

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

April 17, 2020

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/17/20
Mayor Date

For Transmittal to:

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

Dear Chair Rawlins-Fernandez:

SUBJECT: FISCAL YEAR 2021 BUDGET (EDB-1) (Planning Department)

Thank you for the time and consideration that the Economic Development and Budget Committee gave to the Department of Planning (Department) at your April 13, 2020 meeting. A number of questions were asked and requests were made to the Department; below is the information that we were not able to provide at the meeting.

1. **Where can affordable housing and shelters be built easily and quickly?** If this question relates to the COVID-19 crisis, Governor Ige's March 4, 2020 Proclamation and March 16, 2020 Supplemental Proclamation suspended Hawaii Revised Statutes Chapters 46, 103D, 205, 205A and 343, which relate to County zoning authority, procurement, state land use, coastal zone management and environmental review. This means that housing or shelters to address the crisis can be designed and built, or purchased and installed, virtually anywhere without following typical procurement and entitlement processes.

If this question does not relate to the current crisis, in 2018 the Department previously responded to a request from the Council and prepared a list of 19 suitable properties that could be the subject of Council or Department-initiated land use changes in order to develop affordable housing. A copy of this correspondence is enclosed.

Other locations that would be suitable for affordable housing, demonstration projects or shelters could be on existing County-owned lands, such as above the Kihei Police Station, which has access to adequate infrastructure, or the proposed baseyard in Waikapu that lacks infrastructure but could be used for temporary shelters with portable showers and restrooms.

Governor Ige previously issued emergency proclamations about our housing crisis that suspended a variety of laws that regulate the development of housing; this was an opportunity, similar to the current proclamations for the COVID-19 crisis, to build or install housing and shelters, and a few projects benefited from it. It should be noted that the fast-track process and the Experimental and Demonstration Housing Projects provision allowed by Chapters 2.97 and 16.28, Maui County Code, respectively, both offer streamlined processes to develop housing. Even with these expedited processes, it appears that the high cost of land and construction, and the uncertainty of the approval process, remain barriers to housing development.

2. **Did the Department prepare a report on housing or homeless shelters in 2015?** No report was prepared in 2015. In 2016, however, the Department provided the Council with a list of suggested County actions to promote the development of affordable housing. A copy of this correspondence is enclosed.
3. **What would happen to the Department's vehicle on Molokai if it is replaced?** This vehicle has been out of commission since March 2018 because the cost of the repairs would exceed its value. It will likely be prepped for disposal and taken to the Molokai Metals Facility.
4. **What are possible locations for the proposed ADA beach access improvements?** Locations could include across from Kilohana Drive in Kihei, Sugar Beach in Kihei in the vicinity of 101 North Kihei Road, and in Kapalua.
5. **Please provide a copy of the Request for Proposals for Important Agricultural Lands.** A copy of the RFP is enclosed.
6. **Please provide a copy of the Department's letter about the proposed Paia-Haiku and South Maui advisory committees.** A copy of this letter is enclosed.
7. **What are the estimated costs for the Department to staff the advisory committees?** As previously discussed, and based on the latest version of the proposed bill to create these panels, the Department proposes that one Supervising Planner VI, one Planner III and one Secretary to Boards and Commissions I would be needed to staff the advisory committees. It should be noted that other personnel will also be involved, and that these three positions would not be assigned exclusively to the advisory committees; these three positions would be needed to handle the increased workload that the committees will generate. The total approximate direct annual costs would include salaries (\$195,000), office rent (\$22,000), and general overhead (\$15,000), plus administrative overhead (\$22,000) and training

(\$7,000); initial one-time costs would be incurred for office equipment (\$12,000) and office furnishings (\$16,500).

8. **What is the salary for the additional CZM shoreline planner?** The Department proposed an expansion position for a Planner II who would be part of the shoreline team but not funded by the annual CZM grant; the annual salary is \$45,288.
9. **What was the Department's turnover over the past 12 months and what vacancies does the Department have now?** Since April 1, 2019, eight employees left the Department, including one retirement and seven resignations. Two resignations were employees who have since returned to their positions, and three were employees who transferred to other departments in the County. One of these resignations occurred only last month, which is the only one of these positions that has not been filled.

The Department currently has four vacancies: Planner IV (above-referenced resignation in March), Planner II (expansion position; list was issued on March 10), Planner III (expansion position; list was issued on March 30), and Planner V (expansion position; list was issued on April 15).

10. **What are your comments about having positions funded by a revolving fund?** In general, the Department is not opposed to the concept but currently has no existing source of reliable recurring funding. As we discussed, the Department has concerns about positions being funded from enforcement actions, which could be viewed as a negative incentive that is not likely to improve the public's satisfaction with County government.

Thanks to the Council's funding in FY20, the Department will soon transmit to the Council the update of the permit fee study that proposes a change in the Department's permit application fee schedule to approach cost recovery. If this change were adopted, then permit application fees might be an appropriate funding source for a Departmental revolving fund.

11. **What solutions can the Department propose for diversifying the economy in the energy, health care, construction, culture and agricultural sectors?** As you know, the Department reviews most building permits for zoning compliance, administers and enforces the zoning code and commercial sign ordinance, runs the Coastal Zone Management (CZM) program that involves Special Management Area and shoreline permitting, and administers the flood hazard ordinance. To support these sectors, changes could be made to the zoning code to make these uses easier to conduct, with fewer regulations and more permissive standards, and to allow these uses in more districts.

For example, due to Maui County's natural beauty, significant economic pressure is put on agricultural land because it can be used for activities and structures that are not "real" agriculture. Limitation of non-agricultural uses through regulation or taxation could result in a reduction in value of agricultural lands, making farming and ranching more economically viable and making non-agricultural uses locate in appropriate districts.

It should be noted that the CZM program is promulgated through state law, and the flood hazard ordinance follows federal requirements. While these regulations can hinder economic and construction development, the County does not have the authority to amend them.

Reliance on construction and development as a growing component of our economy requires careful consideration of the County's long-range goals for development as stated in our community plans and the Maui Island Plan. It also requires that thought be given to the implications for the industry when these growth targets are achieved.

Changes can also be made to streamline the administration of building permits, which benefits most economic sectors; we are actively working with the Department of Public Works on this effort.

