

PLANNING COMMITTEE
Council of the County of Maui

MINUTES

October 16, 2002

Council Chamber, 8th floor

CONVENE: 1:38 p.m.

PRESENT: Councilmember Charmaine Tavares, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember G. Riki Hokama, Member
Councilmember Danny A. Mateo, Member
Councilmember Wayne K. Nishiki, Member

EXCUSED: Councilmember Alan M. Arakawa, Member
Councilmember Robert Carroll, Member
Councilmember Jo Anne Johnson, Member
Councilmember Dain P. Kane, Member

STAFF: Wayne A. Boteilho, Legislative Analyst
Camille Sakamoto, Committee Secretary

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

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR TAVARES: . . .*(gavel)*. . . Will the Planning Committee please come to order?

. . . We have with us Committee members: Danny Mateo, Riki Hokama, Michael Molina, and Wayne Nishiki. Excused are Dain Kane and Jo Anne Johnson. From Administration, we have Mr. Brian Miskae. . .the Long . . .*(laughter)*. . . I always call you the Long Ranger so . . .*(laughter)*. . .

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

CHAIR TAVARES: . . . the Long-Range Planning Division Chief. From our Staff, Wayne Boteilho, the Analyst; and Camille Sakamoto, the Secretary. Thank you, Members, for being here. Um. . .we have a few items on the agenda, and I will tell you that these items are more trying to clean up things in the Committee so that not everything is last minute. We picked these items because we felt they were ones that were being handled elsewhere or things that we are going to refer to someplace, or things that have already been dealt with. So the first item on the agenda--and for the record, we have no one. . .signed up to testify, and also

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no one in the audience. But I will hold the . . .I'll hold the sign up there in case somebody comes in a few minutes late. So if someone wants to come and testify, they may. Okay, Members, our first item would be PC-2. . .which is fees for special management area after-the-fact permits.

**ITEM NO. 2: FEES FOR SPECIAL MANAGEMENT AREA (SMA)
AFTER-THE-FACT PERMITS (MISC.)**

CHAIR TAVARES: And this . . .

. . . we kept this item just open for . . .

. . . if in case it came up. And actually . . .

. . . we would like to consider referring this matter to the Department of Planning. . .and for their recommendations prior to the Council's budget deliberation--in case they are going to come up with some fee for after-the-fact planning. I think that in the letter, we have heard in, in earlier discussions that we would like to see some sort of fee put on that is a . . .

. . . a consequence--

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

CHAIR TAVARES: --I guess--

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

CHAIR TAVARES: --is a good way to say it. A consequence of applying or not applying in a timely manner. So we will. . .express that in our communication to the Planning Director. So, Members, with that, I will write that letter and sign it. We'll, you'll all get copies of it. And I would like to. . .I would recommend that this item be filed at this time.

COUNCILMEMBER HOKAMA: So moved.

VICE-CHAIR MOLINA and COUNCILMEMBER MATEO: Second.

CHAIR TAVARES: It's been moved and seconded to file the item. Any discussion?

. . . All right, hearing none, all those in favor--

COUNCILMEMBER HOKAMA: Chair? Chair?

CHAIR TAVARES: Oh, yes, I'm sorry--

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COUNCILMEMBER HOKAMA: I'm sorry--

CHAIR TAVARES: --Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. Are you gonna place. . .I, I would ask you to place a . . .response time from. . .or due date back from the Department so that. . .you know, you or. . .the next Council's. . .leadership can deal with--

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER HOKAMA: --dealing with our communication in a timely manner, please.

CHAIR TAVARES: Would, would you have a recommendation for a time, for them to respond to the budget or to the Chair? I guess it would be to the Chair of the Council.

COUNCILMEMBER HOKAMA: Yeah. . .I would hope they could do it before the end of the calendar year, Chair.

CHAIR TAVARES: Okay, before the end of the year. All right, so we'd have it ready to be placed on. . .referred to the appropriate Council . . .

COUNCILMEMBER HOKAMA: Because I, I would . . .

CHAIR TAVARES: . . . Committee.

COUNCILMEMBER HOKAMA: . . . I'm assuming, Chair, that regardless of the election, the outcome of the elections for all of us. . .that the process to start, the preparation for the new budget is underway.

CHAIR TAVARES: Yes.

COUNCILMEMBER HOKAMA: And so that might be helpful.

