

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

August 1, 2002

Council Chamber

CONVENE: 1:33 p.m.

PRESENT: Councilmember Charmaine Tavares, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember Alan M. Arakawa, Member
Councilmember Robert Carroll, Member
Councilmember Jo Anne Johnson, Member
Councilmember Dain P. Kane, Member
Councilmember Danny A. Mateo, Member
Councilmember Wayne K. Nishiki, Member

EXCUSED: Councilmember G. Riki Hokama, Member

STAFF: Wayne A. Boteilho, Legislative Analyst
Camille Sakamoto, Committee Secretary
Jock Yamaguchi, Executive Assistant to Councilmember Dain P. Kane

ADMIN.: Brian Miskae, Planning Program Administrator, Long Range Planning
Division, Department of Planning
Daren Suzuki, Planner, Long Range Planning Division, Department of
Planning

OTHERS: DeGray Vanderbilt
Teryl Venci
Carl Freedman
Mercer "Chubby" Vicens
Warren Suzuki
John Blumer-Buell
Michael Summers
Lynne Woods
Christina Hemmings
Additional attendees (3)

PRESS: *Akaku: Maui Community Television, Inc.*
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CHAIR TAVARES: . . .*(gavel)*. . . Okay, Members, we're going to call the Planning Committee meeting to order. We have, Members in attendance are. . .Vice-Chair Michael Molina; we also have Councilmembers Mateo, Arakawa, Carroll. . .Molina, Nishiki, and Kane. From our Staff, we have our Staff Analyst, Wayne Boteilho; and our Staff Secretary, Camille Sakamoto.

. . . And we also have. . .Ms. Jo Anne Johnson who's joined us. Thank you, Jo Anne, for coming. Riki Hokama is excused for the time being. This afternoon, Members, we--it's been a little while since we worked on the. . .community planning process.

ITEM NO. 8: IMPROVING THE PROCESS FOR UPDATING THE GENERAL AND COMMUNITY PLANS (C.C. No. 98-51)

CHAIR TAVARES: And we just wanted to use this opportunity, first of all, to welcome Mr. Brian Miskae from the Long Range Planning Division of the Planning Department. . .and his staff, Daren Suzuki. They are gonna be doing a presentation. . .for us this afternoon regarding amendments. . .proposed amendments to Chapter 2.80A. At this time, we'd like to have members of the public who wish to testify come forward and offer their testimony. We will not be taking any action today. For everyone's information, this is merely an introduction of the amendments that are coming forth from the Planning Department. Our first person to testify is DeGray Vanderbilt.

. . . Is he the only one?

MS. SAKAMOTO: Yes.

CHAIR TAVARES: Ah, DeGray, twice in the same day you're the only testifier--

ALL: . . .*(laughter)*. . .

CHAIR TAVARES: --so you will have--

?: . . .*(inaudible)*. . .

ALL: . . .*(laughter)*. . .

CHAIR TAVARES: Yeah, you'll have six minutes . . .

MR. VANDERBILT, FROM THE AUDIENCE: Wow!

CHAIR TAVARES: . . . total . . .*(laughter)*. . . Thank you.

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. . .BEGIN PUBLIC TESTIMONY. . .

MR. VANDERBILT: Six minutes--all right! Thank you. . .Madam Chairman and Members of the Planning Committee. Um. . .last night on Molokai, we had the first of four meetings. . .of what was called the Molokai Community Plan Implementation Committee, made up of 15 people in the community. And this was sponsored by John Min and the Planning Department. And the purpose of, of. . .of. . .our group was. . .to, to. . .work on implementing or prioritizing the implementation phase of our community. . .plan and. . .validating some of the goals, policies, and objectives of that plan since it's been so long. And. . .and also we were supposed to prioritize things and come up with a final report. And. . .and that report will be used by the Planning Department, quote, in preparation of the Planning Department's work program along with other agencies--I guess that's government agencies--and will also be used in the County budget process. So this is a pretty heavy-duty group that we're doing over there. And Brian was there, we had a good meeting last night, the first one. But people were skeptical. And. . .the basic skepticism was that here we go again, all this work. As I've mentioned many times before, Molokai had 21 CAC meetings and **16**. . .Planning Commission meetings in the review of our community plan--36 total meetings, which I think was 20 more than any other community planning area. Yet, our, our community plan had more major changes, by far, than any other community plan by this Council. And . . .

. . . it just seems that the feeling was that the community knows the community. They do a good job in working things out. And then this, their work can be trumped by a higher authority. And in this case, we learned last night that the work we do. . .I guess John Min can make some revisions to this report. And. . .so, but at least we're doing something. But nobody knew how this action fit in with the overall. Charmaine's done a tremendous job of. . .of. . .trying to get something done with this planning process--which. . .most people on Molokai feel is not a problem at the community level, but it's just coordinating where it goes and then how the thing is implemented and how it is interpreted by government agencies at a later date, whether it's law or guide or whatever. Um. . .now we're talking about this General Plan, and we're not sure what happens. 'Cause we did our community plan--I was on the CAC. . .and we prepared our community plan based on directives from a general plan. And it said blah, blah, blah, general statement, and then we tried to refine more details from those statements in our community plan. And that's the way the process is supposed to work. Now we were one of the last community plans approved, so we're gonna be one of the last to revise our community plan. So what happens now to our community plan. . .that maybe didn't make some statements it should have because we have this General Plan. . .that we were working from on top of it? They're one in the same document. But now we continue on with our community plan, but you change the General Plan. And where does that leave us? Do, does. . .and there's talk about. . .a new general plan with four people from each

