

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

November 29, 2010

Council Chamber

CONVENE: 1:35 p.m.

PRESENT: Councilmember Sol P. Kaho`ohalahala, Chair
Councilmember Jo Anne Johnson, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Michael J. Molina
Councilmember Michael P. Victorino

EXCUSED: Councilmember Bill Kauakea Medeiros
Councilmember Wayne K. Nishiki

STAFF: David Raatz, Legislative Attorney
Clarita Balala, Committee Secretary

ADMIN.: Kathleen Ross Aoki, Director, Department of Planning
Joseph Alueta, Administrative Planning Officer, Department of Planning
Agnes Hayashi, Deputy Director, Department of Finance
Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel

Seated in the gallery:

Michael Miyamoto, Deputy Director, Department of Public Works

OTHERS: Elle Cochran
(1) additional attendee

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

CHAIR KAHO`OHALAHALA: . . . *(gavel)*. . . Aloha and good afternoon, Members, and those who are here in the, the audience for our Planning Committee meeting. I would like to call our meeting to order. May I please request if anyone has any noise-making devices if you would please kindly put them on their silent mode and I'd appreciate that. I'd like to start by introducing our Committee Members that are with us this afternoon. First, Vice-Chair Member Johnson.

VICE-CHAIR JOHNSON: Aloha.

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CHAIR KAHO`OHALAHALA: Aloha. And I'll start to my far right, Member Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha, Chair.

CHAIR KAHO`OHALAHALA: Aloha. And then Member Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR KAHO`OHALAHALA: Good afternoon. And Member Michael Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chairman.

CHAIR KAHO`OHALAHALA: Good, good afternoon. And then excused today is Member Bill Medeiros and also Member Wayne Nishiki. I'd like to also acknowledge from the Department of Corporation Counsel we have with us Mr. Michael Hopper, Deputy Corporation Counsel. Aloha. And then from the Administration I'd like to acknowledge the presence of Planning Director Kathleen Aoki.

MS. AOKI: Aloha.

CHAIR KAHO`OHALAHALA: Aloha. And also with her Mr. Joe Alueta who is the Administrative Planning Officer. Aloha.

MR. ALUETA: Good morning, Mr. Chair.

CHAIR KAHO`OHALAHALA: And then our Staff to my left beginning with our Committee Secretary, Clarita Balala, and then to my far left our Legislative Attorney, Mr. David Raatz. Okay. Let's see...the Chair would like to...I have no one that signed up for any public testimony at this time so if there's anyone here that's present that has not signed up and would like to give any public testimony if you would approach the podium. Okay. Then seeing none, then if there's no objections, Members, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR KAHO`OHALAHALA: Okay. If I may begin by, Members, this is the Planning Committee's final meeting of 2009 and 2011 Council term. Okay. It has been my pleasure as Chair of this Committee and I would like to thank everyone who has contributed to our work including my colleagues and Committee Members, the resource people who have come from the Tavares Administration, as well as members of the public who took the time to share their views with us, both in writing and also in person. This has been a historic Council term as together we have enacted the first Countywide Policy Plan and begun deliberations on the first Maui Island Plan. For my colleagues who will be returning to the next Council next year I wish you the best of luck and sincere hope that you will continue this body's progress on the Maui Island Plan.

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For now we still have work before us, specifically the decisions on how to dispose of certain pending items. By way of background I would like to inform the public about Rule 21 of the Rules of the Council which is the reason we are here today. This is the rule that says all pending Committee items will be automatically filed at the end of each Council term with a few notable exceptions such as items I have reviewed by the Planning Commissions and forwarded to the Council by the Administrative...Administration for legislative action. Pending bills that include Planning Commission recommendations will be automatically referred to the next Council and therefore are not listed on today's agenda. On today's meeting agenda I have listed several items that would be automatically filed if they were left pending at the end of the term on January 2nd but which I would like to see referred to the next Council. So if there are any questions about this process I would be happy to address them during our deliberations. No?

So, Members, it is my intention then to review each of the items in the order that they are listed in today's agenda, and I will open the floor for any questions to the Administrative representatives so that we can obtain updated information to help us determine the appropriate disposition of the items. And I will request a single motion to refer all listed items to the Council Chair for the new Council term after we have reviewed all the items listed. Okay.