CHAIR TAVARES: Okay, thank you for those comments. And we'll include that in our transmittal. And we will have it. . .worded in such a way that their response will be to the Council Chair for inclusion in considerations for the Fiscal Year '04 budget deliberation.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR TAVARES: Okay? Any other, further discussion? If not, all those in favor say "aye".

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COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Opposed, say "nay".

. . . Motion is carried unanimously. Thank you.

**VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki,
Vice-Chair Molina, and Chair Tavares.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR TAVARES: Our next item, Members, is PC-5, technical studies.

ITEM NO. 5: TECHNICAL STUDIES (C.C. 93-510)

CHAIR TAVARES: And you will notice in your binders that there probably isn't anything or very little.

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

CHAIR TAVARES: Because the technical studies that we're talking about actually occupy boxes. These are all of the studies that were used in . . .preparation for the 1990 community and General Plan review. And they are in many, many boxes. I'm recommending that since we have adopted all of the community plans for the 1990 series, that we file all of the technical studies 'cause new ones are underway right now.

?: Great.

VICE-CHAIR MOLINA: So moved.

COUNCILMEMBER HOKAMA and COUNCILMEMBER MATEO: Second.

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CHAIR TAVARES: Okay. Moved by Mr. Molina, second by Mr. Hokama. Any discussion? Mr. Miskae, you wanna offer anything in this area? Is there something we should save from those old technical studies?

MR. MISKAE: I think, Madam Chair, that the studies should be . . .at least available to the Members so that you can do some comparisons--because the new studies, obviously, are gonna show different things, and you might wanna look at comparisons. Other than that, no comment, Madam Chair.

CHAIR TAVARES: Okay. Thank you. Do Members know where their technical studies are?

. . . In the boxes somewhere? I think if we keep one set of--

COUNCILMEMBER HOKAMA: One set.

CHAIR TAVARES: --those technical studies, that that should be sufficient. And I think from our Committee. . .maybe we can make sure that we keep a box and label it so that when the General Plan studies come up, that anyone who wants to compare the 1990 with the 2002 or 2003 numbers can take a look at it. Thank you, Mr. Miskae, for that suggestion. Okay, any other comments?

. . . Okay, all those in favor of filing PC-5, signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Noes?

. . . Motion's carried unanimously.

**VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki,
Vice-Chair Molina, and Chair Tavares.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

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CHAIR TAVARES: And moving right along . . .

. . . PC-6. . .the Haleakala Mountain Master Plan.

ITEM NO. 6: HALEAKALA MOUNTAIN MASTER PLAN (C.C. 97-110)

CHAIR TAVARES: . . . Um. . .this master plan has been around for awhile. Let's get. . .get, share with you an update here--that since the Council adopted a resolution, 01. . .that was 2001, Number 45, it was entitled "URGING THE STATE OF HAWAII TO FUND A HALEAKALA MOUNTAIN MASTER PLAN". The Governor has released the previously appropriated 550,000 dollars to the U. H. Institute for Astronomy, the Haleakala Division. As far as we know, the Legislature did not appropriate the Institute for Astronomy's request of 950,000 dollars to bring the master plan funding to its original funding level of 1.5. We did not monitor any bill at the Legislature this year or last year. Using that 550,000 dollars, the. . .Institute for Astronomy, Haleakala Division, procured a consultant in April to do the master plan. Work has begun, but is far from being completed. As far as we know, the master plan will cover the following areas only. . .the 18-acre summit of Haleakala. . .commonly referred to as "Science City", and the existing 2-acre Waiakoa laboratory mid-level facility. I would suggest, or I'm recommending that we actually would file this report. . .and wait until we hear what their master plan is. And when they have their master plan ready--and we have been, you know, contact, in contract with the people from this Institute for Astronomy, and that they transmit those plans to the Planning Department. . .and for inclusion in the appropriate community plan. I think as we've been talking throughout our. . .our term, we would like to see those mini plans for areas actually be incorporated into the community plan so there is a one-stop shop for plans for a particular area. And we're gonna recommend this to be done for all plans--such as the Main Street. . .reports for Makawao and for Paia, and I think Kaunakakai. Is their plan finished for Kaunakakai? Do you know, Danny?

. . . Okay, when that one, they do that one and it's finished, it should be referred so it can be included in the community plans. So that would be my recommendation . . .

. . . to file this item.

VICE-CHAIR MOLINA: So moved.

COUNCILMEMBER MATEO: Second.

