

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

February 12, 2015

RECONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Gladys C. Baisa (excused from 11:40 a.m. to
1:34 p.m.; left at 4:18 p.m.)
Councilmember Elle Cochran
Councilmember Don S. Guzman (arrived at 9:09 a.m.; excused
from 10:05 a.m. to 10:38 a.m.; excused from 2:25 p.m. to
3:11 p.m.)

NON-VOTING MEMBERS

Councilmember Riki Hokama

EXCUSED: Councilmember Michael P. Victorino
Councilmember Mike White

STAFF: Jordan Molina, Legislative Analyst
Pauline Martins, Committee Secretary

Denise Fernandez, Council Aide, Lanai Council Office (via voice
conference)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jennifer Oana, Deputy Corporation Counsel, Department of the
Corporation Counsel
Michele McLean, Deputy Director, Department of Planning
Mary Jorgensen, Senior Planner, Long Range Planning Division,
Department of Planning
Jennifer Maydan, Planner, Long Range Planning Division,
Department of Planning
Pamela Pogue, Planner, Long Range Planning Division,
Department of Planning
Michael Napier, GIS Analyst, Long Range Planning Division,
Department of Planning
William Spence, Director, Department of Planning

OTHERS: Gwen Hiraga, Senior Advisor, Munekiyo & Hiraga
Arlan Chun, Senior Vice President of Development & Construction,
Pulama Lanai

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Lynn McCrory, Senior Vice President of Government Affairs, Pulama Lanai
Kurt Matsumoto, Chief Operating Officer, Pulama Lanai
Sally Kaye, Lanai Water Advisory Committee (LWAC)
Stan Ruidas, Lanai Community Plan Advisory Committee (CPAC)
Deborah dela Cruz, Lanai CPAC
Butch Gima, Lanai CPAC
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

PC-11 LANAI COMMUNITY PLAN UPDATE (CC 14-283)

CHAIR COUCH: . . .*(gavel)*. . . Will the Planning Committee meeting of February 5, 2015 please come back to order. And, Members, the reason I say that, that we are reconvening a meeting that started on February 5, 2015. Joining us today, I'm Don Couch, the Chair, and we have with us the Vice-Chair of the Committee Robert Carroll.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. We have Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Good morning and aloha.

CHAIR COUCH: And good morning and aloha. And non-Voting Member at this time, Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman. Thank you.

CHAIR COUCH: Excused is going to be Councilmember Victorino, and Mr. Guzman is on his way in. And Mr. White at this time is excused. Also with us today...by the way, could we have everybody turn off your cell phones and other noise-making devices so we can get through this without interruption. We will have with us today Michele McLean, Deputy Planning Director. Good morning.

MS. MCLEAN: Good morning.

CHAIR COUCH: And Mary Jorgensen, Senior Planner for this project. Good morning.

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MS. JORGENSEN: Good morning.

CHAIR COUCH: And we have a few folks in the gallery in case we need to have them down, we'll introduce them. We also have Michael Hopper, Deputy Corporation Counsel.

MR. HOPPER: Good morning, Chair.

CHAIR COUCH: Good morning. All right, we have Committee Analyst Jordan Molina. Good morning. And Committee Secretary Pauline Martins. Good morning. There is no testimony today, we are reconvening a recessed meeting; however, we do have some folks on Lanai, we may have some folks on Lanai available for resource if we have questions of them. They will let us know. I just want to say manning the phone and watching these proceedings right now is Denise Fernandez from Lanai. Good morning, Denise.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai --

CHAIR COUCH: Okay, good.

MS. FERNANDEZ: --and we currently have four resource people available.

CHAIR COUCH: You do. Okay, good. And can you just introduce them for us, please?

MS. FERNANDEZ: Okay. We've got Butch Gima. We've got Stan Ruidas, Sally Kaye, and Deborah dela Cruz.