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planning regions. But I think there's. . .there was one talk, there was talk at one time about three different general plans. There was talk about. . .Lanai and Molokai's Community Plan. . .being their general plan. And I think people are a little confused and, and. . .uh, with the whole thing. And I hope that if this changes, that. . .you know, the communities are given. . .you know, after we took so long to do everything, they shortened up the time of the CAC. And that's not the place to shorten it up. Those are your experts. Those are the guys that really know and take the time to put things together. So, hopefully, the CACs will be given 180 days that they had before, I think. Or was it 120? I don't know what it was, but it. . .we got an extension, I know, one time. And. . .also. . .that there be some penalty for these major developers who withhold information, and people in the Administration like John Min who **knew** about this major golf course development. . .I mean, this major subdivision developing on Molokai while you were going through the community plan. And he never told you, and the 600-foot buffer would have gone right through the middle of that. And some Councilmen knew about that. But it, it didn't come up. And so here's a major developer that holds back this project until right after our community plan review is done, then comes in with it. And I think that strategy's probably used on Maui by some, too. So there oughta be some. . .time limit, I would think, that once a community plan's done you can't just come in willy-nilly for major community plan amendments. And you shouldn't have to. So, you know, you go to the back of the line if you don't participate in the community planning process. But. . .even though people were skeptiple [*sic*] skept. . .uh. . .tough word. . .skep. . .uh, I'm gonna pass on that word. Uh--

CHAIR TAVARES: . . .(*inaudible*). . .(*laughter*). . .

MR. VANDERBILT: But anyway--

CHAIR TAVARES: . . .(*laughter*). . .

MR. VANDERBILT: . . . Now these people out there are wondering why I didn't run for Council--the guy can't even speak.

ALL: . . .(*laughter*). . .

MR. VANDERBILT: But anyway. . .no, but Brian sort of let us go off on tangents a little bit last night 'cause he knew people were skeptical about where this process is going. And--

MR. BOTEILHO: Six minutes.

MR. VANDERBILT: That's it. Thank you very much.

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CHAIR TAVARES: Thank you. I think, DeGray, when you watch the . . . presentation, maybe some of your . . . questions will be answered, or your concerns will be answered. And we do still need to hear reactions from the general public regarding . . . regarding this plan.

MR. VANDERBILT: Thank you.

CHAIR TAVARES: So . . . stick around. Thank you. Is there anyone else in the audience that wishes to testify?

. . . If not, the public testimony portion of the meeting is closed.

. . . END OF PUBLIC TESTIMONY. . .

CHAIR TAVARES: At this time, I'd like to draw your attention, Members, to a memo dated July 29th, 2002.

. . . A transmittal from John Min through the Mayor to . . . it is to the Chair of this Committee. And it is the introduction to the bill, proposed bill from the Administration. As you will recall, back when . . . members of the Administration . . . went to our community planning process meetings . . . together with us, and I think because we had this joint effort, a lot of the things in the plan will look familiar. Um . . .

. . . Brian Miskae has a presentation for us. And if you're, you wanna say anything prior to the presentation, Mr. Miskae?

MR. MISKAE: . . . Thank you, Madam Chair. I'm really looking forward to working with you. Is this on?

CHAIR TAVARES: Doesn't sound like it.

MR. MISKAE: I'm really looking forward--oh, wow!

ALL: . . . *(laughter)* . . .

MR. MISKAE: I'm really looking forward to working with you and the Members on something as critically important as developing this new process that really gives a growth management strategy to this County.

CHAIR TAVARES: Okay.

MR. MISKAE: So I, I do have a PowerPoint that I've prepared so that we can kind of follow through the bullet points of the bill to kind of frame what the bill is all about. I know you don't wanna get into any in, in-depth discussion this afternoon, but it

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will give the Members kind of a, an idea of where the salient points are in each of the sections or provisions in the bill, Madam Chair.

CHAIR TAVARES: Okay. Thank you.

MR. MISKAE: So if I can have minute, then we can--

CHAIR TAVARES: Yes, we'll recess--

MR. MISKAE: --put the screen--

CHAIR TAVARES: --for a minute while we put the screen down and get the lights adjusted. Also, Members, we do have a hard copy of what his presentation is today. That should also be on your desk. So we'll be in recess for about a minute . . .(gavel). . .

RECESS: 1:43 p.m.

RECONVENE: 1:44 p.m.

CHAIR TAVARES: . . .(gavel). . . I'd like to reconvene the meeting. Mr. Miskae, it's all yours.

COUNCILMEMBER KANE: . . .(inaudible). . .

CHAIR TAVARES: Yeah.

MR. MISKAE: . . . Just a couple more seconds, Madam Chair, while this program boots up. Thank you.

NOTE: Very long pause.

MR. MISKAE: . . . As good as technology is, you can't rush it. So . . .

. . . Madam Chair, what I'm gonna go through, first of all is, the first few slides are rather introductory, and then I would like to get into the bullet points. So this is essentially some of the questions that, that I've. . .you know, I've been posing as I've been going out into the community and. . .you know, basically talking to people about what they think in terms of our process. So our discussion today is of the need to amend the way the County of Maui sets up its planning process. So the question is, is it broken or just cracked at bit? Well, it's taken us over ten years to complete the 1990 decennial revision process. Nine community plans were adopted based on data gathered basically in 1990 to 1992. The date of the first plan adopted was 1994, the last just this year. And the question is, is effective implementation possible using this kind of timetable? So what is the

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process anyway? First of all, our State law requires a General Plan--that's in HRS 226-58. The County Charter requires a General Plan--it's in Section 8-8.5. The County Code now sets a process out. So have we done all this? Yes. . .but has it done us any good? So what if we change the process? Will it make any difference? Again, change only happens if we really want it to happen. If we change the process, will we follow it? I think DeGray just pointed that out. No reasonable person makes a plan he or she has no intentions of following. Are we reasonable? Yes, I think we are. So the current process is this--the General Plan, through nine citizen advisory committees, and then these are the plans: '94, '95, '96, '98, 2001, 2002. What you have before you is a change that proposes this--to a State and tech, State Technical Committee, Planning Director, General Plan Advisory Committee, planning commissions, and adoption by Council. That's the General Plan. Then we go to draft community plans, and we go through the same citizen advisory committee, to planning commissions, and finally adoption by the Council. So if you can refer to the bill. . .this is how it starts. First of all, input from State and County agencies. On the first page, part 2.80A.010.C is a description of the General Plan as proposed by the Charter Commission. And this is consistent with State law. So these are the kinds of things that we would have in that description of a General Plan.