- 12. How can the Department help with pro-active planning for our critical infrastructure and sea level rise?** The Department continues to be pro-active in planning for our critical infrastructure and sea level rise through our long-range plans, as well as the administration of the CZM program and administration of the flood hazard ordinance. As you know, the Department has proposed amendments to Maui's shoreline rules to incorporate sea level rise into the establishment of shoreline setbacks, a process that continues to engage the community, development industry and infrastructure agencies.

I hope that this letter provides sufficient information in response to your questions. If you have any further questions or need additional information, please feel free to contact me.

Sincerely,~



MICHELE MCLEAN, AICP
Planning Director

Enclosures (4)

MCM:atw

C: Michele Yoshimura, Budget Director

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED

2018 JUN 21 AM 8:39

OFFICE OF THE MAYOR

June 20, 2018

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
 6/22/18
Mayor Date

Dear Chair Carroll and Members:

**SUBJECT: COMPREHENSIVE REZONING BASED ON COMMUNITY PLANS
(LU-12)**

This is in response to your letter dated April 18, 2018.

As requested, please see attached a list of parcels and corresponding maps the Department would recommend for consideration of comprehensive rezoning based on their residential Community Plan designations. The order of the recommendations are based on the ease of land use changes required as some parcels would also require a District Boundary Amendment due to their State agriculture land use designation.

The Department has also included parcels that merit consideration for additional land use changes, such as a change in Community Plan, based on their ideal location and proximity to infrastructure and services. The development of these parcels for residential use would promote smart growth given the services located within the vicinity.

Lastly, the Department has included parcels that, due to their large acreage, would also require a State Land Use Commission State District Boundary Amendment. However, the Committee could consider reducing the development area to less than 15 acres which would allow the County Council to rule on the amendment. While these parcels are outside the scope of your request, I believe it is worthwhile to include these additional parcels for the Committee's review.

Honorable Alan Arakawa
For Transmittal to:
Honorable Robert Carroll, Chair
June 20, 2018
Page 2

Please note that the Department has included the parcels listed without having contacted the owners and without discussion with other county and state agencies. Should any of the parcels be of particular interest, we would encourage the Committee to contact the property owner and relevant governmental agencies to determine if a change in land use would necessarily result in an increase to the County's inventory of housing.

Thank you for the opportunity to respond. Should you have any questions, please feel free to transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Michele McLean, Deputy Planning Director (PDF)
Kathleen Ross Aoki, Administrative Planning Officer (PDF)
PID Correspondence File

WRS:KRA:rhl

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Residential Community Plan Designations- Upzone and Other Land Use Change Possibilities

Council Action: CIZ (<i>Change in Zoning</i>)									
Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
1	Kihei-Makena	3-9-004:141	6.943 acres	Ferreira Family Partners	SF <i>Single Family</i>	Open Zone	Urban	CIZ	Located near facilities and within MIP growth boundary. Across Keawekapu Beach.
2	Makawao-Pukalani-Kula	2-3-009:007	49 acres	Pukalani Associates, LLC	SF <i>Single Family</i>	AG <i>Agriculture</i>	Urban	CIZ	Located somewhat near facilities and within MIP growth boundary. CIZ APPLICATION FILED 2017
3	Makawao-Pukalani-Kula	2-3-009:064	38 acres	Pukalani Associates, LLC	SF <i>Single Family</i>	AG <i>Agriculture</i>	Urban	CIZ	Located somewhat near facilities and within MIP growth boundary. CIZ APPLICATION FILED 2017
4	West Maui	4-3-001:039	8 acres	Pineapple Ridge LLC	SF <i>Single Family</i>	AG <i>Agriculture</i>	Urban	CIZ	Located near facilities and within MIP UGB. Adjacent to Honoapiilani Hwy between Napili and Kahana.

Council Actions: CIZ and DBA (parcels under 15 acres) (Change in Zoning and District Boundary Amendment)

Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
5	Wailuku-Kahului	3-3-001:102	8.5 acres	GoodFellow Brothers Inc.	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Near Waiehu Terrace.
6	Makawao-Pukalani-Kula	2-3-009:030	8.463 acres	Clifford B. Alakai Catherin Cabalce-Alakai	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Near Kulamalu. Identified as SF in CP; property has a farm dwelling established on the property.
7	Makawao-Pukalani-Kula	2-3-009:031	6.232 acres	Steven Allen Trust	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Near Kulamalu. Identified as SF in CP; property has a farm dwelling and accessory farm dwelling established on the property.

Council Actions: CIZ and DBA (parcels under 15 acres) continued: (Change in Zoning and District Boundary Amendment)

Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
8	Makawao-Pukalani-Kula	2-3-009:032	6.273 acres	Thurston Robinson	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Near Kulamalu.
9	Makawao-Pukalani-Kula	2-4-003:010	4.3 acres	Aries Investments LLC	SF <i>Single Family</i>	Urban Reserve	AG <i>Agriculture</i>	CIZ and DBA	Located east of Makawao town, makai of Makawao Avenue. Identified as SF in CP; property has a farm dwelling and accessory farm dwelling established on the property.
10	Makawao-Pukalani-Kula	2-4-003:011	4.719 acres	Forerest Koa Chang	SF <i>Single Family</i>	Urban Reserve	AG <i>Agriculture</i>	CIZ and DBA	Adjacent to #9. Identified as SF in CP; property has a farm dwelling on the property.
11	Hana	1-4-003:009	19.8 acres	Hana Ranch Land LLC	SF <i>Single Family</i>	Interim	Rural & Agriculture	CIZ and DBA	Located near Hana town across police and fire stations.
12	Hana	1-4-006:037	5.725 acres	Hana Ranch Land LLC	SF & MF <i>Single Family Multi-Family</i>	Interim	AG <i>Agriculture</i>	CIZ and DBA	Located near Hana town east of police and fire stations.

Council Actions: CIZ and DBA (parcels under 15 acres) continued: (Change in Zoning and District Boundary Amendment)

Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
13	Hana	1-4-006:039	7.607 acres	Hana Ranch Land LLC	Mostly SF & some MF <i>Single Family Multi-Family</i>	Interim	AG <i>Agriculture</i>	CIZ and DBA	Located near Hana town east of police and fire stations.
14	West Maui	4-6-015:001 4-6-018:003	13 acres —	Wainee Land & Homes LLC Bishop Estate Trust	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP UGB. Near Lahaina Recreation Center.