CHAIR COUCH: Thank you. Good morning, folks. And we will be getting back to you as soon as we get into the meat of things. Okay. Members, we're back on page...well actually let me go through something first. We've gotten some testimony and you may or may not have had your staff print it out, but it's been put on the computer and it's online for you to see. But there have been some concerns about the process, and I just want to remind folks, those especially who might be watching and the Members that the CPAC which is the Community Plan Advisory Committee and the LPC which is the Lanai Planning Committee are both advisory to the Planning Department to come up with a community plan. For the most part the Planning Department is the one that's responsible for coming up with this plan with the advice from the community, those two community groups. If Members who were here, I guess everybody in the room today at least was here for the Maui Island Plan, you know that, what was submitted finally from the last, from the general, from the Maui Planning Commission was still red-lined and a lot, a lot of changes were made to the Maui Island Plan even after it came out of the two community groups. I do want to say from the Planning Department, this is one of the cleanest documents we've seen come through, there's not a whole lot of changes, although the ones that are there are certainly controversial. But the Planning Department went through and honored what was given to them from the Lanai Planning Commission and the Community Plan Advisory Committee. So I want to say thank you to the Planning Department for not

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cutting it up as badly as it, as the Maui Island Plan was. Which I understand, I mean we need to do what we need to do there. So with that being said, I want to remind the Members we started on Page 9 or we ended on Page 9-8 which is Land Use. We went through all the maps. We were going to come back to I believe a couple of maps and we'll get that when we get into that section. But right now we're into issues and strategies, and there, on Page 9-9 there are no comments from the Department. Members, do you have any comments on 9-9? I have a comment on Strategy No. 3. It says work with landowners to review Maui County Code Chapter 19.70 and 19.71, Lanai Project Districts, and subsequent ordinances to determine if actions are needed to meet required agreements and conditions of approval. I'm just pointing that out to the members of the Committee and the viewing audience that it was mentioned in testimony on Lanai that there's some agreements that were made and need to be kept, and I'm sure Member Hokama...oh, I want to acknowledge the presence of Council Vice-Chair Guzman. Thank you.

COUNCILMEMBER GUZMAN: Good morning.

CHAIR COUCH: Good morning. Mr. Hokama is well aware of most of those agreements I'm sure and he's keeping an eye on and his community is keeping an eye on those agreements, but the Department is also responsible for that. So that strategy is going to come up heavily when we look at a couple of the things on map there. So I want to, everybody to keep that strategy in mind. And also, Issue 1, Strategy 1 on there too is conduct a comprehensive review of Interim zoned lands to rezone appropriately in order to implement the updated Community Plan land use designations. That's been a sore spot all over this County, Interim zoning, and so hopefully, Planning, you'll come up with the proper notices and whatnot and letting, bringing the zoning changes here. We've had a couple of issues at times when people were not fully aware that their land use had been changed, so I just want to make sure we get as much notice as possible in this day and age, although it's really hard. We have all this stuff and still people say I never saw, so I'm sure the Department will do the best they can. So without any objections or any other comment on Page 9-9...

COUNCILMEMBER HOKAMA: Chair?

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: I wanted to ask the Department under Issue 4, mixed-use development. You know we've got that 'cause I helped write it, the Village Mixed Use...

CHAIR COUCH: Excuse me, Mr. Hokama, can you use your --

COUNCILMEMBER HOKAMA: Yes.

CHAIR COUCH: --microphone a little bit. Thanks.

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COUNCILMEMBER HOKAMA: Thank you, Chairman. You know I helped develop that Village Mixed Use Ordinance and whatnot, so we've got different types of categories now in the Code that addresses this mixed use issue. So can you tell us was Lanai looking for another type of mixed use?

MS. McLEAN: Thank you, Mr. Hokama. There is, there are some very good mixed use development components in the Code relating to certain project districts, but as a freestanding zoning district they tend to be residential, maybe allowing a little bit of business or business allowing a little bit of residential above the business use. But one that is truly mixed where you can have, you would have let's say a block that has that zoning and you could have a home on one lot, a business on another lot interspersed like that, the Code doesn't currently have that kind of flexibility. It's, the mixed uses have to be combined in the same structure in the existing Zoning Code. The exception might be in some of the project districts, but for there to be one zoning chapter that has that flexibility the way that a form-based code would have.

COUNCILMEMBER HOKAMA: I thought we made Village Mixed Use pretty flexible.