. . . So they make sense. Population, problems and opportunities, sequence of development, and these kinds of things that are really necessary to serve the greater public--density, land use, transportation, et cetera.

. . . But then this is something we've never done before. We feel that it's important to do an island-wide land strategy. As you know, the current General Plan does provide for a managed- and directed-growth strategy. This particular strategy was proposed while I was Director of Planning, but was never followed through. One of the shortfalls that we've had in our planning process is we've had no glue. . .for our community plans. They, they basically sit on their own, they, they. . .they don't really address Maui as, you know, a complete entity--as do, for example, Molokai and Lanai because their plans cover their entire islands. So what is the island-wide element? Well. . .if you turn to the next part of this bill. . .it talks about an island-wide land use strategy. So there's a vision statement, a managed- and directed-growth plan that will establish urban and rural growth boundaries. This is the key lynchpin to this entire initiative. . .so that we know about land uses, density, vehicle trips, water consumption--we know that, we've established in a, in an island-wide planning process. But then, we need an action plan. How are we gonna do it? How are we gonna implement these things? How are we gonna tie this together in a capital improvement element that establishes the time we're gonna be, do these, to do these things? We need to establish how we're gonna pay for it. We need to establish when we're gonna do it. We need to establish benchmarks that kind of give the Council an idea how are we doing. You know, this is a horrible thing, but who could have ever thought of 9/11? These *kinds* of things start to change the

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dynamics of land use strategies. We need to establish specific status reports so the Council **knows** where these implementation actions are. And we need to have these kinds of things to support it--public participation, forecasting, assessments, even resource and hazard constraints inventory so we know where not to put development. The community plans, then, would then become more of a village design. . .so that. . .the plans would. . .comport with the General Plan's urban growth boundaries--so that within those particular boundaries. . .we would then be specific. We would then have the same things--action elements, capital improvement element, financial element, implementation element, same as benchmarks, and status reports. The decennial revisions--which the Charter calls for--would still, in this bill, show every ten years. The community plans would be developed after that--beginning with the first adopted, and then continuing appropriately. The first drafts would be prepared by the Department of Planning based on statistical information so the citizen advisory committees would have something to react to rather than starting from scratch. We would have a General Plan Advisory Committee, which we are recommending be made up of 32 members--four members from each of the eight planning districts, Kahoolawe excepted. I've asked the Department of Corporation Counsel even if we need to do a community plan for Kahoolawe--considering the fact that since the time we adopted that Plan, State law has changed and given essentially all authority that we had and DLNR had to the Island Reserve Commission. Two appointed by the Mayor, two appointed by the Council. This committee would remain empanelled until the General Plan is actually adopted. So they would be continuing in the process.

. . . Four members from each planning area, then, could maybe serve on the appropriate community plan advisory committees--it would allow for some continuity. Molokai and Lanai members--I mean, this is just a suggestion--but maybe they need not attend all the meetings. . .but certainly would attend the strategy sessions affecting the County as a whole and their respective islands. Then we get to the CACs.

. . . We're recommending that the CACs be constituted basically the same as what we had before. . .with the, with the nine committees, 13 members. But this is different. We would, we would recommend that they be empanelled fully until their appropriate plan is adopted. Whereas, the last time they were excused right after, basically, they finished their work. So we felt that they need to be involved in this entire process so that after they're finished their work--even through the Planning Commission and through the Council process--that they continue to be involved.

. . . The Planning Director would be forced to provide appropriate staff and outside consultant services to the CAC so that they're not just sort of hanging out there. . .and the bill would require that they hold at least seven workshops for public participation--which would include table-top exercises which we found

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extremely successful in our . . . work when we went out with the transportation action committee. In the, for example, the Kihei Community Association has done two of these already and found they are extremely successful. And then finally, we put 120 days. I mean, this is obviously variable. The bill reads, says that the Council, by resolution, can extend this time, you know, to whatever time is appropriate. But we put a number in of 120 days.

. . . The General Plan and community plan adoption--Planning Director has 30 days to place the Plan or community plan on a planning commission agenda after the CACs are finished. The planning commissions have 90 days to, to report to you. The Council, then, shall adopt the plans by ordinance. Prior to the adoption of the community plan, a hearing shall be held--this is the same as we did before. The General Plan, community plan, any revisions thereto are then deemed to be part of the adopting ordinance. . . so there's continuity. And then I talked about the sequence of adoption. . . prior--so that. . . Hana would be first and on and so forth until you finally got to Wailuku-Kahului. So revisions or amendments, these would not be the, the . . . amendments that would be, for example, in the comprehensive revision--in other words, the decennial revision. These would be revisions that might be triggered by, for example, one of your benchmarks--something has happened, the dynamics have changed. What do you need to do? Well, revisions to the General Plan or the community plan can be by the Planning Director . . .