ITEM NO. 14: SPECIAL MANAGEMENT AREA PERMIT COMPLIANCE

CHAIR KAHO`OHALAHALA: So at this time then I would like to go through that list of items beginning with PC-14. First of all, Members, PC-14 is the Special Management Area Permit Compliance. As the Members will recall, we discussed this item on October 12th of 2009. As we have discussed, SMA permits are required for development in coastal zones. At that meeting, the Planning Committee discussed the current lines of authority with respect to SMA permits with Corporation Counsel and the Planning Department representatives. We noted that Maui County in contrast to the City and County of Honolulu has decided that the Legislative Branch has no regulatory or policy making authority for SMA's. In Maui County, authority over SMA's has been vested in the Planning Commissions. Of course, whenever we...there are legal problems relating to SMA's, the Council gets brought into, into it to consider approving settlements or making appropriations. So I think that it might be worthwhile for the next Council to consider whether it makes sense to keep the Council out of the SMA process, and, and, and that's a consideration. So, so with this particular item are there any questions for the Administration? Okay. And, and that's why then the Chair would like to recommend that we move this on for those kinds of discussions. Member Johnson?

VICE-CHAIR JOHNSON: Yes, I just wanted to find out if you want a motion then?

COUNCILMEMBER VICTORINO: One time.

CHAIR KAHO`OHALAHALA: I will take one motion --

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VICE-CHAIR JOHNSON: At the end?

CHAIR KAHO`OHALAHALA: --at the end.

COUNCILMEMBER BAISA: At the end he said.

VICE-CHAIR JOHNSON: Okay, great. Alright.

ITEM NO. 16: CONTROLLING FOWL IN RESIDENTIAL AREAS

CHAIR KAHO`OHALAHALA: Okay, seeing that there's no discussion on that item, then I will move to PC-16. The next item is for referral of PC-16, and this is controlling fowl in residential areas. I have recommended this for referral so that the item's reference materials which date back to 2001 can be reviewed by the next Council. So, so there's an extensive history here, and if we file this, then it means that it does not get passed on. So for that reason I would like to recommend. Are there any questions on this item?

COUNCILMEMBER VICTORINO: No.

COUNCILMEMBER BAISA: No.

ITEM NO. 17: DEFERRAL AGREEMENTS FOR SUBDIVISION IMPROVEMENTS

CHAIR KAHO`OHALAHALA: Okay, then on PC-17 this item referred is recommended for referral, is the Deferral Agreements for Subdivision Improvements. We discussed this item just two weeks ago and it was clear that the Members have many outstanding questions and concerns on this item. So the Public Works Director is...well, we have the Planning Director is here. Yeah, I guess then for the Planning Director then my only question is whether that there's any new information that can be provided on, on this subject. So...

MS. AOKI: I don't have any new information, no.

CHAIR KAHO`OHALAHALA: Okay. Members, do you have any questions then? Go ahead, Member Johnson.

VICE-CHAIR JOHNSON: Yes. I just had a really, you know, odd occasion for somebody who was looking for an appraisal, and I guess the appraiser noted that the deferral agreement was actually a part of the, you know, it's filed with the deed. So when they did the research they found that this deferral agreement was part of it. So, Mr. Chair, my concern was that the appraiser informed the individual whose property was being appraised that they could not give them a valuation because of the fact that this is an outstanding obligation with no dollar amount. And this is something that I think is really very disconcerting to me because I realize that from the County's perspective we're looking at it as a means of collecting revenues where improvements have been made in

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the past or they're anticipated to be made. And so now this creates a further problem in that if we don't resolve this issue then I don't know how these kinds of questions or these kinds of situations that come up where an appraiser can't make a finite determination as to what that value of those improvements may or may not be. It's an unresolved issue, so it becomes very difficult if people are trying to sell properties, if they're trying to refinance or anything of that sort. So as part of, you know, this whole discussion, I think that it will be really important that the Administration try and get this resolved, because it is not, it's not going to go away. And especially after receiving that rather disturbing news regarding this particular subject.

CHAIR KAHO`OHALAHALA: Member Johnson, the Chair did request for the Public Works and Finance also to be present, and I just want to acknowledge in the audience we have Mr. Miyamoto who's Deputy Director for Public Works. And we also have seated in the audience, too, Agnes Hayashi, who is Deputy of Finance. So do you have any questions?

