

MACZAC Hotspots 11/3/2017

Maui - Rich Brunner

My hotspots would be following up on the letters to the governor regarding Honoapiilani highway and the letter to Chair Case regarding meetings to finalize Kanaha Beach park plan.

West Hawaii - Phil Fernandez

Planning commissions change coastal zone rules

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HILO — Streamlining development permits in coastal zones without limiting public input was a balancing act confronting the Leeward and Windward planning commissions Monday.

The commissions approved a series of changes to their rules defining two types of Special Management Areas — minor SMAs for smaller projects that don't require a public hearing and decision by the planning commission, and SMA use permits for larger developments, which do. Some of the changes are required under state law and others were proposed by the Planning Department.

"I feel kind of helpless if we have to follow with what the state does. ... The shoreline is on the front line of our ecology," said Windward Commission Chairman Gregory Henkel. "I feel we should be making the process more difficult, not easier for developers."

The rule changes, once signed by the chairmen of both commissions, go to Mayor Harry Kim for his signature and go into effect 10 days after they're received by the clerk.

The votes came over the objections of three Kona attorneys and a handful of environmentalists, who say the new rules close out the public and give the Planning Department too much authority. "This is a naked power grab by the department at the public expense and your expense because you represent the public," attorney Mark Van Pernis told the commissions in a joint meeting. "You represent the public, not the developers," he added. Attorneys Michael Matsukawa and Roy Vitousek also testified against some of the measures. Matsukawa characterized certain parts of the proposed rules a "wholesale delegation to the Planning Department." He said if the authority is being delegated, the commission should be receiving regular reports from the department. "You are giving away your authority and never hearing back," Matsukawa said.

No members of the public spoke in favor of the changes.

Provisions made to comply with a 2011 state law include exempting the state Division of Boating and Ocean Recreation from permit requirements.

The package also includes a cap on how big a single-family residence in an SMA can be before an SMA permit is needed. It allows homes of less than 7,500 square feet to be constructed or reconstructed without an SMA permit. Previous rules exempted all single-family homes that were not part of a larger development.

Another provision raises the maximum value of construction and improvements that trigger a use permit from \$125,000 to \$500,000. The increase reflects the increased cost of construction materials and labor, planning

officials said.

Henkel and Commissioners Donald Ikeda and Oliver Shimaoka voted no on raising the value limit.

The state Legislature proposed the provisions to expedite and facilitate work on projects that have been stalled or may be stalled because of permitting delays. Other amendments proposed by the Planning Department include retroactive approvals and determinations, adding a \$50 filing fee for the SMA assessment application, increasing from 35 days to 60 days for the department to act on the assessment application and allowing the planning director to waive the submittal of a shoreline survey