. . . or by the Council. But in both these situations, the process is essentially what we had before where it would go to the planning commission, public hearing, and then basically come up, up to the Council. The thing that you will find here, that I wanted to raise is that amendments to the General Plan **cannot** be made by any entity **other than** the Planning Director or the Council. There is no provision in this bill for **any** entity **other than** those two to recommend **revisions** to the General Plan. . . different than this. Whereas, community plans. . . amendments can be applied for by **any** legal entity. And the reason for this, quite frankly, is we feel the General Plan is a strategy document, and its integrity would be challenged if in fact it were to be considered for amendment on irregular basis or by, by reasons of something that's not in the greater public interest. We, we feel very strongly that the Council, and/or the Administration proposing amendments to the General Plan--which, for example, could amend one of these urban boundaries. . . has to be in the greater public interest.

. . . Finally, if a revision to a General Plan triggers an amendment to a community plan, the processes can run concurrently. So if the Council or the Administration, for example, proposes an amendment that would affect an appropriate community plan, both these things would be done concurrently.

. . . And this is something that we've had a number of people tell us about--that the maps that are published in the newspapers, in many cases, are just really

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hard to deal with without landmarks, street addresses, et cetera. So we felt we'd put this right in the bill. . .so that there is no question what has to be on the map. There's a transition provision in the bill which says that until such time as the revised community plan is adopted, the current one remains in full force and effect--which is one of the main reasons why we're over at Molokai right now. Because *that* Plan is gonna be around for a while and we feel very strongly that these implementation actions need to be affected. Lanai's process for implementation is going to be starting, what, Daren. . .two, in two weeks? So we're doing the same thing for Lanai and Molokai with a citizen group.

. . . So this is my final slide. . .Members. And I think that this picture tells the whole story. Is it worth the work? Their future really depends on it. Thank you, Madam Chairman.

CHAIR TAVARES: Thank you. We'll recess for a minute.

RECESS: 1:59 p.m.

RECONVENE: 2:00 p.m.

CHAIR TAVARES: . . .*(gave)*. . . We'll reconvene the Planning Committee meeting. Um . . .

. . . Mr. Miskae, thank you very much for that presentation. Any Members have any questions about the. . .the PowerPoint that was just shown to us? Mr. Arakawa?

COUNCILMEMBER ARAKAWA: . . . I had, there's one question that I have on that. The amendments to the community plan and General Plan. . .*both*. . .according to what I saw, could not be amended except. . .from the Planning Dept, Planning Director or the County Council. Is that right, Brian?

CHAIR TAVARES: Uh. . .Mr. Min? I mean, Mr. Miskae?

MR. MISKAE: That's not quite correct, Madam Chair. The, the, the bill proposes that amendments to the community plan or the General Plan can be initiated by the Council. But an. . .amendments or revisions to the community plan can be only. . .have to be--wait a minute. General Plan and community plan can be by the Council or the Planning Director. Community Plan amendments are by developers and the Council as well, and the Planning Director.

. . . The idea here is that. . .General Plan, as I said, General Plan has to have integrity. We feel that only the Council or the Administration should have the ability to propose amendments to the General Plan.

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COUNCILMEMBER ARAKAWA: Okay, 'cause when I was looking at--and just. . .again, looking at what you have on your notation. . .revision, that amendment, and I'll read this. It's the first sentence: revision, slash, amendments to General Plan or community plan by. . .by Planning Director. . .oops, where was it?

. . .*(inaudible)*. . . refer to planning commission--excuse me, wrong, I got the wrong place.

CHAIR TAVARES: No, that's the right place.

COUNCILMEMBER KANE: . . . Right under it's the Council.

CHAIR TAVARES: Then the second bullet is. . .the same statement. . .but by the Council.

COUNCILMEMBER ARAKAWA: But by the Council. So I didn't see anyplace where there was anybody besides the Planning Director or the Council.

CHAIR TAVARES: Okay, the, the third bullet. . .is the revisions and amendments to community plans by any legal entity to follow the same process as before.

MR. MISKAE: Madam Chair, the cite would be Chapter 2.80A.080, Revisions and Amendments of the General Plan and Community Plans. Part "A" basically sets out that revisions or amendments to the General Plan or community plan should be reviewed and processed as follows. And then "B" is the Planning Director; "C" is the Council, and then "D" says that anybody can apply to amend the community plan, but **only** the Council or the Planning Director can initiate an amendment to the General Plan. . .and the community plan. They can do both. But. . .others can only initiate amendments to just community plans.

COUNCILMEMBER ARAKAWA: Okay. Thank you for that clarification.

CHAIR TAVARES: Thank you. Any other questions for Mr. Miskae?

. . . Mr. Kane?

COUNCILMEMBER KANE: . . . Yeah, just a technical--why would it be the Planning Director and not the Mayor. . .at the request of the, I mean, just. . .I'm just trying to understand that, that aspect, why the Planning Director, not the Mayor?

MR. MISKAE: It's, it's basically one in the same thing. You would, you would not consider that the Planning Director would propose something that the Mayor didn't endorse. I mean. . .you'd wanna think that.

COUNCILMEMBER KANE: Yeah.

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MR. MISKAE: It, it--

COUNCILMEMBER KANE: You know, I--

MR. MISKAE: --said Planning Director before, so I didn't mess with the language.

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER KANE: I, I just was seeing . . . *(laughter)*. . . see if there's anything technical there. Yeah, okay.

MR. MISKAE: No. It just seemed like it was a planning piece of legislation, so Planning Director seemed to leave it appropriately . . . *(laughter)*. . .

COUNCILMEMBER KANE: Yeah, curiosity question. Thank you, Madam.

CHAIR TAVARES: Yeah. . . 'cause if the Mayor wanted to propose something, it would go through the, his Planning Director. . . to the planning commissions or to the Council.

COUNCILMEMBER ARAKAWA: Madam Chair?

CHAIR TAVARES: Mr. Arakawa?