VICE-CHAIR JOHNSON: Yeah. I guess my immediate question would be for anyone caught in this situation particularly with regard to Finance. I know how a private appraiser is viewing this at this point in time, but how will that play into any real property valuations? Or will it play into it at all? Because if you can't get a meaningful appraisal, how is that going to impact the County's revenues, you know, in terms of similar sales? Are, are we just gonna be stuck with the old ones? And so I guess I'd ask that of Finance.

CHAIR KAHO`OHALAHALA: Thank you, Miss Hayashi, for being here.

VICE-CHAIR JOHNSON: Do you want me to re-ask my question, Agnes?

MS. HAYASHI: Yes. And, and for your information, Councilmember Johnson, I am not familiar with this topic.

VICE-CHAIR JOHNSON: Okay.

MS. HAYASHI: I wasn't called...my understanding is that I was called for other agenda items.

VICE-CHAIR JOHNSON: Oh, okay.

MS. HAYASHI: So if you could...so I'm not very familiar, but please do restate your question.

VICE-CHAIR JOHNSON: Sure. Basically, on a deferral agreement it is an instrument that is basically a debt that is owed at some point in time to the County of Maui. It's recorded with the deed, and what this does is it obligates the individual once there's more than three parcels. Once they go over three parcels in a particular subdivision they have to then participate in any improvements that are made to the area immediately either fronting their property or adjacent to it. So what they do, the deferral agreement means that they enter into an agreement whereby they haven't quite reached that trigger yet, the three or more, so then they defer those payments until such time that that subdivision goes for more than three units or until the improvements are actually made fronting or I

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guess in the adjacent area to the property or to the County's where the County's making the improvement.

So my question basically last time was that what are we doing, number one, to collect if there have been any improvements, how these being tracked, and no one was able to give me an answer on that because it's not being tracked. But there are I believe 5,400 possible properties that may be subject to a deferral agreement. We would have to do a study on that.

But the other item that I'm talking about now is basically having to do with the appraised value, because this individual who's looking to either sell their property or there's some kind of liquidation going on, what ended up happening was the appraiser said, well, I don't, I can't tell you, I can't appraise your property because there is this outstanding obligation that basically runs with your deed. So that value ordinarily would be determined and then it would be deducted or it would be used in the cost analysis. So absent that, my question I guess is to Finance, how are you going to, if this appraiser, you know, is looking at this kind of a situation and not able to come up with a definitive valuation because of this outstanding obligation, how is that gonna be treated by Finance in terms of real property assessment?

MS. HAYASHI: Councilmember Johnson, first of all, there are certain standards that are utilized by independent appraisers which is different from the way the County appraises for real property tax valuation purposes. And what...without getting into the details, what we...the information we utilize is what is available, and it's a standard, consistent methodology. So I...if that information is not available, we wouldn't be, you know, we wouldn't be utilizing it, we wouldn't be able to utilize it similarly to what your explaining with this appraiser. And I could give you, I could, I could discuss this further with our Real Property Tax Administrator but at, at...from my understanding of our system we wouldn't be able to also value that if it hasn't yet been defined or determined.

VICE-CHAIR JOHNSON: Okay, yeah. 'Cause then what you're saying to me is that they would use the most recent --

MS. HAYASHI: Current.

VICE-CHAIR JOHNSON: --or similar sales for properties in and around that area that we're, we're...

MS. HAYASHI: It's a mass assessment.

VICE-CHAIR JOHNSON: Yeah, so that we're comparables in other words.

MS. HAYASHI: Yes.

VICE-CHAIR JOHNSON: Okay. Alright. Well, Mr. Chair, you know it's the...it's gonna be an ongoing problem, but I hope that the next Council will be able to address some of the

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issues. I realize that, you know, we, we don't have the answers right now, and I don't think we're gonna get them in the foreseeable future. But I do appreciate the fact that this is gonna be sent forward. And I really do look at this as a potential source of revenue, but also I really think it needs to be resolved from this other perspective that I was completely unaware of until somebody told me they ran into this problem and that the appraiser could not assist them in giving them a definitive value on their property. So they're basically stuck now between a rock and a hard place because they can't refinance if you don't have a legitimate appraisal, and if they try to sell, no seller is, or no buyer is gonna, without a valid appraisal they're not gonna buy. So I hope we can resolve this to the benefit of both the Administration, the taxpayers, and also to the individuals that have these instruments filed on their, you know, on their deeds. Thank you, Mr. Chair.