MS. MCLEAN: There isn't a Zoning Code called Village Mixed Use. There's sections in project district ordinances that are Village Mixed Use. So project districts effectively have Village Mixed Use zoning, but for a property owner to say I want Village Mixed Use zoning for my property, that doesn't exist in the Code right now.

COUNCILMEMBER HOKAMA: Okay, okay.

CHAIR COUCH: Mr. Hopper.

MR. HOPPER: There is a category called...I'm sorry, Mr. Chair, there's a category called Service Business Residential or SBR. That's, maybe that's a type of mixed use district. It may not go as far as obviously the Department's thinking as what would be required for these Lanai districts. But as far as my memory I think that's the most recent mixed use type zoning that there is. That was implemented as I understand it based on the requirement in the community plans. I think in Hana and in Wailuku in certain areas to have Service Business Residential, they actually community planned areas SBR, and there was adoption in Chapter 19.11 of a Zoning Code called Service Business Residential. Now if that's not adequate for mixed use and it appears like it's not there would need to be a new one developed. But I wanted to note that for the record that that's also something that's in the Code.

COUNCILMEMBER HOKAMA: Okay. Thank you, Mr. Hopper. Thank you, Chairman.

CHAIR COUCH: Thank you, Mr. Hokama. And, Members, just to let you know Issue 4 was the existing Zoning Code does not accommodate mixed-use development, and the strategy, consider revisions to the Zoning Code, such as implementing a form-based code or other mechanisms, to facilitate the development of mixed-use, pedestrian oriented communities. So that being said, the next page is first, first thing that the

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Department is suggesting and that is Page 9-10, Line 34 to 42, delete Policy 7. And let me just read this 'cause I do have plenty of questions on this one. The deletion was discourage approvals of Special Use Permits in State Agricultural and Rural Districts unless they: (1) accommodate public/quasi-public facility uses such as utility installations, landfills and wastewater treatment plants whose location is determined by technical considerations; (2) support agricultural uses; (3) are required for the use or distribution of economic resources and not otherwise adversely affecting the environment or surrounding agricultural uses; or (4) allow very low-impact accommodations, i.e. non-permanent structures or tent, to support small-scale eco-, cultural-, or adventure-tourism. Department, can you let us know why you decided to pull that out?

MS. MCLEAN: This is language that has been in a number of the community plans, in existing community plans, and the Department felt that...now we're talking about State Special Use Permits that get approved by planning commissions. There are criteria in State law for the review and consideration of those permits. And by having this language it really narrows down the criteria that we're already, that's already provided in State law and in some cases can really put the Department and the commissions in a situation where there might be a proposed use that they would like to approve but might not be consistent with this language. So rather than it being this broad statement in the community plans, let those decisions happen at the planning commission level when permits come forward.

CHAIR COUCH: Thank you. And I understand what you're trying to say and what appears that the community, the, at least the CPAC and the Planning Commission has to say. Mr. Hokama, any comments on that?

COUNCILMEMBER HOKAMA: I haven't seen a problem in 30 years on this, on our Plan, so I don't have a problem keeping it in.

CHAIR COUCH: 'Cause that language has been in prior Community Plan, is that what you're saying or the current Lanai Community Plan, Ms. McLean?

MS. MCLEAN: Yes.

CHAIR COUCH: Okay. So, Members, we have a decision to make, whether or not to remove this language as suggested by the Department. Any comments from any of the Members? Any suggestions? Mr. Hokama has no problem with leaving it in.

COUNCILMEMBER BAISA: Leave it in.

CHAIR COUCH: Okay.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: We have consensus to leave it in?

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COUNCILMEMBER COCHRAN: Yes.

CHAIR COUCH: Okay. Thank you. All right. Next page, if you go down to Page 9-11, Line 17 wants to add a policy that's, the Department wants to add a policy that says support adjustments to Manele and Koele Project District zoning standards and development standards to facilitate project build-out. Department.

COUNCILMEMBER COCHRAN: Chair, where is this? Sorry.

CHAIR COUCH: It's on, if you're look, depends on where you're following. If you're following the list of changes it's Page 9-11, Line 17. If you're looking in the book it's Page 9-11 and it's at, they're asking to add it at the bottom of Page 9-11. So it would be Policy No. 12 since we didn't take out 7.

