

Date: Wed, 22 Sep 2021 16:47:50 -1000
From: "Michele McLean" <Michele.McLean@co.maui.hi.us>
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Subject: Re: Does each community decide on its CP land use categories?
Hi again,

I agree that either of your clarifications would be more accurate than what the book says.

Aloha,
Michele.

>>> Rob Weltman <robw@worldspot.com> 9/22/2021 4:37 PM >>>

Thank you for the responses, but I still don't see a reply to my question about the guidebook. It says:

"These designations were implemented in the West Maui Community Plan Update and **will be used in future community plan updates across Maui Island.**"

Should it be:

"These designations were implemented in the West Maui Community Plan Update and **will be used in future community plan updates across Maui Island if so decided in the community plan update process.**"?

Or maybe:

"These designations were implemented in the West Maui Community Plan Update and **are proposed by the Planning Department for future community plan updates across Maui Island.**"?

That's a huge difference. Not necessarily for the final outcome of the land use designations, but for the role of the community in the plan updates. All participants in the update process should know which of the above is the case.

For the designations themselves, it seems to me the ones in effect for South Maui to a fairly high extent track the current zoning designations although at a more coarse granularity (single-family, multi-family / R-0 Residential, R-1 Residential, R-3 Residential, A-1 Apartment, D-1 Duplex, D-2 Duplex, etc). When a developer wants to do something different (e.g. build an apartment building in a single-family CP area), he currently often has to get both a CP amendment and a zoning change or exception. The plan now is to bring both to a more coarse granularity, but with the new zoning not yet defined. I saw the changes as related, and the guidebook reinforces that by saying that the CP changes "follows the recommendation of the County's audit of the zoning code (Title 19 of the Maui County Code)". With the low specificity of the CP land use designations, many (most?) projects will no longer require a CP amendment. Whether or not they

in the future will require a zoning change or exception (which is not necessarily the same as an SMA review or a building permit) will depend on the new zoning designations and the guidelines for their application. The pros and cons of Euclidean vs Form-based zoning parallel closely those of the draft WMCP land use designations vs the existing WMCP land use designations, with much more having been researched and written about the two zoning approaches than about the change in land use designations between the current and the draft WMCP.

The key issues, I think, are the ones I brought up: deciding just what fits in to a particular CP designation without requiring public review and an amendment and who makes the call in each particular case. This is separate from zoning today and will probably remain separate. Section 5 of the appendices provides goals for each of the designations but does not provide much guidance for evaluating if a particular proposed project falls within the designation or not (or perhaps, the descriptions lean towards accepting most types of development and deferring a decision to zoning). I'll look closer at the "areas of change" and "areas of stability" in the WMCP draft as you suggest to see if they provide more executive clarity.

The Title 19 report suggests a "hybrid" zoning approach, which sounds good but is not fully defined in the document. It will be crucial in the future with the new and more abstract CP designations. But it is several years out from implementation.

Me ke aloha,
Rob