CHAIR KAHO`OHALAHALA: Okay. Thank you, Member Johnson. Members, any other questions then? And as you can see, Members, this particular item has some, some kind of impact that not only deals with potential revenues but also deals with a person's ability to get any kind of appraisal and assessment on their current property if they were seeking to, to, to sell the property or, or --

VICE-CHAIR JOHNSON: Refinance.

CHAIR KAHO`OHALAHALA: --even trying to borrow that they would have a difficult time doing so if it's left in this conditions. And this is dealing with the deferrals that we had discussions about two weeks ago, so I think, Member Baisa, you expressed the need to have some kind of auditing on, on this.

COUNCILMEMBER BAISA: Yes.

CHAIR KAHO`OHALAHALA: And I hope that these issues will carry forward, and that's why the item I think is, is worth having some closing discussion, and that we would consider looking --

COUNCILMEMBER BAISA: Certainly.

CHAIR KAHO`OHALAHALA: --to move it on to the next Council. So, okay, any other questions, Members, on PC-17? Okay.

ITEM NO. 20: MAXIMUM WALL HEIGHT IN AGRICULTURAL DISTRICT

CHAIR KAHO`OHALAHALA: Seeing none, then the next Item is PC-20. Chair's recommending that we refer this item. This is the maximum wall height in Agricultural districts. This item relates to the appropriate height of pedestals in Launiupoko as we discussed on February 9th of this year. Over the last several months, the Planning Director and I have regularly conversed on this subject. Director Aoki has advised that the most, that most of the underlying concerns and alleged violations have been resolved through compliance and action by the Board of Variances and Appeals. I have not understood that all of the concerns have been met, so I'm, I'm just gonna ask the Director

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to comment on that. And I have recommended this for referral so that if necessary, the new Council can continue to track this issue's progress. So any questions, Members? Okay. Then, Director, do you have comments on the --

MS. AOKI: Sure.

CHAIR KAHO'OHALAHALA: --status of this particular item?

MS. AOKI: For the walls in Launiupoko, what remains are three variances that are pending before the BVA and one appeal which is for columns on a wall. The rest of them have all come into compliance or, or are in the process of coming into compliance, and previously two variances that were heard were granted and one was denied. So as far as Launiupoko 'cause this issue pretty much stemmed with the Launiupoko residences, residents. You know I, I can't say whether another complaint's gonna come in or not there or anywhere else on this island, because it's not just them as I stated before that we get this kind of complaints. But the complaints that were triggered by one the violators, we did go out and check in Honokowai and other areas and they were all okay because they were outside of the setback. So a lot of times people may think there's a violation but they're really not because they're outside of that setback so. But all in all in Launiupoko I mean there's, there's nothing, there's no other complaints that have come in.

CHAIR KAHO'OHALAHALA: Okay. And then are there any outstanding citations?

MS. AOKI: The people that were issued NOV's or NOW's, the ones that have not filed for variances or appeals are coming into compliance. So I would say there's not really any outstanding because all of them are in the process or have come into compliance.

CHAIR KAHO'OHALAHALA: Okay. Question, Member Johnson?

VICE-CHAIR JOHNSON: Kathleen, did anyone have to pay fines?

MS. AOKI: Yes.

VICE-CHAIR JOHNSON: Okay. And were they substantial or?

MS. AOKI: They were...the initial fine is \$1,000, so people that had not come into compliance which most of them we gave them 14 to 15 months to do something and they did nothing. So we issued the NOV which is a \$1000 fine, and at that they have 30 days to try to start at least to come into compliance otherwise dailies will start and nobody had dailies. So anybody that got an NOV and started, you know, did some...took some action to come into compliance. So that was good, nobody had any daily fines.

VICE-CHAIR JOHNSON: But so, so...but some of them did pay the \$1,000?

MS. AOKI: Yes.

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VICE-CHAIR JOHNSON: Okay. Do you have any idea how many or?

MS. AOKI: No, I'm sorry, I don't.

VICE-CHAIR JOHNSON: Alright, thank you.

CHAIR KAHO`OHALAHALA: Okay. Again the, the \$1,000 fine was at the, the moment of the notice of violation then?

MS. AOKI: That's correct.