Council Actions: CIZ and CPA (Change in Zoning and Community Plan Amendment)

Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
15	Wailuku-Kahului	2-7-013:026	4.865	A&B Properties	P/QP <i>Public/Quasi-Public</i>	P-1 <i>Public/Quasi-Public</i>	Urban	CIZ and CPA	Located near facilities and within MIP growth boundary. Old Kahului Swap Meet Site
16	Wailuku-Kahului	3-8-007:117	8.804	County of Maui	P/QP <i>Public/Quasi-Public</i>	PK <i>Park</i>	Urban	CIZ and CPA	Located near facilities and within MIP growth boundary. Old MCC (UH Maui) dormitories.

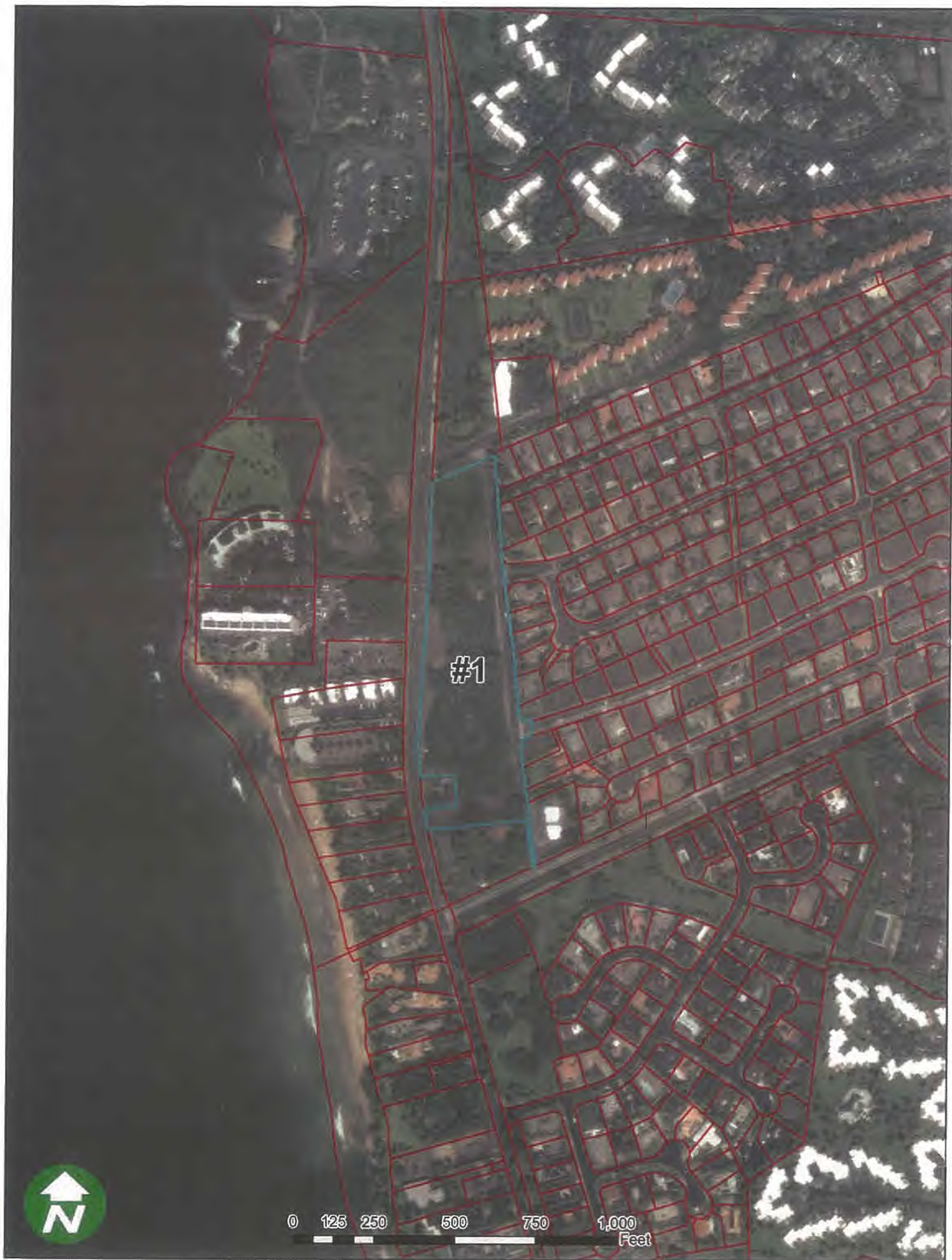
Council Action: CIZ (Change in Zoning)

and

State Land Use Commission Action: DBA (parcels greater than 15 acres) (District Boundary Amendment)

NOTE: Council could also consider a DBA on a portion less than 15 acres.

Map Reference Number	Community Plan District	TMK	Acreage of CP Designation	Owner	CP Designation	Current Zoning	State District	Council Action Required	Notes
17	Kihei-Makena	2-2-002:016	215 acres	Haleakala Ranch	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Located above Ohukai Rd. terminus.
18	Wailuku-Kahului	3-5-002:002	23 acres	Association of II Wai Hui LP	SF <i>Single Family</i>	AG <i>Agriculture</i>	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Located between Kehalani and Waiolani Mauka
19	Paia-Haiku	2-5-005:030 2-5-005:020	24 acres	County of Maui A&B	SF <i>Single Family</i>	Primarily Interim; some P-1 Public/ Quasi Public	AG <i>Agriculture</i>	CIZ and DBA	Located near facilities and within MIP growth boundary. Near Doris Todd School.