COUNCILMEMBER ARAKAWA: Yeah, Brian, on, on just. . . little bit of an explanation of that--we have a Planning Director and we have Long Range Planning. Um. . . to which. . . we, would this be. . . the, the technical **Planning** Department Director or would it be Long Range Planning. . . if we're gonna have any revisions to the, to the plan? Which Director would, would be the one to actually do that?

CHAIR TAVARES: I think it would be the Planning Director--

COUNCILMEMBER ARAKAWA: . . . *(inaudible)*. . . of Planning Department?

CHAIR TAVARES: . . . *(inaudible)*. . . plans through Planning Department's Director.

COUNCILMEMBER ARAKAWA: Well. . . the--

CHAIR TAVARES: Yeah.

COUNCILMEMBER ARAKAWA: --it depends on, on how the organization will be set up. That, that's the only reason I'm asking about it.

MR. MISKAE: Madam Chair, if I might respond?

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CHAIR TAVARES: Yes, go ahead.

MR. MISKAE: The organizational chart, which is on file with the Department of Personnel Services, shows that the Department of Planning actually has three divisions--it has a Long Range Division, the current Planning Division, and a Zoning and Enforcement Division. But there is only *one* Planning Director. And that's--

COUNCILMEMBER ARAKAWA: Okay.

MR. MISKAE: --the head of the Department, as appointed by the Mayor.

COUNCILMEMBER ARAKAWA: Okay. Thank you.

CHAIR TAVARES: It, it would be the same as if in Public Works, if . . .Wastewater wanted to do a ordinance amendment--it comes from Mr. Goode. . .you know, it doesn't come from the Division Chief to the Council.

NOTE: Silence.

CHAIR TAVARES: . . . It's just an organizational thing.

COUNCILMEMBER ARAKAWA: No, no, I . . .I understand that.

CHAIR TAVARES: Yeah.

COUNCILMEMBER ARAKAWA: But it just that when we, when we originally were looking at the Long Range Planning, that was gonna come under the Office of the Mayor. And then. . .moved down to, under the, under the . . .Planning. And that's why I was, I'm kind of looking at this hierarchy and the language as to where it should be. Uh. . .but if it's all gonna, all of Planning is going to be under Department of Planning, then that, it works.

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER ARAKAWA: But if it's split up where it's not . . .

CHAIR TAVARES: Yeah.

COUNCILMEMBER ARAKAWA: . . . uh. . .then. . .it might not work . . .(laughter). . .

?: . . .(laughter). . .

?: Okay.

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MR. MISKAE: Madam Chair?

CHAIR TAVARES: Yes, Mr. Miskae?

MR. MISKAE: Contrary to popular belief, I am *not* the Director of Long Range Planning. I'm a civil servant under the Planning Department . . . *(laughter)*. . . It's just that our, our Division has done all the work on this, and the Planning Director felt that we were probably more qualified to answer the questions, that why we were sent.

NOTE: *Silence.*

COUNCILMEMBER ARAKAWA: . . . Okay, well, again, all . . . because, because of discussions earlier as to who is doing what under what auspices of government, a lot of it was moved under the Department of the Mayor's Office and lot of the . . . like long-range transportation, all, all of these other things are coming out of the Office of the Mayor. And I just wanted to make sure that when we create the language identifying what specific person . . . *(inaudible due to interruption)*. . . responsible, that there was no confusion involved with that.

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER ARAKAWA: That, that's the only, that's why I asked the question.

CHAIR TAVARES: Okay. Thank you. Any other questions. . . for Mr. Miskae at this time? Ms. Johnson?

COUNCILMEMBER JOHNSON: . . . Uh. . . one of the things that during Charmaine's meetings, many of them. . . came out, and I think DeGray mentioned it today, too, was in regard to community plan amendments and not being generated, obviously, from either the Planning Director in the case of the Molokai Community Plan or from the Council. It was actually brought forward by a developer. Inasmuch as most . . . individuals, most citizens that come forward. . . anyone who wants to make a community plan amendment, they're pretty much dealing through the Planning Director or they're dealing through the Council. And the way that everything else comes to us. . . basically coming from the public and then being brought into this form and then us either advocating for it or just putting it out there. . . what would be the purpose in **continuing** to allow community plan amendments to just be generated without the support of the Administration or the Council--which I believe has led to a lot of confrontation . . . *(laughter)*. . . ?

MR. MISKAE: If I might, Madam Chair?

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CHAIR TAVARES: Go ahead.

MR. MISKAE: One of the major differences, Councilmember Johnson, that this bill has over and above what we've done before is that the regional plan will create urban boundaries in each of the community plan districts. So, therefore, community plan **amendments** will be probably much less prevalent because...the community plans will become more or less design brief or design documents that will establish, you know, as, as the plan talks about here...a whole variety of things including transportation corridors, design requirements, but contained within that urban boundary. It's, it's almost like...you know, I bite my tongue when I say this, but it's almost like the mainland in a county process where you have a myriad of political subdivisions, independent political subdivisions within the, the county environment. Each of them, essentially, has their own authority, but for the most part rely on inter-regional facilities that the **County** normally provides--like solid waste, many times water, a lot of the times public transportation. This is **kind of what** we're talking about--although, I'm not advocating political subdivisions. But what I am advocating for is to be able to set up a strategy, a growth-management strategy that's established by legislation so we have a handle on what happens in each of these urban areas, these urban growth boundary areas. So the idea of community plan **amendments** now, I, I think don't follow any kind of growth management strategy. And you folks really are looking at these things almost at face value each time they come up. Whereas, if we had an overall growth-management strategy, I don't think you'd have the, the **number** of community plan applications that you do now.