CHAIR KAHO`OHALAHALA: And then 30 days to initiate change --

MS. AOKI: Right.

CHAIR KAHO`OHALAHALA: --otherwise...

MS. AOKI: Usually it's 30 days to come into compliance, but we realize that it's, you know, a lot of times it's really difficult to get that done in 30 days. So as long as they show some kind of action, we'll work with them.

CHAIR KAHO`OHALAHALA: Okay. Great. Any other questions, Members?

ITEM NO. 31: TRANSFER OF DEVELOPMENT RIGHTS

CHAIR KAHO`OHALAHALA: Okay, seeing none, then the next item is PC- 31. The Chair's recommending that we refer this item, it's the transfer of development rights. The transfer of development rights legislation was first proposed by the Council via Resolution No. 03-189, which was adopted in December 15th of 2003. And Councilmember Johnson recently reintroduced the legislation, because the Planning Department and the Planning Commissions never formally commented on the legislation as requested in the resolution. The transfer of development rights is a planning tool referenced in both the Countywide Policy Plan and the draft Maui Island Plan. So do you have any questions for the Department?

VICE-CHAIR JOHNSON: I see Kathleen kind of quizzically looking at this. I, I am not sure what they're, you know, what they commented or if they recommended at this point in time. I think Lanai and Molokai did not want to go this route, because I attended some of their early hearings and I think a report may have been sent back. But principally it was because it was far too complicated, that was kind of the impression that I got from the past Planning Director. It was, you know, and I don't necessarily agree with that, it's a planning tool and your job as Planning Director is to provide to not just the Council but, you know, the community as many tools as we possibly can. So there were no other recommendations that I was aware, no amendments to the bill sent forward. So it was just, you know, well, it was what it was, and then it got, it ended up getting filed. So

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unfortunately, you know, the file it, it is accessible in probably our archives as to which comments were made.

I know that Molokai and Lanai though they, they thought it was maybe they wanted to see it done perhaps on Maui first, and that was kind of what we were trying to do is to try to create some projects so that you could illustrate how this might work as a tool. And I know because I went to the early hearings and that's kind of the way I advocated for it. But I hope that whoever, you know, takes on the responsibility in the Planning Department, whether it's staff people or the Planning Director, you know, I just hope that they would take a second look at this, because it really is important. And I think particularly because we're doing this anyway. But at least this way it would be a tool, it doesn't have to be complicated. There may be other models, and that's what I would ask of the Department maybe try and, and look at in the future. And if there were recommendations that were made, then reattach that to this particular measure. Thank you.

CHAIR KAHO`OHALAHALA: Okay. Members, any other questions? Okay. Seeing none, then I think, you know, having at least begun to look at the Maui Island Plan that as many tools as we can provide to the Administration that might be solutions to situations that we've been encountering. As I know in this term that these kinds of potential avenues might be helpful in terms of looking forward and allowing that to be a part of the Planning directions with these kinds of tools. So that's why the Chair would like to recommend moving this item on. Okay.

VICE-CHAIR JOHNSON: Yeah. That's fine.

ITEM NO. 47: TRAFFIC IMPACT FEES

CHAIR KAHO`OHALAHALA: If we move on to the next one then PC-47. Chair is recommending to refer this, and this is the Traffic Impact Fees. According to Staff research, this matter has been pending for years, and unfortunately further work is required because the Needs Assessment Study obtained by the County does not match the requirements of the relevant State and County laws. So, Members, any questions? Member Baisa and then Member Johnson.

COUNCILMEMBER BAISA: Yes. Chair, I noticed that the Deputy of Public Works Director is here, and during my stint as Planning Chair we wanted to resolve this, we needed to have a study. And I'd like to hear from Mr. Miyamoto what's happened since.

CHAIR KAHO`OHALAHALA: Mr. Miyamoto or the Planning Department?

MS. AOKI: Actually, I could try to answer that 'cause it's our study.

COUNCILMEMBER BAISA: Okay, whoever. I, I don't care as long as . . . *(inaudible)* . . .

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MS. AOKI: Well, it went back and forth between us and Public Works, so we are currently in the process of doing that particular study. Funding was allocated to our budget a few years ago, so we are in, in the crux right now of doing this traffic impact fee assessment and study, and we should be hopefully getting a draft. I would like to say early next year maybe in the first or second quarter, so we're getting there, we're definitely getting there.