CHAIR TAVARES: Okay, it's been moved by Mr. Molina, second by Mr. Mateo. Any discussion? Mr. Molina?

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VICE-CHAIR MOLINA: Yeah, Madam Chair, just...I guess for the record, for clarification--what was the status of the funding? The Governor released the 550,000?

CHAIR TAVARES: Yes, he did.

VICE-CHAIR MOLINA: He did. Okay, and as well as the Legislature--the 950,000 . . .*(inaudible due to interruption)*--

CHAIR TAVARES: No, the . . .the 950,000 was not--

VICE-CHAIR MOLINA: Okay.

CHAIR TAVARES: --passed by the Legislature, that we know of.

VICE-CHAIR MOLINA: Okay.

CHAIR TAVARES: But with the 550,000, they already procured a, a consultant to work on the master plan for the summit and for that Waiakoa facility.

VICE-CHAIR MOLINA: Okay. Thank you.

CHAIR TAVARES: Okay. I think that's a real good start, and maybe they can build from that later on.

. . . Any further discussion on this?

. . . All right, seeing none, all those in favor say "aye".

COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Those opposed, "no". Okay, motion is carried.

**VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki,
Vice-Chair Molina, and Chair Tavares.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

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ACTION: Recommending FILING of communication.

CHAIR TAVARES: Okay, PC-7. . .it's a request for community plan amendment for Grace Bible Church.

ITEM NO. 7: REQUEST FOR COMMUNITY PLAN AMENDMENT FOR GRACE BIBLE CHURCH (C.C. 01-308)

CHAIR TAVARES: And this amendment. . .oh, we just forgot, actually, I think, to file this communication when we did approve the Wailuku-Kahului Community Plan. Somehow I forgot to include this in there. Um. . .Mr. Boteilho, you wanna give us any. . .update on this or information and verify that it was taken care of in the Wailuku-Kahului Plan?

MR. BOTEILHO: Yeah, Madam Chair, when we did the Wailuku-Kahului Community Plan. . .the property was changed from Single-Family to Public/Quasi-Public. I talked to the Reverend's secretary. . .yesterday. And. . .and I notified her that we were gonna file this. And she had no problems with it.

CHAIR TAVARES: Okay. Thank you. If you remember, Reverend Asato came before us several times to talk about their plans and things. Okay, any other. . .comments from Members? Okay, my recommendation is to file PC-7.

COUNCILMEMBER HOKAMA: So moved, Chair.

COUNCILMEMBER MATEO and VICE-CHAIR MOLINA: Second.

CHAIR TAVARES: Okay, it's been moved by Mr. Hokama, second by Mr. Mateo to file PC-7, which is the request for community plan amendment for Grace Bible Church. Any discussion, Mr. Hokama? Anyone else? Okay, seeing none, all those in of the motion say "aye".

COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Opposed, say "no".

. . . Motion is carried.

**VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki,
Vice-Chair Molina, and Chair Tavares.**

NOES: None.

ABSTAIN: None.

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ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

ACTION: Recommending **FILING** of communication.

CHAIR TAVARES: Okay, PC-15 is next.

ITEM NO. 15: INCLUSION OF ORDINANCE NUMBERS AND BRIEF DESCRIPTIONS OF COMMUNITY PLAN AMENDMENTS AND CHANGES IN ZONING IN THE MAUI COUNTY CODE (MISC.)

CHAIR TAVARES: And this one is entitled the inclusion of ordinance numbers and brief descriptions of community plan amendments and changes in . . .in zoning in the Maui County Code. Maybe I'll ask Mr. Boteilho, also, if you'll give us a little update on this.

MR. BOTEILHO: . . . Yes, Madam Chair. . .since 1999, there now is a list of ordinances. . .and. . .descriptions of the ordinances in the . . .Maui County Code. It's located in the back of the Code under "Tables". And it lists every single ordinance. . .including zonings and community plan amendments.

CHAIR TAVARES: Okay. Thank you. Any comments or questions from the Members?

NOTE: *Silence.*

CHAIR TAVARES: . . . So this, in effect, has been handled. So I don't think we need to have this on our, our agenda anymore. So my recommendation would be to file PC-15.

VICE-CHAIR MOLINA: So moved.

COUNCILMEMBER HOKAMA: Second.

CHAIR TAVARES: Okay, moved by Mr. Molina, second by Mr. Hokama. Discussion, Mr. Molina?