COUNCILMEMBER JOHNSON: And...and...you know, I understand what you're saying, but I think it's still subject to the same problems that DeGray Vanderbilt had alluded to--that...you know, what good is a community plan if it's not law, if it's not followed. And just in the same way that we've had problems in the past--because confrontation, generally, has occurred at least what, from what I've seen, when people come in and, they want something different than what is in the community plan. Therefore, if that is the single most divisive element in separating the community's wishes from what one individual or one developer wants to do, why would you not then wanna deal through, let's say, either the legislative branch or the executive branch coming to a less divisive end...which would take a lot of this confrontation and all this wheel spinning and you know, them versus us kind of attitude? And then have it be initiated with the support of people who see the logic and the reason in it--that whether it's the Mayor, whether it's the various planning commissions who, you know, approach the Mayor, or whether it's the legislative branch who feels that there's merit to these types of things--why would we wanna still perpetuate this confrontational divisive kind of thing that we've had in the past where we deviate from the community plan?

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MR. MISKAE: . . . Madam Chair, I, I would somewhat agree with Councilmember Johnson. However . . .

. . . we have to kind of walk before we can run. The idea of maintaining the integrity of the General Plan and the urban boundaries, I think, would be a super, **major** step on this County's and its long-range planning strategy. And I firmly believe that once the Council is finished with the General Plan--which includes this island-wide element, you will find, I think, that the community plan process will be much more defined, that you won't have. . .the number of fluctuations that you might have now. In other words, most of the decision-making will already be done under the island-wide element. I, I don't disagree with you. I believe that strategy documents--such as community plans, development plans--probably are in the greater public interest, and any amendments probably should be by the Administration or the Council. But that's not how we do things here.

COUNCILMEMBER JOHNSON: Okay. Thank you.

CHAIR TAVARES: Okay. Yeah, and keep in mind, Ms. Johnson, that this is a proposed ordinance. We will have the final. . .say as to what goes in this ordinance. And if through the discussions it comes out that we have a hybrid of sorts, then that will be discussed here. And. . .then it becomes our duty to implement that as a policy through the ordinance changes. Okay?

COUNCILMEMBER JOHNSON: No, I just, I, and, and I think Mr. Miskae expressed himself. And as we are just in the initial deliberations, I. . .respect what he's saying and I can understand his perspective. I just, you know, I'm asking the questions that probably everybody else in the public would like to have the answers--

CHAIR TAVARES: Yes--

COUNCILMEMBER JOHNSON: --to. Thank you.

CHAIR TAVARES: Thank you. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Thank you. I guess. . .this. . .take off. . .concerns me. And, and only because. . .when we initially were looking at how to improve this process. . .I had thought that it was going to be. . .a community plan especially. And I'm glad that Administration see. . .sees that the members of the community plan, from the community. . .live there. But I thought that our direction was going to be. . .if there are any changes within our community plan, they were going to be community-oriented, brought forth by the community members not **developer**-oriented.

CHAIR TAVARES: Uh-huh.

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COUNCILMEMBER NISHIKI: In this . . .

. . . presentation here, Brian, I see where. . .if amendments are made, it's not going--as I visualize it--back to the Kihei community and the advisory group that would look at these amendments and then thereby say, hey, this is our community and this is what we wanna see for it. This only goes to the Administration and the Council. . .which is what is happening now. And then, of course, communities are pretty upset at this process, I think, as, as we've heard from many members--including DeGray and. . .him saying, hey, you know, the Planning Director and a couple of Council Members knew about this, but yet, you know, all of a sudden, you know, the community plan's adopted and then some developer creates this big ag subdivision and the community is left out of the loop.

. . . Brian. . .why do you not feel that any community plan amendment should not go through the CAC *if*. . .and let me ask you this question--is the CAC, once it develops a community plan. . .does that life then end, or do they continue serving? I think as. . .in some of the Council's deliberations that you brought up, Madam Chairman, that perhaps this was going to continue . . .

NOTE: *Silence.*

CHAIR TAVARES: . . . Mr. Miskae?

COUNCILMEMBER NISHIKI: . . . so that. . .the community and its members that live there really. . .decide and recommend and make these changes before it comes to the Council, Administration. I think that our thrust was not developer-oriented. Ours was really getting each community to dictate what *they* wanna see for their community--which. . .I thought was a *different* look at that perhaps we're going to. . .envision. Your answer?

MR. MISKAE: . . . Madam Chair, there's obviously two schools of thought with this regard. This one school of thought is to have the citizen advisory committees remain empanelled until their appropriate plan is adopted, and then they are excused. The other school of thought is to have that citizen advisory committee work on its community plan and then be *converted* to a permanent citizen advisory committee after their plan is adopted--similar to what neighborhood boards are, except they wouldn't be elected, they would be basically there at the disposal of the, the Council. . .maybe the State, obviously the administration to bounce lots of things off, including community plan amendments. This matter is gonna be before the voters in November as to whether or not the voters see permanent citizen advisory committees. If in fact the voters choose to do this. . .the system that we've proposed in this bill still is very workable. We would not propose any change to the citizen advisory committee process in the

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preparation of the plan, except there would be additional language put into this bill to be consistent with the Charter amendment, should it be approved, that would then create the CACs on a permanent basis. But we're kind of waiting to see what the public has to say about that. In the meantime, we've proposed it this way. And as the Chairman's pointed out, this is your bill now so you can. . .do with it as you wish.

. . . That's our response, Mr. Nishiki.

COUNCILMEMBER NISHIKI: Am I to understand that this comes from, with the blessings of this Administration?

MR. MISKAE: Yes, it does.

COUNCILMEMBER NISHIKI: . . . Thank you.

CHAIR TAVARES: Okay, any other questions? Mr. Arakawa?