COUNCILMEMBER BAISA: I don't even want to think about how long this thing has been in the works. I think when I got it, it was like 24 years old or something, and it's something we got to get done. You know this is a lot of money --

MS. AOKI: It is.

COUNCILMEMBER BAISA: --sitting around that we should be getting our hands on. This needs to be a priority, Chair, and I intend to pursue it big time.

MS. AOKI: And I agree, you know, Councilmember Baisa, we have made that along with the Development Impact Fee Study one of the two top projects for the Long Range Division. So earlier this year they put together a task force, the Traffic Advisory Task Force that's made up of different members of our community. You know, for lack of kind of relevant members who can provide the input whether it be developers or nonprofits, people that are involved in development who can at least provide us with their insight on how this should work. We just had a meeting last week with this advisory group with the consultant on a webinar, and we started going over the actual ordinance, the drafting of the ordinance for implementation of this. The tricky part is gonna be when it gets down to the actual fees and what, what the recommendations are gonna be on what to be charged. Because there'll be a range, I mean you can do as little as this or as much as this, and what, what can we actually afford to do. So...

COUNCILMEMBER BAISA: Well, you know, that the fact that we're in the budgetary mess we are lends impetus to let's get it done so we can get some money in here, because we're not going to be able to pay our bills if we don't, you know, go after money that's due to the County. So good...Godspeed, do what you can while you're here, and whoever inherits this, I will bring it up again. Thank you.

MS. AOKI: You're welcome.

CHAIR KAHO`OHALAHALA: And there will be an item. Member Johnson?

VICE-CHAIR JOHNSON: Yes. And, and I was just gonna ask who was the consultant this time?

MS. AOKI: It's Chris Hart and Partners, but they have sub-consulted with a firm in the mainland and their name is escaping me right now. But they're...they've done quite a few of these types of fee studies on the mainland, but they do appreciate that, you know, Maui's...we're different. So that, that's, that's primarily why we wanted to put this task force together.

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VICE-CHAIR JOHNSON: Yeah. And if my memory serves me correctly, one of the components would be to utilize I guess a portion of the monies for public transportation as opposed to just roadway resurfacing. Is that...

MS. AOKI: That is absolutely correct. So the, the fees that are collected could be used towards say the purchasing of buses --

VICE-CHAIR JOHNSON: Right.

MS. AOKI: --or the building of bus shelters.

VICE-CHAIR JOHNSON: Yeah.

MS. AOKI: But it would not be, you could not use it for maintenance.

VICE-CHAIR JOHNSON: Right. Yeah. And, and--

MS. AOKI: Operations and maintenance.

VICE-CHAIR JOHNSON: --that is really important, because that was one of the key things that was missing before. And I think basically when the previous consultant did this, one of the problems and we learned it--if Member Baisa can correct me if I'm wrong--but we learned at the 11th hour probably getting close to the 12th hour that oh, oops, the study was not really going to cover all of the island, you know.

MS. AOKI: It, it only covered the two, West, West Maui and South Maui, and it I believe it did not include transit which is...

VICE-CHAIR JOHNSON: Yeah. And, and that created this huge gap, because the ordinance basically that's still on the books, if I'm correct, from South and West Maui from 20 plus years ago, that ordinance...it's probably 30 years now. Because it's been on there since I first came on Council, one of the things that ended up happening was that that particular language required that this whole adoption of these impact fees and the study and everything be implemented before any further development could occur. Well, excuse me, but, you know, how many times have we broken that law? But in, you know, I guess in looking at this, Mr. Chair, if we don't collect or if we don't attempt to collect based on the conditions, many of which exist in special management areas, that they exist on particular developments some of which have already been, you know, built long since. If we don't make an attempt to collect that money, I think we are really, really shirking fiduciary responsibility, so I'm glad whatever the enabling legislation is I think that Corp. Counsel can also help take a look at some of those contracts as well to see what the language was and to find out what monies we can collect on. 'Cause I don't want it to go into the black hole like deferral agreements have gone, because this is money that's owed to the taxpayers. So thank you very much, Mr. Chair.

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CHAIR KAHO`OHALAHALA: Okay. Members, any other questions then on this? Okay. Then that brings us to the end of our list of items and that will be referred to the, to the next Council. So the Chair's recommendation is that in one motion that we reflect all of the list of items to be referred.