VICE-CHAIR MOLINA: No discussion.

CHAIR TAVARES: No discussion. Any other comments or discussion? Um. . .I wanna thank the staff for working on this because I think it does help the general public when they're trying to look for something, that there is a listing of those

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community plan ordinances and the . . .the zonings. So that is also included in the . . .the . . .the digital version. . .of the Code.

MR. BOTEILHO: . . . I'm not 100 percent certain of that, but I would say probably because the website does. . .does contain the entire County Code.

CHAIR TAVARES: Okay.

. . . Okay. Thank you. Any further discussion or comment? Okay, seeing none, all those in favor of filing PC-15, please signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Opposed, say "no". Motion is carried. Thank you.

VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki, Vice-Chair Molina, and Chair Tavares.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR TAVARES: The next one, and our last and final, is PC-1.

ITEM NO. 1: DRAFT BILL TO ENSURE THAT ALL ADMINISTRATIVE ACTIONS ARE CONSISTENT WITH THE GENERAL PLAN, INCLUDING THE COMMUNITY PLANS (C.C. 00-155)

CHAIR TAVARES: And PC-1 is a draft bill to ensure that all administrative actions are consistent with the General Plan, including community plans. I'm recommending that this be filed because as you all know, we are working on a . . .a, a redrafting of the entire chapter. . .having to do with the General and community plans. It's in the Committee right now as PC-8, it's 2.80A. So this part of it, we can consider in conjunction with the PC-8. . .deliberations. So . . .you can rest assured that if we file this, I am keeping the ordinance. . .that Mr. Nishiki had. . .sent to us. And if you turn on the second page where the ordinance

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starts, we will look at including what is . . .said there. . .into our. . .into our version of the community plan process. . .amendments to Chapter 2.80A.

. . . Anyone have any comments? Or, Mr. Nishiki, you have any comments for that?

COUNCILMEMBER NISHIKI: No, you're gonna put. . .you're gonna, we're gonna discuss that language anyway.

CHAIR TAVARES: Right.

COUNCILMEMBER NISHIKI: Okay.

CHAIR TAVARES: We'll, we'll discuss it. Mr. Miskae, any comments about this part?

MR. MISKAE: Madam Chair, I think this is a tremendous step towards making sure that we do comply with our community plans. And what I'm really looking forward to is, is changing what our community plans are so that they're a lot easier to comply with.

CHAIR TAVARES: Yes. Thank you. And I think this Council also. . .if I may indulge the Members. . .we have been inserting things in different ordinances referring to the community and General plans, specifically in ordinances. One of them will come up this Friday on the road widths. If you remember, that was laid on the Clerk's desk. And the specific language that we're introducing to amend that is references to compliance with the General and community plans. So I believe this, this. . .particular Council has made great strides in drawing attention to the fact that the community and the General plans need to be looked at and complied with. So I, I'm very proud of what work we've done in this term. So thank you, Members. So with. . .any other, further comments? So my recommendation is that we file PC-1.

COUNCILMEMBER HOKAMA: . . . So moved.

VICE-CHAIR MOLINA and COUNCILMEMBER MATEO: Second.

CHAIR TAVARES: Okay, moved by Mr. Hokama, second by Mr. Molina. Any further discussion?

. . . Okay, seeing none, all those in favor of filing PC-1, the draft bill to ensure that all administrative actions are consistent with the General Plan, including the community plans. . .all those in favor say "aye".

COUNCIL MEMBERS: Aye.

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CHAIR TAVARES: Opposed, say "no". Motion is carried unanimously.

**VOTE: AYES: Councilmembers Hokama, Mateo, Nishiki,
Vice-Chair Molina, and Chair Tavares.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Carroll, Johnson, and Kane.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR TAVARES: Members, are there any announcements?

. . . Mr. Molina?

VICE-CHAIR MOLINA: Yeah, I wanna thank you for a very efficiently run meeting,
Madam Chair.

CHAIR TAVARES: Oh . . .(laughter). . . Thank you. We tried to pick the items that
were. . .more or less taken care of already and that we could move along and not
wait for all of this to be piled up at the end of the year. Thank you very much,
Members. Seeing there's nothing else, no business, this meeting is adjourned
. . .(gavel). . .

ADJOURN: 1:54 p.m.

APPROVED:


CHARMAINE TAVARES, Chair
Planning Committee

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Transcribed by: Camille Sakamoto