#4

#4



0 150 300 600 900 1,200 Feet

#5



0 250 500 1,000 1,500 2,000 Feet



#8 #7

#6



0 212.5 425 850 1,275 1,700 Feet





#14

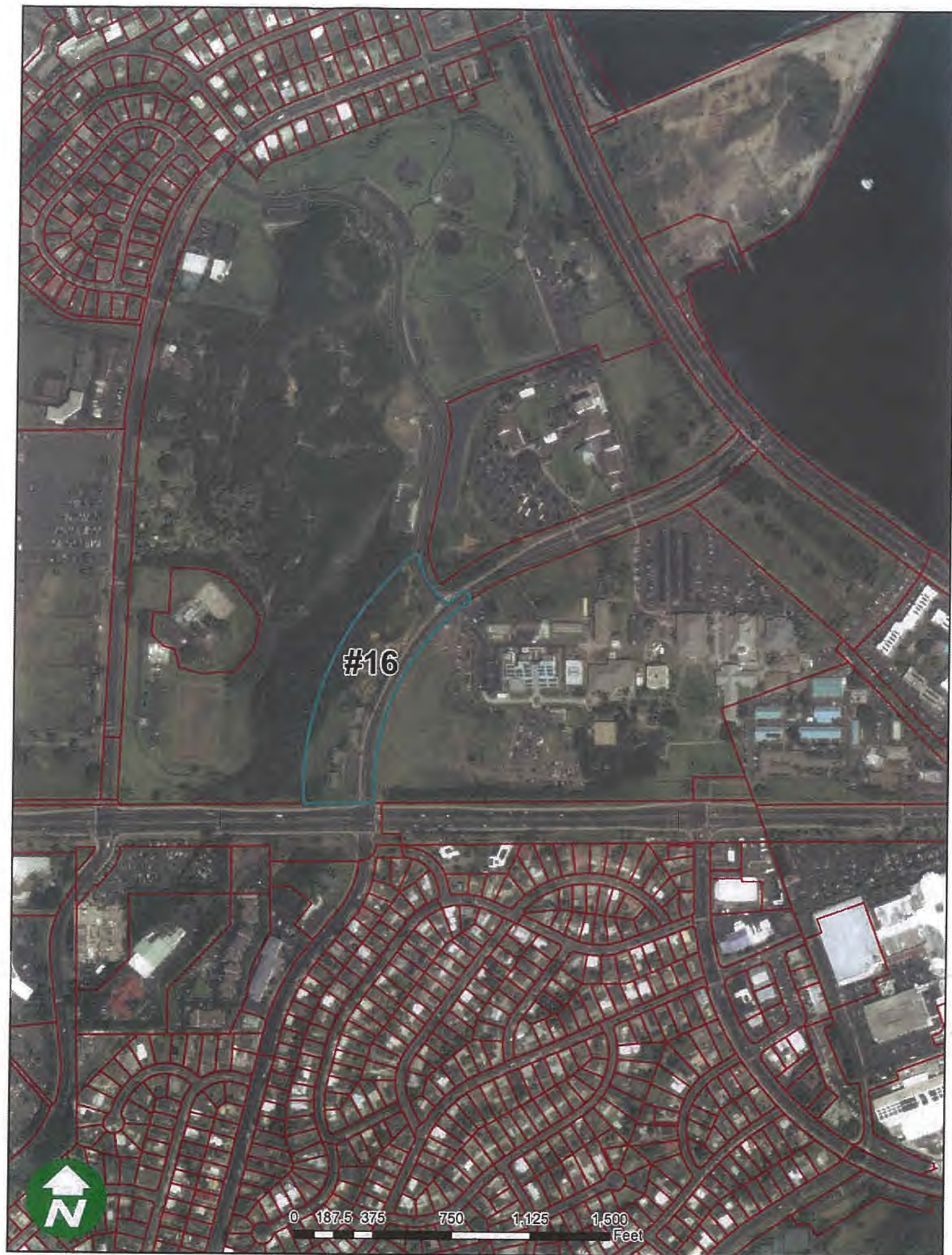


0 225 450 900 1,350 1,800 Feet

#15



0 125 250 500 750 1,000
Feet



#16



0 187.5 375 750 1,125 1,500 Feet

#17



0 400 800 1,600 2,400 3,200 Feet

#18



0 250 500 1,000 1,500 2,000 Feet



#19



0 162.5 325 650 975 1,300
Feet

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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COUNTY OF MAUI

OFFICE OF THE MAYOR

DEPARTMENT OF PLANNING

June 16, 2016


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COUNTY OF MAUI
DEPT. OF PLANNING

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Don Couch
Chair, Planning Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Mayor
6/16/16
Date

Dear Chair Couch:

SUBJECT: COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATION OR DISCUSSION ON MATTERS WITHIN THE COMMITTEE'S SUBJECT-MATTER JURISDICTION (PC-37)

Over the past several months, in your Committee's discussions of a variety of items, the issue of affordable housing has often been raised. During your deliberations of short-term rental homes and enforcement (PC-26), the proposed definition of "wetbar" (PC-16) and the proposed bill to create and allow "affordable accessory dwellings" (PC-28), among others, you have questioned potential impacts to the affordability of housing for local residents.

The Department of Planning (Department) has also had discussions with senior staff and other departments about ideas to increase our affordable housing inventory – not only housing that targets statutory income levels, but also housing that the average working family can afford. For your information and consideration, these ideas include the following (in no particular order of priority):

1. Amend the zoning code to allow additional dwelling units per lot, depending on lot size, with requirements relating to lot coverage, floor-to-area ratio, parking and owner-occupancy. (This relates to PC-28, "affordable accessory dwellings.")
2. Identify existing single-family residential areas, both developed and undeveloped, that would be appropriate to re-designate to duplex or multi-family. This would both legalize existing (unlawful) multi-family uses and allow greater density for existing and new development. (This arose during discussions of PC-16, creating a definition for "wetbar.")
3. Identify under-developed properties with multi-family and industrial designations that could be targeted for redevelopment as multi-family.

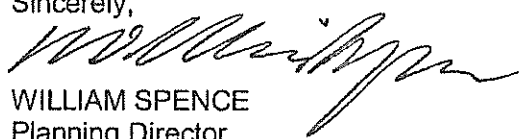
Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Don Couch
June 16, 2016
Page 2

4. Identify lands with single-family and multi-family community plan designations, and change the zoning and state designations to complete their entitlements.
5. Review existing entitled projects that have affordable components and that have stalled; determine why they are not proceeding and evaluate if there is any county action that could be taken to get them online.
6. Identify state and county-owned properties that would be appropriate for the county to re-designate for affordable development.
7. Require developers to develop their affordable units; do not allow cash in lieu of creating affordable units if there are affordable requirements applicable to a project.
8. Provide a tax incentive for developers to create affordable rentals; do not tax them on the improved value (which would get passed along to tenants), as long as units meet affordability criteria.
9. Provide no-interest or low-interest loans to developers of affordable projects for their offsite infrastructure and/or on-site construction, thus allowing the developer's rate of return to be narrower than banks typically require (since the County does not need to see a profit).
10. Reduce or waive parks assessment fees for affordable projects.
11. Amend the workforce housing ordinance (Chapter 2.96, Maui County Code) so that developers receive 100 percent credit for the affordable units that they build.

For many of these ideas, we would further suggest some type of affordability criteria, such as restrictions on the sales prices or rental rates, restrictions on the targeted income levels to be served, a prohibition on short-term occupancy, and an established duration for such restrictions (if not in perpetuity). We would be happy to discuss these and other ideas with your Committee, other departments and industry representatives to help increase our affordable and market housing inventory.