COUNCILMEMBER ARAKAWA: Brian, in. . .lot of the, in lot of the discussion we had on the community plan process. . .when we did the community plan this time around, you know, we did all of the meetings with the communities fairly on. And then there's been over ten-year gap because we haven't stag, we haven't staggered the starting points of each of the community plans. And in the early discussions we had last year, you know, when I was Planning Chair, we, we were talking about staggering it so that we would start a, a plan every year or every other year so that the CAC would not have met on something ten years before the Council actually got to it. I'm not seeing any of that in this proposal. Could you enlighten me as to why we haven't done anything with the timing of it so that information that's being met and dealt with is the most current as it is being developed?

MR. MISKAE: Actually. . .Councilman Arakawa, the bill **does** propose a sequence of community plan revisions with the first one adopted will be the first one reviewed. So they will be done in the sequence that you've adopted them in this last go around. So they will not all be done at once. But the **key** here is, though, is that we will have the regional plan first so that the plans, then, will be consistent with a document that you folks have already approved. Rather than now, we have had no glue. They've just been sort of on their own.

COUNCILMEMBER ARAKAWA: Well, the General Plan was always supposed to come first. The, the community--and you know this is one of things when I was on the CAC we had discussions on. . .in trying to look at the island as a whole, and doing interregional planning, at the same time trying to carve out each of the different districts. I know that when I was on the Kahului-Wailuku CAC, we wanted to, to have meetings with everybody else to decide, you know, what kind

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of roads are we good do, where the water's gonna come, where, where. . .should all the housing. . .be, what's the gen, what's the population we have to work with? And we never had an interregional discussion. Um. . .and, and. . .what, what it ended up with is almost everybody went on their own and the population that we wanted to attain, you know, each CAC group could work with the maximum growth . . .(laughter). . . all in their area. And. . .again, and staging this so that the, the most current information if there for the, for the CAC. . .as well as the planning commission and the Council--all within a short time span. You have it **sequenced**, but we don't have it where it's going to be . . .

. . . you have a sequence as to **how** it's going to come before the Council. And in your proposal, are you also proposing that. . .in this case . . .

. . . whichever committee--the Hana one would come first, but the next one would not start until the Hana plan was complete? In other words, the CAC would not **meet** until the Hana plan is complete or. . .could they, could they start, the. . .the CAC start meeting once the Council started deliberation, you know, so that there's a timing? The, the different groups--such as the CAC, the Planning Department, the planning commission--has to have some time to do their part while the Council is deliberating. So they'll be overlap. How, how are you trying to stage this in, in your proposal so that the, the timing can be there?

MR. MISKAE: . . . Madam Chair, the. . .the community plans have been adopted over a span of 1994 to 2002. That's eight years. That's eight plans. We feel that that span. . .the eight years is probably adequate sequencing to bring those plans into conformity with the General Plan. We feel that it can be done even much sooner than that--given that the elements within the, the regional plan will do exactly what you asked to do in the first place--and that's to have regional meetings. I may be stepping way out of line with this thing, but this is what I wanted to do originally as Planning Director--was to develop a managed- and directed-growth strategy. And I got no support for it. That's what this regional element is all about now. That should have been done before you even started your CAC process.

COUNCILMEMBER ARAKAWA: 'Cause I know, I know personally that's what I was asking for when we were on the CAC.

MR. MISKAE: But it didn't get done.

COUNCILMEMBER ARAKAWA: It never happened.

MR. MISKAE: But now let's do it.

COUNCILMEMBER ARAKAWA: Okay. And, and again, when I'm looking at the information being put forth at . . .(end of tape, start 1B). . . Let, let me try and

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explain where I'm coming from on this thing and why I'm asking the question. We do a General Plan. . .and we do inter-regional plan. Now we, we are breaking it down into each region, the CAC region. . .okay? So let's say we started in year one, we did the General plan; year two we did an inter-regional. . .discussion for **all** the different CAC areas; then we started. . .area one, area two, area three. By the time we got to the, the last one, the inter-regional information will have been seven or eight years old. And I'm trying to figure out how we can correlate it so that it stays current and applicable. . .even though we're going through this planning process. And, again. . .again, that's. . .this is beginning of discussion, so that's. . .one of the concerns that I'm looking at--is how to correlate most current information with the decision-making process, and at the same time trying to get everybody together on the inter-regional.

MR. MISKAE: Madam Chair, that's an excellent question. I would really look forward to addressing that, you know, when this Committee pursues this in more detail--if that would be a reasonable answer at this point in time.

COUNCILMEMBER ARAKAWA: Absolutely. Again, I'm just brief, breaching it at this point.

CHAIR TAVARES: Yeah, Brian, I, I think you can share with the Committee your plan for the updated information. . .on socio-economic and some of the demographic things.

MR. MISKAE: The Planning Department has contracted with SMS--has now completed its socio-economic forecast, that is available at this point in time. We have completed our public facilities inventory. That was R. M. Towill that did that. That's now available. We are about a month away from our public infrastructure inventory. That's being completed by Wilson Okamoto. We are well underway with our transportation planning model--and that's to support the traffic impact fees. We could expect to have something to transmit to you folks by September or October in a draft form. Um. . .our land use forecast contract will be completed in. . .in, by August 15th. That will give us a basic concept of the deficiency in particular land areas in each of the community plan areas. And we are currently working with Will Orr to develop, within the County of Maui, the spatial growth element so that we can visually put this all together in a geographical information system. So that's the direction we're working on with the support information, Madam Chair.

