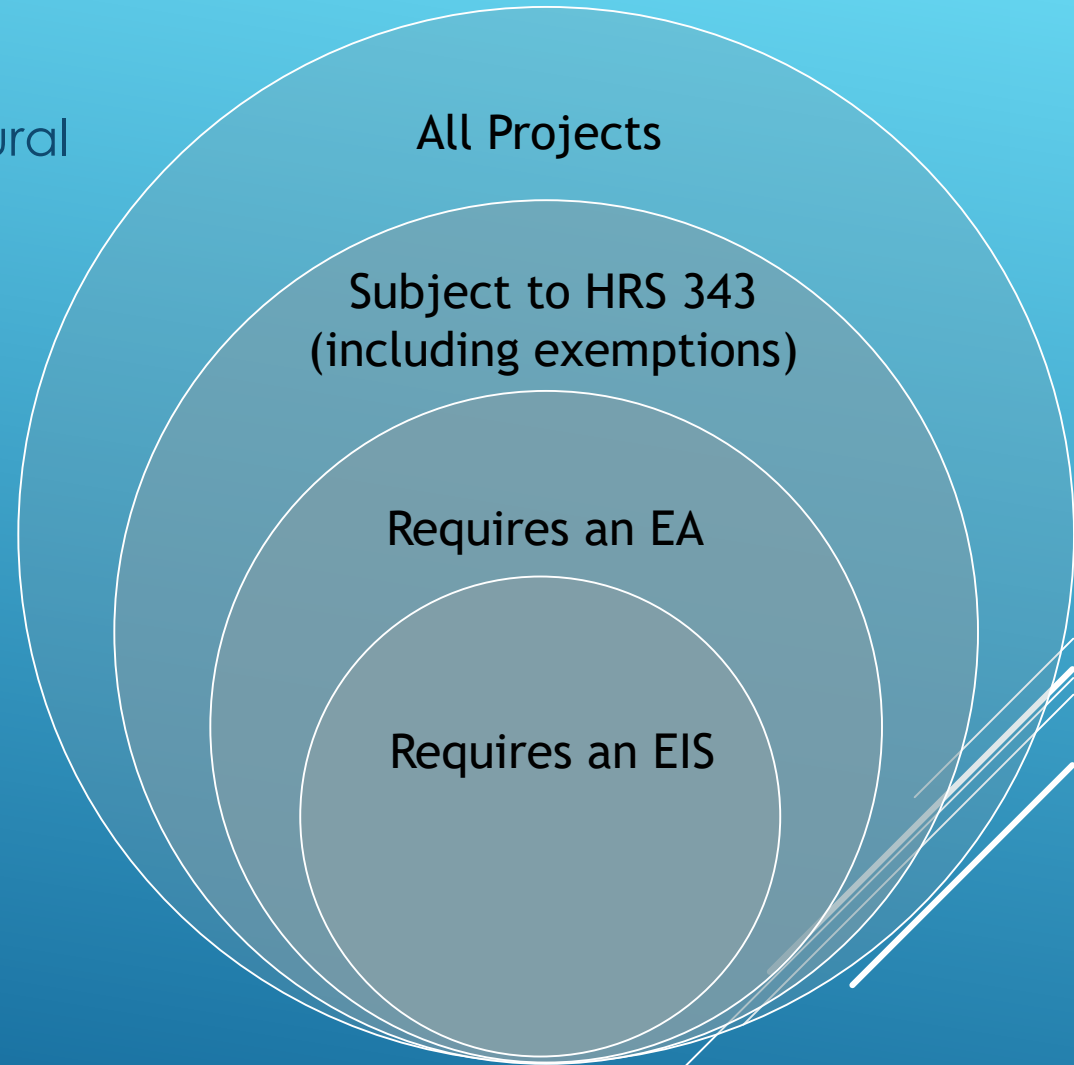
- ▶ Changes in zoning (individual parcels and code changes)
- ▶ Community Plan Amendments (including community plan updates and text changes) and Maui Island Plan amendments
- ▶ State Land Use District Boundary Amendments (<15 acres)
- ▶ Conditional Permits

Island Planning Commission will hold the public hearing and make a recommendation

# SUMMARY



- ▶ HRS 343: to establish a system of environmental review within the planning process
- ▶ Encourage conservation of natural resources
- ▶ Enhance quality of life
- ▶ Assures public participation
- ▶ Accepting agency is the one with first approval authority or it's the government agency when it's an agency action



# ENVIRONMENTAL REVIEW

1. Use of State or County lands or funds
2. Use of Conservation District lands
3. Use within the shoreline area
4. Use within any designated historic site
5. Use within the Waikiki area of O`ahu
6. Amendments to a County General Plan (other than agriculture or conservation or preservation)
7. Reclassification of Conservation District Lands
8. New or expanded helicopter facilities
9. New wastewater facility, waste-to-energy facility, landfill, oil refinery, power-generating facility

## NINE TRIGGERS

1. Operations, repairs or maintenance
2. Replacement or reconstruction
3. New, small facilities and structures
4. Minor alterations in the condition of land
5. Basic data collection and research
6. Minor structures accessory to existing facilities
7. Interior alterations
8. Demolition of structures (except historic)
9. Zoning variances (except shoreline setback)
10. Continuing administrative functions
11. Acquisition of land/structures for affordable housing

## ELEVEN EXEMPTION CLASSES

- ▶ Planning Commissions are often the accepting authority:
  - ▶ Can be a pre-consulted agency
  - ▶ Reviews and comments on the draft EA
  - ▶ Applicant incorporates all comments in the final EA
  - ▶ Commission accepts the final and issues a Finding of No Significant Impact (FONSI)
  - ▶ If FONSI is not issued, then an EIS is prepared
- ▶ Planning Commissions are often commenting agencies even if they are not the accepting agency



# EA PROCESS

# *MAHALO!*

Any questions?