VICE-CHAIR JOHNSON: So moved, Mr. Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR KAHO`OHALAHALA: Okay. Moved by Member Johnson and second by Member Victorino that we move the list of items in the Planning Committee to be referred to the next Council pursuant to Rule 21, okay, of the Council's Rules.

VICE-CHAIR JOHNSON: And, and...

CHAIR KAHO`OHALAHALA: Any discussion?

VICE-CHAIR JOHNSON: Thank you, Mr. Chair. I just want to say before...because this is the final action that we'll be taking in this Committee, I want to thank you for chairing this Committee. I know it has not been really easy because we've had a lot on our plates, there's been a lot of issues, and I'm glad to see that the new Council is kind of trying to separate some of that so that it may move forward concurrently, and I think that's productive. One of the things I want to thank Staff for is that they've provided with us all this information, the background, and drafting, and I really appreciate all of their efforts as well. And for the Administration, I want to thank them for their diligence and working with us to help us do the best possible job we can. And I look at it this way, and even though we didn't complete all the work on the General Plan, I think we did a very good job given the time, given that this was an election year which was difficult to even manage and, you know, created some conflicts with scheduling and what not. And even some of the public comments, they were not always supportive of moving, you know, post haste with this particular measure. But with the item before us and these things moving onto the next Council, I think it's really important that we leave the things that were really important, not only to us but to the community as well, on the agenda so that it will move forward. And hopefully some progress will be able to be made in the next Council term. And I applaud all those who are willing to tackle these issues. So with that, Mr. Chair, I, I totally support your direction. Thank you.

CHAIR KAHO`OHALAHALA: Okay. Members...go ahead, Member Baisa.

COUNCILMEMBER BAISA: Yes. Thank you, Chair. Thank you for the opportunity. I, too, would like to say mahalo for the good, good work to you and to the Members of the Committee who I think have worked very, very hard, your Vice-Chair. It's been a very difficult time for Planning this year having the General Plan, of course, was added infrastructure, like we didn't have enough going on already, you know, in terms of a lot of issues. But the Countywide Plan and the General Plan take up a lot of time. They're time consuming activities, and I don't think everyone understands the amount of

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paperwork and, and attention that has to be paid to something this important. And because I'll be chairing that Committee, the General Plan Committee this year, I'm already a little nervous about the job. And, you know, it's, it's very important, it's a job that's gonna affect us for years and years to come, so it has to be done properly and enough time and attention paid. So I want to thank you. I'd also like to thank the Planning staff, it's been a pleasure to work with you, Kathleen, and with Jeff before you and your staff. You provide me with good support, you provide all of our Committee with good support both here and in my Land Use Committee. So I want to thank you folks very, very much. And I'd like to thank Mr. Hopper for his legal support, and David and Clarita, fantastic Staff. I think we made a lot of progress, I wish it could have been more, but this kind of work is time consuming. And so congratulations to all, and to those that are moving on like yourself, Chair, and to Kathleen I guess I don't really know what's going on around here, but if you are moving on, I wish you all the best in your future endeavors. And thank you very much for your service to Maui County.

CHAIR KAHO`OHALAHALA: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Chair. I don't know what else to say after Gladys and Jo Anne. But anyway, I want to thank you for chairing this Committee, it was certainly a very difficult, some very difficult issues to deal with in this Committee. But, you know, you got the ball rolling with the Island Plan and off to a good start, and we certainly made some headway. And to the Administration, thank you for providing us all of the information that was needed, and I know there are a lot of challenges too, all around, lot of heavy, heavy discussion. But all in all, I think some good progress was made. And of course the Staff who had to endure all this, to Clarita and David, thank you so much for all your work. And, and of course, Mr. Chair, thank you again for your leadership in this Committee, and best of luck to you in your future as well. Thank you.

CHAIR KAHO`OHALAHALA: Thank you.