MS. MCLEAN: And the reason for that is because on the action table there's currently that statement is listed as an action and we're proposing that it be moved to a policy instead of an action because there isn't a lead County agency for that item.

CHAIR COUCH: Okay. So you...okay, that makes sense. Comments? So we have consensus to leave that in? Without objections, we're going to leave it in.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Now if you go to --

MR. MOLINA: Mr. Chair?

CHAIR COUCH: --Page 9-12...

MR. MOLINA: Mr. Chair?

CHAIR COUCH: Yes.

MR. MOLINA: Just to clarify, that's a consensus to insert the new policy?

CHAIR COUCH: To insert, right. Insert the language.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Since we have Mr. Hopper, I want to know how he looks at the word "support" in this instance since we're given a general understanding of what "support" was for other things when we were looking at State agencies and whatnot. How, would you still see it in the same way, Mr. Hopper, "support"?

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MR. HOPPER: Oh, Mr. Chair, I think this may be a bit different because when you're talking about adjusting project district zoning standards, that is an item that's within the purview of the County versus a couple of the other issues that we discussed were really State functions. In this case, project district zoning standards could be changed. They'd have to be changed by the Council of course, but they would perhaps have to go through the Planning Commission, could be initiated by the Planning Director or the Council, and so it could come from a variety of areas. But in general I would see this as a County function. So I don't think that the language supports necessarily a problem, unless of course the Council does not believe that this is a policy that it would like to have listed if it believes that the, those project district standards should not be adjusted. But as far as the language "support", I don't think it necessarily would have the problem that potentially the language dealing with State functions would be to somehow maybe imply. And again, the implication's not that big of a deal, because the Council would still need to approve funding for anything. But if the concern in those cases was that previous State functions could be transferred to the County and increased funding, I wouldn't see that as a problem here because the zoning standards are something that are within the purview and frankly, the exclusive jurisdiction of the Council. If you're talking about State Land Use Commission standards, that's different, but this specifically says project district zoning standards, I guess and development standards but that's generally dealing with the County zoning level rather than the State Land Use Commission level.

COUNCILMEMBER HOKAMA: Okay, thank you.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: Thank you. All right. Members, on Page 9-12, Item No. 9 in the table, 9.04, Item No. 9.03 was removed, that's the one that she just talked about, we just added into the policy. So without any objection, we can take the Planning Commission's, Planning, I'm sorry, the Planning Department's suggestion to delete that action.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: And just to read it, that was the one that says work with landowners and community stakeholders to make necessary adjustments to project district zoning and development standards to facilitate project build-out. So that's exactly what we said in the previous page.

COUNCILMEMBER HOKAMA: So, Chairman?

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CHAIR COUCH: Yes, sir. Mr. Hokama.

COUNCILMEMBER HOKAMA: What is the main difference between .03 and .09 then?

CHAIR COUCH: Good question.

MS. MCLEAN: 9.03, that was moved to the policy, relates to facilitating project build-out, and 9.09 relates to if there are outstanding conditions of zoning or other requirements that haven't been fulfilled. So they do both relate to the project districts and the progress of their development. One seeks to see that those developments get built out as approved, and the other wants to ensure that zoning conditions of those projects are met.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, sir.

COUNCILMEMBER HOKAMA: With .09, if there's going to be changes it says to review and determine if actions are needed. Well, the only way Council can do it is through either resolution of two readings or an ordinance --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --that have effect of law. So my thing is two cracks at opening the ordinance. I mean I'm trying to figure out what this really means in practicality.

CHAIR COUCH: Okay. Members, just to read it, I think Ms. McLean did but 9.09, work with landowners to review project districts in Maui County Code Chapter 19.70 and 19.71, and subsequent ordinances to determine if actions are needed to meet requirements. And that the lead County agency is the Planning Department and partners Pulama Lanai. The way I see that or at least the way I interpret that, Mr. Hokama, is that the Department will work with the landowners to see if they're meeting the requirements of 19.70 and 71. And if they aren't and if there's other action needed that they will forward that to the Council. Not so much as making anything, they just need to make sure that the requirements are being met, and if not, how can they be met. That's the way I would read it.