If you have any questions or require further information, please feel free to contact me.

Sincerely,


WILLIAM SPENCE
Planning Director

xc: Michele McLean, Deputy Director
Pam Eaton, Planning Program Administrator
Kathleen Aoki, Administrative Planning Officer
Carol Reimann, Director of Housing and Human Concerns
Danilo Agsalog, Director of Finance
Kaala Buenconsejo, Director of Parks and Recreation
Sananda Baz, Budget Director

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REQUEST FOR PROPOSALS
County of Maui
Important Agricultural Lands Incentives and Mapping Report
(IAL Report)

Notice to Consultants

RFP 19-20/P-139

The County of Maui Planning Department is requesting detailed proposals from interested and qualified Consultants to supply services for the preparation of a report identifying viable incentives for the designation of Important Agricultural Lands (IAL), and for the identification and mapping of lands suitable for IAL designation within the County of Maui, pursuant to Article XI, section 3 of the Hawaii Constitution and sections 205-42, 43, 44 and 47 of the Hawaii Revised Statutes (HRS), to be referred to as the IAL Report. Consultants shall have recent experience and expertise in completing the tasks as described in the RFP.

The specifications and offer form may be obtained via the e-procurement system Public Purchase ([click here](#)).

Any inquiries may be directed to Jordan E. Hart, Deputy Director, Department of Planning at (808) 270-7735

Detailed proposals of this project are to be submitted to Department of Finance, Purchasing Division, 2145 Wells Street, Wailuku, HI 96793, Attention: Bid Receiver, no later than 4:00 p.m. on March 25, 2020.

SCOTT TERUYA
Director of Finance
County of Maui

Section I. GENERAL INTRODUCTION

The County of Maui Department of Planning (Department) is seeking consulting services to assist with the development of the IAL Report. The report will outline viable incentives for IAL, as well as assess, identify and map areas appropriate for IAL designation in order to conserve and protect an appropriate quantity of agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands sufficient to sustain the current and anticipated population of the County of Maui. Consultants or a consultant team should have expertise in areas of land use planning, agriculture, economics, demographics, geographic information system (GIS) mapping, community relations and public meeting facilitation.

A. Background

Article XI, section 3, of the Hawaii constitution requires that the State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

Pursuant to the Hawaii constitution, Act 183 (SHL 2005) outlines the criteria for IAL and the County's responsibility for identifying IAL within its jurisdiction addressed within HRS sections 205-42, 43, 44 and 47.

B. Current Plans

At this time, the County of Maui has no existing plans or reports specifically relating to IAL but has numerous long range planning documents regulating the current and future use of lands falling under the categories of Agriculture, Rural and Urban while identifying those areas designated as Conservation by the State Land Use Commission. The IAL Report should be consistent with the direction established by the existing Community Plans, as well as the 2012 Maui Island Plan and the 2010 Countywide Policy Plan.

Plans or studies prepared by others that also require consideration include work completed by the Land Study Bureau (LSB), Land Capability Classification (LCC), Agricultural Lands of Importance to the State of Hawaii (ALISH), Land Evaluation and Site Assessment (LESA), Statewide Agricultural Baseline Project, County of Kauai Important Agricultural Lands Study, current and historic aerial or satellite photography and maps, as well as other relevant sources of information.

Section II. PROJECT DESCRIPTION

A. Purpose and Objectives

The purpose of this project is to develop an inclusive process for public involvement which accomplishes the task of identifying viable incentives for the designation of IAL, and completes the Identification and mapping of lands suitable for IAL designation, which will provide the technical information necessary for the County of Maui to fulfill the requirements of HRS section 205-47.

The IAL Report will be derived from citizen and stakeholder input, in consultation and cooperation with landowners; the State Department of Agriculture; agricultural interest and advocacy groups, including representatives from the Hawaii Farm Bureau Federation, Maui County Farm Bureau, Hawaii Farmers Union United, Maui's Agricultural Working Group, and other agricultural organizations; the United States Department of Agriculture – Natural Resources Conservation Service; the State Office of Planning; Maui Cattlemen's Association; the Maui County Council's Environment, Agricultural and Preservation Committee (EACP); the Stakeholder/Technical Advisory Committees (STACs) as described in this RFP; and other groups as appropriate and necessary.

An approximate project schedule including project phases and responsibilities is listed in Section IV of this RFP.

B. Consultant Qualifications

The IAL Report will require substantial technical support from the consultant team (Consultant) to achieve the project objectives. To meet these objectives, the Consultant will be multi-disciplinary; demonstrate experience with managing complex projects, including public outreach and community engagement; be well versed in conducting research, data analysis, land use analysis, and developing comprehensive economic, demographic, GIS mapping and the preparation of plans focused on current and future agricultural productivity; and demonstrate the ability to create incentive programs and identify lands suitable for productive agriculture. Sub-consultants may be utilized with clear delineation of their roles, responsibilities and expectations.

C. County Responsibilities

The Consultant will work with the Department to develop the IAL Report. Department will be responsible for two primary phases of the project (see Section IV of this RFP for phases) and providing the Consultant with select materials and data necessary to complete the scope of services described below. The Consultant will be responsible for the other phases of the project. In general, the Department's responsibilities include:

- Managing the project, coordinating with the consultant team, reviewing all consultant deliverables and providing consolidated feedback.

- Reviewing and analyzing the direction of the IAL Report during outreach and development.
- Providing access to information or work material that may be necessary for mapping including but not limited to GIS layers.

Section III. BASE SCOPE OF SERVICES

The following sections reflect the anticipated consultant scope of services required to complete the Consultant's tasks for the IAL Report. The Consultant will be expected to utilize the best available data in consultation with the Department. The Department is open to suggestions other than those included in this RFP which the Consultant believes will be of value in producing a finished product that meets or exceeds the goals of the Department within the contracted budget and schedule.

A. Project Management and Community Engagement

Following the Notice to Proceed, the Consultant and the Department shall arrange a project orientation meeting in order for the Department to provide an understanding of the entire project, relevant contacts, data needs and data transfer protocol, and discuss other subjects as identified by the Consultant and the Department. The Consultant will provide the Department with a list of initial questions to be answered at the orientation meeting at least one week prior to the orientation meeting.

Deliverable A.1.a: List of initial questions or requested materials from the Department.