COUNCILMEMBER VICTORINO: Yeah, I'm still here. I always, I always like to, you know, say, Chair, that being at the end of the table it's always been kind of a good experience. I think next term I move somewhere in the middle, I move up in the world, so I'm not sure if that's good or bad. But I would like to thank you very much for your mana'o, you know, you bring a real sense of the culture, a true sense of Hawaiiana, a true sense of spirit from here. Whether I agree with you or not, whether I agreed with anybody in this Committee or not is not the question. The question is are we here for the people? And I can see invariably for every one of us and that's one of the things that I'll say all of us feel that way about it. And you've done a yeoman's job with a daunting task, and I, and I appreciate it. And I've tried in every area possible to make the, the whole system work, and you tried your best to make. And all those community meetings we went all over, you extended yourself to make sure that the communities had a say in the Island Plan, and I thank you for that. It was very enjoyable going around to the various...to Lanai, Molokai, Hana. Wherever we went, people had things to say, and I think that was very important and a lot of 'em we listened to. The real challenge is--and Miss Baisa mentioned it--there's a lot of special interest groups out there that all have good

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reasonable expectations, but sometimes make the job just a little more difficult. So we've got to separate the issues with the fact and try to bring the best plan possible. So that's the legacy you will leave behind, Mr. Chair, you've done your yeoman's job, you've given us a good path to work off of and I look forward to next year working hard to get this completed with the new Council. And for whatever your future holds we will see each other, it's not aloha, it's a hui hou, until we meet again. Thank you, Chair.

CHAIR KAHO`OHALAHALA: Thank you, mahalo. Well, wow.

COUNCILMEMBER BAISA: Your turn.

CHAIR KAHO`OHALAHALA: Well, I appreciate that...we're still under discussion right?

VICE-CHAIR JOHNSON: Yes.

COUNCILMEMBER VICTORINO: That's where we are, right?

CHAIR KAHO`OHALAHALA: Yeah. Well, then let me first of all say thank you, Members. This has been a difficult term in terms of trying to get the Maui Island Plan and the Maui General Policy Plan, and that has been my focus to try and, and move that process along. So I'm happy that we got to where we did, and, Gladys, I'm very, very pleased that you're going to be taking the helm in terms of the Maui Island Plan. And that you'll give it the best attention it needs to get it through, yeah, so I feel very, very confident in your ability to do that.

I want to also thank the Planning Department, for Kathleen and for your staff as well as for Jeff who I spent most of the time with before you came on board, Kathleen. And I really, really appreciate the Planning Department for the assistance and the support that you've given this Committee. And also want to thank our Corporation Counsel, Michael, for being there and answering all the tough questions and making sure that we stay on track here, and you have been invaluable in your assistance to this Committee so I appreciate that, okay. But I also would like to say thank you very much to Clarita for all the work you do, for keeping me on track and making sure that I met all the, the criteria of the Committee, and so I appreciate that work that you've given us. And then to David I totally appreciate the, all of your assistance in every way. You carry not only a presence within the Committee but you bring with you a lot of the, the history of the Council. So that is very important for us to not lose sight of. Is that your, your participation in this Council Services has a long tenure so I appreciate all the work you've done. And then to Finance for you folks and for the times that we've had to call upon you to assist us, and for Public Works, I want to also extend my mahalo to, to you. Okay. So at this time then, Members, if there's no further discussion, then all those in favor of the motion signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR KAHO`OHALAHALA: Opposed, no? Then the motion is carried.

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VOTE: AYES: Chair Kaho`ohalahala, Vice-Chair Johnson, and Councilmembers Baisa, Molina, and Victorino.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Medeiros and Nishiki.

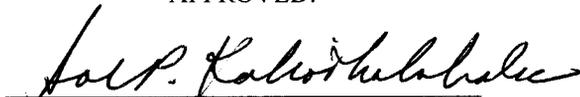
MOTION CARRIED.

ACTION: Recommending REFERRAL of PC-14, PC-16, PC-17, PC-20, PC-31, and PC-47 to the Council Chair for the term beginning January 2, 2011, pursuant to Rule 21 of the Rules of the Council.

CHAIR KAHO`OHALAHALA: Once again, let me end by just saying mahalo and thank you, Members; thank you, Staff; thank you, Administration, for a very productive year and term. So at...with no further business, this meeting is now adjourned. . . .(gavel). . .

ADJOURN: 2:17 p.m.

APPROVED:



SOL P. KAHO`OHALAHALA, Chair
Planning Committee

pc:min:101129

Transcribed by: Tursun Bier

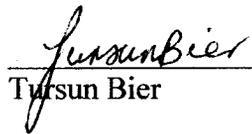
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CERTIFICATE

I, Tursun Bier, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 29th day of December, 2010, in Wailuku, Hawaii



Tursun Bier