COUNCILMEMBER HOKAMA: Okay. Well then we should state it as such, Chairman, that the last one, 09 is regarding compliance of approval requirements. And that's pretty clear that I think any resident on the island can understand that, compliance for all approval conditions.

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CHAIR COUCH: So you want to change that a little bit, work with landowners to review project districts in Maui County...19.70 and 71 and subsequent ordinances to determine if compliance...well...

COUNCILMEMBER HOKAMA: Fulfill or fulfill...my thing is get, comply with the conditions of approval.

CHAIR COUCH: I think this one, this one is saying if there are more changes to the ordinance needed to, in order to comply, I don't know that this is saying that they must...

COUNCILMEMBER HOKAMA: Then they shouldn't have agreed to it prior to approval of the zoning, they should have objected then. And of course this is not the entity that agreed to the conditions, but it runs with the land and they have agreed to fulfill whatever runs with the land. Okay. My thing is we've already, the County's agreement was with then landowner but it runs with the land, so it still for me is an outstanding issue of compliance. I don't care who owns it, they have to fulfill conditions of approval, period.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: I want to know when and how they're going to do it. The community wants to know when and how it's going to be done. Because many things that we're going to do is part of an integrated approach on the island, we're not going to build three housing projects one time when we maybe have difficulty just doing one. You know it's part of a coordinated effort to get the island where we want to in services, employment, education, reasonable healthcare for its population of 3,000...*(inaudible)*... But we won't be a Mayo Clinic, we're not going to be a Queen's Hospital. But we'll do what we need to do to take care a community of that size that can pay for certain services, Chairman. A part of it is compliance of the requirements. And that's my thing, for anybody, not just for this project, should be for every project in this County, compliance. You know and that's why I bring it up, Chairman.

CHAIR COUCH: I agree. And I, and it might just be in the way I interpret things but I think that is there, but we can add something about compliance if you have a suggested wording, we can come back to that. Maybe during the break --

COUNCILMEMBER HOKAMA: Okay.

CHAIR COUCH: --we can come up, back to some wording for that.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: Okay. So we're going to see about changing 9.09.

MS. MCLEAN: Chair, if I can make a comment on that?

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CHAIR COUCH: Sure.

MS. MCLEAN: Earlier in this chapter, the Committee also discussed similar language--where are my notes--on page line, or excuse me, Page 9-2. On page line, Page 9-2, Line 13 or 12 to 14, the Department had recommended deleting language, and my notes from the previous meeting said that Staff would revise that language to really make it clear that zoning conditions have to be complied with and that only Council can change zoning conditions and that zoning conditions are in effect regardless of Community Plan language. So I think whatever revisions are made in the action table would be consistent with that. I think that's all getting to the same point.

COUNCILMEMBER HOKAMA: Thank you for that, Director. Thank you, Chairman.

CHAIR COUCH: Okay. So, Members, that was a discussion in relation to 9.03. We said that it's okay to take that out. Now we're going to 9.05 it looks like they're pulling out.

MS. MCLEAN: Correct. We're proposing that that action be deleted. It reads amend the zoning ordinance to permit low-impact accommodations for small scale eco-, cultural-, or adventure tourism in Open Space and Park lands through the issuance of a County Special Use Permit. If the zoning ordinance were, if the Open Space Zoning District and the Park Zoning Districts were amended to allow those uses, those would apply Countywide. That could have a pretty broad impact. There isn't that much Open Space zoning in the County or on Lanai. And Park zoning is also pretty specific. Some of those uses are permitted in the Park Districts and some of those uses are permitted with different levels of permits in the Park Districts. On Lanai the eco-, cultural-, or adventure tourism would most likely occur in the Ag District. And the Ag Zoning District already allows certain types of open land recreation with a Special Use Permit. So we just felt that that language was duplicative and also might be a little broad.

CHAIR COUCH: And, Members, I had a question as to why that was being pulled out. So that makes a little bit more sense. But I understand what the community is looking for there. How can we, is there a way to balance out what the community is looking for with what we have in our current situation?

MS. MCLEAN: The Planning Department could review the Open Space and Park Districts to determine if revisions should be made to permit such activities. I just don't know that we want to go so far to say amend 'cause that might not be --

CHAIR COUCH: Okay.