The Consultant will prepare a work plan and schedule to include a community engagement program with regional publicly noticed meetings on the islands of Maui, Molokai and Lanai. The Department will facilitate the coordination of meeting locations and public notification. The Consultant will be responsible for all presentation material and facilitation of public meetings.

The Consultant will coordinate with the Department while three Stakeholder/Technical Advisory Committees (STACs) are formed by the Consultant to serve as a resource to the Department and Consultant representing the islands of Maui, Molokai and Lanai through the completion of the project.

Deliverable A.1.b: Project work plan and schedule to include a detailed approach to managing the schedule, duration, frequency of meetings and expectations of the STACs, and will also require periodic presentations to EACP, as the Maui County Council will be the ultimate accepting authority for the report maps by resolution. Presentations to EACP

will include, at a minimum, one project kickoff presentation, one presentation of the draft IAL Report and maps, and one presentation of the final IAL Report and maps.

Deliverable A.1.b: Project work plan and schedule.

B. Technical Analysis

The Consultant will research and complete technical analysis including but not limited to population projections, Maui County's agricultural economy, relevant infrastructure, soil quality, agricultural suitability, existing agricultural operations, the availability of water and climate change; these subjects pertain to the islands of Maui, Molokai and Lanai. The technical analysis will be associated with existing and Consultant-developed GIS layers and will describe existing conditions, identify issues and challenges, and recommend potential actions and incentives that will be necessary to facilitate the conservation and protection of agricultural lands, promotion of diversified agriculture, an increase agricultural self-sufficiency and assurance of the availability of agriculturally suitable lands for current and future residents of Maui County.

To complete this task, the Consultant will coordinate with relevant Federal, State and County agencies beyond the Department as described above.

The project schedule will identify the completion of a draft technical resource paper outlining recommended incentives to be developed through a first phase of a robust community engagement; this technical resource paper will be completed and made available for public review prior the community engagement process for the identification of areas for potential IAL designation.

Deliverable B.1.: Draft technical resource paper suitable for review by the STACs and community prior to the initiation of Community Outreach.

C. GIS Mapping

Based on technical analysis, public engagement and input from the STACs, the Consultant will use existing and Consultant developed GIS layers depicting relevant conditions, constraints and resources comprising the standards and criteria for the identification of IAL as outlined in HRS section 205-44 .

Deliverable C.1.: All created GIS layers will be the property of the Department at all times during the project and will be shared with the Department upon request at any time. Scheduled submittals will occur at the completion of the initial draft layers and following any EACP revisions to the Draft IAL Report and maps.

D. Draft IAL Report

Based on the completion of technical analysis, public engagement, input from the STACs and mapping of existing and proposed conditions, the Consultant will prepare a single Draft IAL Report for review and comment by the Department. Following Department acceptance of the Draft IAL Report and Maps, a presentation will be made to EACP for review and comment.

Deliverable D.1.: A Draft IAL Report and Maps will be provided to the Department for presentation to EACP.

E. Final IAL Report

Following the completion of revisions based on comment by EACP, in consultation with the Department, the Final IAL Report will be presented to EACP for recommended acceptance to the full Maui County Council by Resolution.

Deliverable C.1.: Upon Council acceptance of the Final IAL Report and Maps by resolution, the Final IAL Report and Maps will be provided to the Department in final PDF format and in editable format.

Section IV. PROJECT SCHEDULE

The following is an overall project schedule with the estimated duration of each phase and the party (or parties) responsible for completing each task. Items in some phases listed below may occur concurrently.

Phase 1 | Research and Preparation | 4 months

Tasks

- Contract with Consultant (Department)
- Response to questions and requests for information (Department)
- Prepare work plan
- Completion of draft technical analysis (Consultant)
- Completion of assembling base GIS and mapping information (Consultant)
- Department/Agency interviews (Consultant)

Phase 2 | Public Engagement | 12 months

Tasks

- Prepare Community Engagement Strategy (Consultant/Department)
- Site visits and meetings with community leaders/stakeholders (Consultant/Department)
- Formation of STACs (Consultant/Department)
- Kick-off presentation to EACP and other public engagement meetings (Consultant/Department)

Phase 3 | IAL Report and Mapping | 4 months

Tasks

- Develop proposed incentives (Consultant)
- Participate in all STAC meetings (Consultant/Department)
- Presentation of proposed incentives to EACP (Consultant/Department)
- Prepare the public review draft IAL Report and Maps (Consultant/Department)

Phase 4 | Final Report Drafting and Council Approval | 8 months

Tasks

- Submit Draft IAL Report to Department (Consultant)
- Present revised Draft IAL Report and Maps to EACP (Consultant/Department)
- Present Final IAL Report and Maps to EACP (Consultant/Department)

Section V. GUIDELINES FOR RESPONDING TO REQUEST FOR PROPOSALS

A. Conditions

Preparation of the proposals shall be at respondent's expense.

All subcontracting by the Contractor after the contract has been entered into under the provisions of this RFP shall require consultation with and prior approval of the Planning Director or representative.

All equipment or software purchased under this contract shall become the property of the County of Maui. All products and other materials developed under this contract shall become the property of the County of Maui. Products and/or materials developed under this contract shall be delivered to the Department, in the format they were created in (as approved by the Department), as well as in the final product format.

The respondent shall agree that the proposal will constitute a firm offer to the Department and cannot be withdrawn for 30 calendar days after the due date for the

proposals. The respondent shall agree that prices are firm and shall remain so throughout the performance of the work.

Award of this contract is subject to the availability of funds as approved by the Maui County Council.

B. Proposal Content

All proposals are to contain, but not be limited to, the following:

Qualifications

A general statement identifying the Consultant's (and sub-consultants', if applicable) specialized experience and technical competence for the services and tasks. A statement of these qualifications should be supported by resumes of the senior personnel and staff who would participate in the project.

A description of how each phase of the project will be organized and managed, including relationships among the proposed project team members, proposed sub-consultants, and the project manager.

A list of any and all services that will be required by the County.

Technical Specifications

A detailed statement of the scope of the proposed tasks and services, including how the tasks will be accomplished and how the proposed tasks will accomplish the RFP's purpose and objective for each phase of the project.

A detailed project schedule that indicates the suggested time needs for the project tasks, milestones, and amount of Consultant's and any sub-consultant's time to be devoted to project tasks. While it is anticipated that the entire project's timeline will be approximately two to three years, the Consultant's commitment will likely be less than two years.