CHAIR TAVARES: Thank you. All right, Members. . .we are going to be calling our meeting to a close shortly, but as the introduction to. . .to this. . .proposal. . .I appreciate Mr. Miskae and, and his staff being here to. . .to present this to us, and know that this is the Administration's proposal. And it's in our hands now, the ball's in our court--as they say. I'd like to call your attention to two things that

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were handed out to you today by our Staff. And it's the Report to the Maui County Council's Planning Committee. One is dated July 5th, and one is July 5th, 2001, the other one is January 10th, 2002. These are the executive summaries of the two rounds of community meetings we have. The . . . it is in your binder in its full form, but you'll notice. . . it's about three inches thick. So these are the cover pages or . . . near the cover pages. If you read through these and then look at what's being proposed, you'll get an idea of how closely. . . the Administration's proposal matches what we heard in each of the communities. So I would ask you to, to bring your attention in this. . . in this matter, look at these and the backup documents that are part. . . they were attached to this, which was each community's meeting results. Look at those before we get into the next meeting to discuss this. And if in the meantime you're doing analysis or your staff is doing analysis of this, to . . . come forward with some of the issues and concerns of. . . for the various parts of this. . . proposed bill. One thing that I had asked Mr. Miskae, and, and I believe he's gonna be working with Corp. Counsel. . . is a suggestion that all of the things related to the General Plan be in a section for the General Plan; all of the things relating to a community plan, be in a community plan section. Even though it'll be restating a lot of it, I think for readability and for the community's understanding and our understanding, it will be a lot clearer. Because there. . . it goes back and forth in some of the sections because some of the various headings of the sections, so Mr. Miskae had, said he would talk with our Corp. Counsel about rearranging this so it's a little more readable and it flows a little better. And the other, only other comment that I have is for us to consider. . . because we're gonna get into semantics. . . I, I would ask that the Administration consider, or we consider that instead of calling "the island regional plan" or "regional plan", that we just call it the "island plan" . . .

. . . instead of saying "region". Because "regional" becomes. . . easily confused with the community plan region--which everybody's kind of used to saying already. . . community plan region of, you know, Makawao, Paia. . . Haiku or whatever it is. Um. . . you know, the. . . in order to do a smooth transition in this, I think if we keep some of the terms that people are familiar with, it may, may help us--so may consider that the "island plan" would then become what is referred to as the "regional plan" in. . . Mr. Miskae's presentation. So I'd ask that we consider that and also have Administration consider that also.

COUNCILMEMBER ARAKAWA: Madam Chair?

CHAIR TAVARES: Yes--

COUNCILMEMBER ARAKAWA: Just--

CHAIR TAVARES: --Mr. Arakawa?

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COUNCILMEMBER ARAKAWA: Just one more brief area that wasn't touched on--and that is the financial plan to actuate the General Plan. Part of our earlier discussions was also to make it a requirement to put some kind of a financial plan together--

CHAIR TAVARES: Right.

COUNCILMEMBER ARAKAWA: --so that when we create the . . . *(laughter)* . . . the community plans and the regional plans, we make sure that the money is directed to actually getting the . . .

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER ARAKAWA: . . . projects done in the, in the way that we wanna direct it.

CHAIR TAVARES: Yeah. And I think--

COUNCILMEMBER ARAKAWA: So--

CHAIR TAVARES: --Mr. Miskae's presentation points that out--that only is, there *is* a plan for implementation, but a financial picture--

COUNCILMEMBER ARAKAWA: Yeah.

CHAIR TAVARES: --attached to that. And this is the other reason why the prioritization of those implementation actions is critical to what's happen. . . what happens during the budget time.

COUNCILMEMBER ARAKAWA: Yeah.

CHAIR TAVARES: And that's why the Department is going back now to the Molokai and Lanai--to ask them to prioritize those things. If not, it's real easy--we pick the cheapest one and, and that's where we're gonna focus on. And, and that's not necessarily the one that has the most need. So I think that we're all headed in the, in the right direction. I think working together on this, we'll come up with a real good product for our communities. So I thank Mr. Miskae very much for being here. And, Daren, also thank you for your work. Mr. Kane?

COUNCILMEMBER KANE: Yeah, just information, Member. . . Madam Chair. The . . . reports that you said are currently available, have they already been forwarded to the Committee or. . . when you say they're available, can they, *can* they be forwarded--the socio-economic . . .

. . . you were mentioning earlier and I didn't--

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CHAIR TAVARES: Uh-huh--

COUNCILMEMBER KANE: --wanna interrupt the--

CHAIR TAVARES: --yeah--

COUNCILMEMBER KANE: --train of thought of other Members, so I, I wanted to wait
. . . *(laughter)*. . . until . . .

MR. MISKAE: Madam Chair, I see no reason why we can't forward copies of these studies once they're completed.

COUNCILMEMBER KANE: Yeah . . .

CHAIR TAVARES: Okay.

COUNCILMEMBER KANE: . . . and I just. . .you know, for any Members' perusal.

CHAIR TAVARES: Yeah, especially since, I think, the Members are interested in this General Plan process and we'll probably be attending. . .a lot of the meetings that are gonna be held, that it would be good information for us to have. If, if you're. . .you know, when they're available, if you would forward it to the, to the Committee, we'd be appreciative.

MR. MISKAE: So that would be to your Committee, Madam Chair, then?

CHAIR TAVARES: Yes, I believe that would be the proper thing.

COUNCILMEMBER KANE: Yes.

MR. MISKAE: We'd be happy to.

COUNCILMEMBER KANE: Thank you.

CHAIR TAVARES: Okay, thank you. Okay, if not, any announcements? Thirty seconds.

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. . . Okay, if not, thank you very much, and do your homework, and we'll see you at the next meeting. This meeting is adjourned . . . (*gavel*). . .

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: GRH)

ACTION: DEFER pending further discussion.

ADJOURN: 2:31 p.m.

APPROVED:

CHARMAINE TAVARES, Chair
Planning Committee

pc:min:020801

Transcribed by: Camille Sakamoto