MS. MCLEAN: --might not be needed or it might not be recommended --

CHAIR COUCH: Correct.

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MS. MCLEAN: --currently.

CHAIR COUCH: Correct. So, Members, if we change that, instead of deleting that in its entirety and I think that would become, yeah, that would become 9.04. It would say review the zoning ordinances to determine if there's a need for change or need for amendments to permit low impact, and then leave the rest of that language in there. Is that what you're mentioning, Ms. McLean?

MS. McLEAN: We're pretty comfortable taking it out, but if you want to leave the, if you do want to leave something like that then yeah, reviewing of the Zoning Ordinance --

CHAIR COUCH: Okay.

MS. McLEAN: --would be better.

CHAIR COUCH: So, Mr. Molina, did you catch that? Okay. It's instead of amend the Zoning Ordinance to permit, review the zoning ordinances to determine if amendments are needed, and then to permit low impact. Okay. Members, consensus with that?

COUNCILMEMBERS: Consensus.

COUNCILMEMBER COCHRAN: And, Chair?

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. It's just a typo but there's two 9.04s.

CHAIR COUCH: Well...

COUNCILMEMBER COCHRAN: Is that on your...

CHAIR COUCH: Yes, it is on the thing.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: The reason it is, they deleted 9.03 and then it renumbered, it's kind of funky.

COUNCILMEMBER COCHRAN: Oh, okay.

CHAIR COUCH: So that's going to become 9.04 actually and the one above is going to become 9.03.

COUNCILMEMBER COCHRAN: Okay.

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CHAIR COUCH: Yeah. But yes, in the book itself, yes, there are two 9.04s. Okay. Down to 9.08 which is 9.08 in the book, in your Plan. It says revise guidelines and standards for provisions in phasing of public facilities and services for new development. And that has been crossed out. Department, comments as to why that was?

MS. McLEAN: Well, the language says to revise guidelines and standards, and it's not clear to us that we actually have existing guidelines and standards. So to revise something that we don't know exists in the first place, and it just, it really isn't clear what the objective of that action is. I'm not sure what the intent of it is. Is it to ensure that infrastructure is in place before or concurrent with new development coming online? That's typically established during the entitlement process, so there aren't guidelines or standards for it, it's part of the process already.

CHAIR COUCH: Ms. Jorgensen, any comments onto, I mean how that was put in or why?

MS. JORGENSEN: I don't recall exactly why that was put in, but it does seem like it happens more during the entitlement process that it would happen with the Planning Commission looking to see whether that's occurring, whether it's correctly phased.

CHAIR COUCH: And well, I know that in my Committee we have an item that's, talks about the guidelines and standards, at least development guidelines and standards. Is that what these are talking about as well or is this a separate issue? Because I'm not sure what phasing of public facilities and services for new development means. And, Members, we do have some folks who were involved in either the Lanai Planning Commission or the CPAC available for us as a resource if anybody has a question as to why that was put in there, be happy to call on them. Denise, anybody over there willing to come up and help us determine why that was put in there and what they kind of mean by phasing of public facilities and services for new development?

MS. FERNANDEZ: Aloha, Chair.

CHAIR COUCH: Aloha.

MS. FERNANDEZ: I'm sorry. Could you please repeat what you were saying.

CHAIR COUCH: The question is on No. 9.08 it says revised guidelines and standards for provision and phasing of public facilities and services for new development. And the concern was what does that mean to the folks that put it in there, because the Department is unsure of what it means and I think the Committee is a bit unsure of what that means as well. So we would like some clarification on that.

MS. dela CRUZ: This is Debbie dela Cruz. It's not language that we included. It looks like it would be an opening for the landowner to...

UNIDENTIFIED SPEAKER: 9.08.

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MS. dela CRUZ: Oh, 9.08.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR COUCH: 9.08, yeah.

MS. dela CRUZ: I don't recall that specifically. Neither Stan nor I recall it specifically.