C. Costs

The contractor shall provide a proposed project budget for the Scope of Services.

Each of the Base Scope of Services sections shall be broken out by each of the major products and tasks, showing the total direct costs (e.g. salaries, fringe, benefits, travel, etc.) for each person to be assigned to the different products and tasks, and all other costs

associated with the services provided (indirect costs and overhead, profit, and State excise tax, etc.).

In addition, the contractor shall provide a listing of hourly rates for project personnel that shall be used for direct labor costs and shall include all overhead, clerical costs and taxes for each cost.

Payment schedule. The Department of Finance normally pays a Consultant on the basis of invoices submitted for service rendered, with the right to retain ten percent of each billing. Final payment, including the amount retained, is paid upon satisfactory completion and acceptance of all work by the Department. The Department will follow this method of payment upon satisfactory completion and acceptance of each billing and all phases of the project work plan.

D. Products

The contractor shall provide a general description of approaches and methods proposed to meet all the requirements listed under Section III, "Base Scope of Services."

All reports, summaries, etc. shall be provided both in hard copy in the number of copies required, electronically in Microsoft Word and PDF formats (or in a format approved by the Department), and in the format the product was originally created in (as approved by the Department).

A statement that the proposal is a firm offer for a 30-day period and the signature of an individual authorized to bind the Consultant. The proposal shall also provide the following information: name, title, address, and telephone number and email address of an individual who may be contacted during the period of proposal evaluation, and with authority to negotiate and contractually bind the company.

Section VI. CONSULTANT SELECTION PROCEDURE

A. Only proposals received on or before the stated deadline for receipt of proposals will be considered.

B. Proposals which do not comply fully with the proposed content will not be considered further.

C. Proposals will be evaluated on fulfillment of the Base Scope of Services (Section III).

D. An evaluation committee will be formed by the Department to evaluate the technical and cost portion of each proposal.

E. The evaluation committee may conduct personal interviews with potential Consultants.

F. Consultants are required to disclose any potential conflicts of interest during the selection process.

G. In making the final recommendation, the Department's evaluation committee will review, evaluate, and score proposals relative to the criteria listed in Section VII, "Criteria for Proposal Evaluation." If deemed necessary, Consultants with the highest three scores will be required to participate in an interview process (see Section VIII, "Criteria for Interview Evaluation"), and the total score will be weighted 75 percent towards the proposal and 25 percent towards the interview.

Section VII. CRITERIA FOR PROPOSAL EVALUATION

Each proposal will be evaluated on the basis of the following:

A. Project Approach (30 %)

- Understanding the proposed scope of work and the manner by which it needs to be accomplished, as identified in Section III of this RFP.
- Unique and creative approach to scope of work.
- Clearly defined project methodology and process.

B. Consultant Firm Experience (30%)

- Consultant's and identified sub-contractor's experience in economic, demographic, and land use analysis; GIS mapping; the preparation of plans focused on current and future agricultural productivity; the creation of incentive programs; and the identification of lands suitable for productive agriculture.
- Unique and creative approaches to previous work.
- Project management and timeliness on past projects.
- Familiarity with regional and local issues.
- Experience with projects of a similar size and scope.
- Resources available for the project.

C. Cost (20%)

Proposals will be scored on a percentage of the lowest bid received:
(lowest cost proposal) x (maximum points for cost)/(proposal being evaluated).

D. Project Personnel (20%)

This includes the role, qualifications (including specialty certification) and prior experience of all personnel involved in the project, the key project team and any sub-consultants.

Section VIII. CRITERIA FOR INTERVIEW EVALUATION (if applicable)

A. Question and answer (40 percent)

- Technical experience
- Managerial experience
- Creativity
- Project understanding

B. Project team (40 percent)

- Principle-in-charge
- Project manager
- Sub-consultants

C. Presentation (20 percent)

- Style and poise
- Content

Section IX. NOTIFICATION OF CONTRACT AWARD

A. Each Consultant will be notified of the Department's selection decision.

B. Final contract approval will be subject to the Consultant and the Planning Director mutually agreeing to the final detailed work program.

C. Final contract approval is contingent upon the selected Consultant providing a State and Federal tax clearance certification, compliance with the County of Maui's General Terms and Conditions, and the availability of funds.

Section X. SUBMISSION REQUIREMENTS

A. The deadline for receipt of proposal by the Department of Finance is 4:00 p.m., **April 13, 2020.**

B. Six copies of the proposal and one PDF on a DVD, CD or flash drive are to be submitted in an envelope or package marked "*Proposal for Services for IAL - Incentives and Mapping Report*", and mailed or delivered to:

Department of Finance
Purchasing Division
County of Maui
2145 Wells Street, Suite 104

Wailuku, HI 96793
Attention: Bid Receiver

Questions concerning the project should be directed to Jordan E. Hart, Deputy Director, Department of Planning at (808) 270-7735.

Section XI. COMPLIANCE REQUIREMENTS

Hawaii Compliance Express (HCE). In accordance with Section 3-122-112, as amended, of the Hawaii Administrative Rules, the successful vendor must produce the following documents:

- A. Tax Clearance
- B. DLIR Certificate of Compliance
- C. Certificate of Good Standing from DCCA

The awarded vendor is encouraged to use the Hawaii Compliance Express website to assist them in obtaining the above certificates. The state website is <http://vendors.ehawaii.gov>.

MICHAEL P. VICTORINO

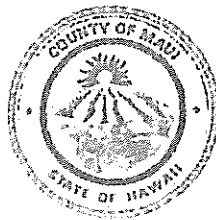
Mayor

MICHELE CHOUTEAU MCLEAN, AICP

Director

JORDAN E. HART

Deputy Director



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2020 JAN 31 PM 2:54

DEPARTMENT OF PLANNING

COUNTY OF MAUI

ONE MAIN PLAZA

2200 MAIN STREET, SUITE 315

WAILUKU, MAUI, HAWAII 96793

OFFICE OF THE MAYOR

January 31, 2020

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

APPROVED FOR TRANSMITTAL

Michael P Victorino 2/3/20
Mayor Date

For Transmittal to:

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Councilmember Paltin:

**SUBJECT: ADVISORY COMMITTEES TO THE MAUI PLANNING
COMMISSION (PSLU-44)**

Your Committee previously discussed this matter at meetings on January 8 and 22, and is scheduled to discuss it again on February 5. We would appreciate your consideration of the following questions and comments.