CHAIR COUCH: Okay. So then you won't have any concerns if we pull it out? And if there's an issue, if people remember what was going on, there's certainly a chance to put it back in. Members, any thoughts on...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I can, you know, I don't, I'm not very hot or very cold on this one. I can just tell you that the County's past experience of the last few public facilities on Lanai and let's take the senior center for our example. The guidelines and standards, the architects made extra attempts in working with the senior community asking general residents of what they would like to see and how they would like to have their new senior center designed. What we have now on Lanai that we've utilized is something that the community worked on regarding design, functionality, sewing room, whatever it be, the kitchen and whatnot. It was designed to fit Lanai. You look at the multimillion dollar police facility we have on the island. It was designed to try and fit into the Lanai community. So the County has definitely recent projects we can show where we've tried to build something that complements the character of the island, and I think that is some of the things I believe the community wants to see continue. But as far as the phasing in of, for new development, you know, that'll be a budgetary thing. But I would believe that the first things we would look at if anything is first responders, police protection, fire protection, the ability of us providing clean, safe drinking water, the ability to take care of our solid and sewer wastes. Those are the kind of things I think that if anything would be part of the phasing of any new development working with the developer whoever that may be, Hawaiian Homes, Pulama Lanai, the County itself, but it's things that we, you know, we as Councilors are going to make those determinations, again, depending on the situation and depending on the departmental needs at the time that you make those decision, Mr. Chairman.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: So, you know, if the Committee wants to take it out I have no objections. I just wanted to assure the community that this County has been sensitive to trying to make sure it fits within the character of Lanai. Thank you.

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CHAIR COUCH: Okay. Members, any comments on that? Any...the recommendation is to remove it and I'm inclined to go along with that because as Mr. Hokama says there's a lot of stuff that...

COUNCILMEMBER HOKAMA: Yeah.

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: And also, the Committee will have an opportunity when we start working on the Business Country Town guidelines and standards.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: That will also assist the departments in helping us maintain the character that the island wants to preserve. Thank you.

CHAIR COUCH: Exactly right. So, Members, without any objection, we will remove that as recommended.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, consensus. All right, we're on Chapter 10 now. Moving right along. If you take a look at Chapter 10 it's about Urban Design, and thankfully there's not a lot of changes in the first...there's no changes at all in the first three, four pages. But I wanted to highlight and see if, highlight what we're talking about in Chapter 10, and then we'll have the Department kind of go through it quick before we go through their changes. But essentially an important paragraph on Page 10-1 under existing conditions, it says, in 2009, the National Trust for Historic Preservation included Lanai City on its list of the Top 10 "Most Endangered" historic sites in the United States. Most of Lanai City's original structures are still standing, however in recent years some buildings - both commercial and residential - have been demolished and replaced with new construction. Also it talks about the trees and it's saying that the Cook Pines, Cook Island Pines that were planted throughout Lanai City are now mature and some are reaching the end of their lifespan. Some trees will have to be cut down and replaced as they age, get diseased, and potentially cause property damage. That is one of the biggest basis for the following, you know, for this whole chapter. So, Department, I just wanted to highlight that to the Members before we go much further. Department, can you tell us a little bit about the philosophy behind this whole chapter and the issues and whatnot?

MS. JORGENSEN: Thank you. This is Mary Jorgensen. And this chapter and along with the cultural and archeological resource chapter were two that were very important to the community. They want to see the historical character of Lanai City to be preserved or restored as much as possible and have that same character mirrored in the expansion of the Lanai City area. The one thing that was added between the CPAC draft going on to the Planning Commission draft was the urban and rural design

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principles that are on Page 10-2 and 10-3, and those are to guide future growth and to get to retain the historical character. And a key component of that is the street is in a grid pattern and very walkable and smaller in scale. And they were interested in retaining that if, as the city or new areas are developed. And so it also provides for the connection between the different areas so that the community has expressed that right now they're very one group and so they wanted to make sure that there was connection between any expanded areas in the existing community.