1. **What authority should the advisory committees have, and what authority can they have?**

The Maui Planning Commission (MPC) has delegated the Hana Advisory Committee (HAC) to conduct all public hearings for matters in the Hana Community Plan region. This would include applications for County special use permits, State special permits, bed and breakfast homes, short-term rental homes, Special Management Area (SMA) use permits, changes in zoning, community plan amendments and State land use district boundary amendments. However, the HAC does not have approval authority over any of these applications, although the MPC typically follows its recommendation.

You may wish to consider granting approval authority to the HAC and any new advisory committees. With accompanying amendments to relevant sections of Title 19, Maui County Code (MCC), the advisory committees could have approval authority over County special use permits, bed and breakfast homes, short-term rental homes and use determinations. This would give decision-making authority to these communities and would eliminate what would otherwise be an additional step in the permit approval process.

It should be noted that Chapters 205 and 205A, Hawaii Revised Statutes, would have to be amended to give the advisory committees approval authority over State special permits and SMA permits, respectively, and amendments to the County Charter and the MPC's rules would also be needed to give the advisory committees authority over SMA permits.

The Planning Department requests that the HAC and any new advisory committees be given the same authority so that each advisory committee would follow the same procedures. This would make the process simple, clear and understandable for the community, applicants, the Department, other agencies, and any other interested party.

2. Should the advisory committees be limited to matters under the MPC's authority?

At your January 8 and 2 meetings, and at the January 27 Alliance of Maui Community Associations meeting, members of the community indicated an interest in having the advisory committees provide input on issues beyond those that are before the MPC. For example, an earlier version of one of the proposed bills included agricultural subdivisions as a matter on which the advisory committee would comment.

If this is the direction that the Committee wishes to go, then input beyond the Planning Department might be warranted so that the structure and staffing could be better understood.

3. What role would the advisory committees play in the community plan update process?

As you know, the community plan (CP) update process involves an appointed Community Plan Advisory Committee (CPAC), the planning commission and the Council. For those CP regions that have an advisory committee, the advisory committee could serve the function of the CPAC. This would require a related

amendment to Chapter 2.80B, MCC. Otherwise, the advisory committees would add an additional step to the CP update process.

The County Charter requires the MPC to review general plan revisions; a Charter amendment would, therefore, be needed to remove the MPC from the CP update process and replace it with the advisory committees for those CP regions that have advisory committees, though this might be a desirable option. Chapter 2.20B, MCC, would also need to be amended.

4. Will additional personnel be needed?

As you are aware, additional Department personnel will be needed to staff the advisory committees. At least one planner and one clerical position will be needed, perhaps more depending on the advisory committees' authority. The Department of the Corporation Counsel might also require additional personnel to provide support, also depending on the advisory committees' authority. If any of the proposed bills moves forward, we would ask that they be accompanied by, or be timed with, necessary budget ordinances to provide the needed staffing. The effective date of any ordinance can be adjusted so that it would coincide with meeting staffing needs.

5. Are there issues with other provisions?

Sec. 2.28.060.A.4. Having alternates will assist in the advisory committees not having to cancel meetings due to lack of quorum, which has occurred frequently with the HAC, and occasionally with each of the planning commissions. However, if approval authority is given to the advisory committees as described above, then the alternates would have to attend all meetings, even if they are not called on to vote, in order to be able to deliberate and vote if needed when a contested case matter is considered at more than one meeting.

Sec. 2.28.060.A.5. This is an opportunity to address a concern regarding filling of vacancies. The terms of our board and commission members expire at the end of March, and so the Administration and Council are generally prepared with new members to fill these seats beginning in April. However, when there is an anticipated or expected vacancies other than when a term ends, such as when a member notifies us that he or she will be moving to the mainland in two months, we must wait until the vacancy occurs before beginning the process to fill it. This can be addressed by allowing vacancies or anticipated vacancies to be filled in the appropriate manner.

Sec. 2.28.060.D.3. The proposed 60-day time limit is reasonable but it could create difficulties if, for example, the applicant is not available when the advisory committee meets, additional information is needed for the advisory committee to

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Tamara Paltin
January 31, 2020
Page 4

make its decision, or there are other legitimate reasons for the delay. This could be amended so that the 60-day requirement applies to situations where the applicant is available and the advisory committee has been provided all required information.

Sec. 2.28.070. Regarding the membership requirements, it might be confusing when some members are appointed by the Mayor and others by the Council when the advisory committee is first created and when there are vacancies. It might also be challenging to verify the third-generation resident requirement.

Sec. 2.28.080. Another concern relates to the existing language relating to Native Hawaiian law training requirements. We fully support having this training, but it is rarely offered on Maui and is difficult for our board and commission members, especially those from Lanai, Molokai and Hana, to attend the training when it is held on Oahu or other islands; this often requires an overnight stay, which many members are not able to do. The Department will cover all related costs, including hotel, ground transportation and per diem, but some members simply cannot be away from home for that amount of time. This results in members not being able to comply with this code provision.

Lastly, if it appears that this issue may take additional time to formulate a final bill, you might also or alternatively wish to consider creating residency requirements on the MPC so that it has geographic representation, such as one seat per CP region.

Thank you for this opportunity to share our questions and comments with the Committee. We repeat our request that the HAC and any new advisory committees be given the same authority so that each advisory committee would follow the same procedures.

Please feel free to contact me should you have any questions or require additional information.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Moana Lutey, Corporation Counsel (pdf)
Clayton Yoshida, Planning Program Administrator (pdf)
MCM:atw
S:\ALL\Michele\Council\Paltin PSLU-44 comments.docx

EDB Committee

From: Wendy Nathan <Wendy.Nathan@co.maui.hi.us>
Sent: Friday, April 17, 2020 6:29 PM
To: EDB Committee
Cc: Shirley Blackburn
Subject: FY 2021 Budget (PL-3) (EDB-1)
Attachments: (PL-3) (EDB-1)_Response to EDB meeting questions.pdf

Aloha Committee Chair Rawlins-Fernandez,

Attached please find response from Michele McLean, Department of Planning (PL-3) (EDB-1).

Thank you,
Wendy Nathan

WENDY K. NATHAN | BUDGET SPECIALIST | BUDGET DEPARTMENT, OFFICE OF THE MAYOR | COUNTY OF MAUI
TEL: (808) 270-8239 | EMAIL: WENDY.NATHAN@CO.MAUI.HI.US