CHAIR COUCH: Thank you. Members, the urban and rural design principles are as she mentioned, as Ms. Jorgensen mentioned on Page 10-2 and 10-11 [sic] in that box. It's important that you take a look at those and agree to those. This is what the, both the CPAC and the Lanai Planning Commission suggested, the Planning Department agrees, and I see no real reason to question any of that. But if you have any questions or concerns with that, now's the time to bring 'em up, if not, we will continue on.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: I do want to bring up one point that is maybe a problem for us on Lanai. If you read the narrative under existing conditions I would say they pretty accurately present the condition of many of our trees that were planted during the Gay family era, during the ranching days when we had people like James Munro, a great conservationist who did a lot of planting personally himself of the trees on the island that create, helps, created and maintains our current watershed regeneration. I would say part of the problem for the community is the County Arborist and his lack of understanding of our uniqueness, and, you know, those trees need to be replaced. We've worked hard with the landowner, various landowners even including the current one that whatever we cut down on the island would be replaced with one extra. You cut one down you gotta plant two back. It's created hazardous and unsafe conditions for residents. It's created unsafe conditions for County facilities. I mean the very meeting where we had at the community center, we've had Cook Pine branch spears perforating that corrugated roof. Okay. We cannot have that happening or even a chance happening to a resident, and yet, we have an Arborist who refuses to recognize the situation there and continually tells us don't cut the tree. We've had trees fall on houses. We've had things happen that I will not tolerate, and I'm just giving notice that we're going to need to make adjustments in the Code regarding this Arborist and I want him to have no jurisdiction over Lanai. We need to have somebody that understands our situation there, and I'm going to make it a point as we bring it up in Committee shortly in the next few weeks. But I just wanted the Committee to know that it's a big issue for us, and Lanai loves, Lanaians love trees. We're just saying we want to take down those unsafe ones and replant in maybe a smarter place, but we're willing to continue to keep trees growing on Lanai. Thank you, Chairman.

CHAIR COUCH: Okay. And I seem to recall looking at I think it was the Council agenda that there is an item I think that you submitted regarding the County Arborist that we'll be

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receiving at this next Council meeting I think, so point taken. Members, all the way down, if you have no questions or comments on the issues and strategies because there is agreement between the Planning Committee and the CPAC and the Planning Department, we can go all the way to 10-5 where there first is some suggested changes. The first suggested change is on Page 10-5, Line 8. It says to revise Strategy No. 5.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Before we, sorry, before we proceed, it's kind of along the line, the section where Mr. Hokama pointed out.

CHAIR COUCH: Okay. Back there.

COUNCILMEMBER COCHRAN: But it's in regards to the demolition by neglect type term and the...which I understand it's sort of the same principle, you know, if it creates a hazard and a danger then you're going to want to remove it. But this is also a key point that's making the area one of the most endangered historic sites. So how, I'm just trying to glance through issues and strategies on how that can be addressed or how would that be sort of looked at. I mean because that is the charm of the area, but I guess throughout time plantations are gone, the homes aren't being, you know, inhabited and now they're obviously at the point they are. So is there somewhere in here where a strategy is being looked at to implement in order to protect that type of environment?

MS. McLEAN: Thank you for the question. Yeah, there are a couple of strategies that relate to that. Strategy 1 and 2A and 2B I think touch on that.

COUNCILMEMBER COCHRAN: Okay. But I...thank you. And it's saying to preserve but I mean if they're at the point of demolition by neglect point where, which means it is, there is no chance of restoration or saving per se of the structure itself, then are we to create standards that rebuild something very similar in nature? The, you know, the look, the feel, the size, whatever, so it blends in and becomes like a newer version of the old. Or so I'm not sure. I mean I'm not speaking for Lanaians by any means, but we have areas in...

MS. McLEAN: That would be your policy decision as the policymakers. It's important to consider that when we think of the, you know, the recent cases of the demolition by neglect, those were properties formerly owned by Castle and Cooke and then transferred over to Pulama Lanai. If you were to put in language like that that would apply to any property, not just ones owned by Pulama Lanai even though they're, they are the vast, the majority landowner, that would also apply to a private landowner, to a smaller landowner. So whatever guidelines and standards or restrictions you want to propose, that would be universal. Any building that's 50 years old or older does

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have to get reviewed by the Cultural Resources Commission before a Building Permit or a Demolition Permit can be issued. Some of this was talked about also in the cultural and historic resources chapter. And the CRC has been very, very strict with what they will allow to be demolished. They really don't like to see demolition. In the rare occasions where they have recommended approval of a Demolition Permit, they've required the highest level of mitigation possible which does still allow the structure to be demolished but it requires very detailed surveying and drawings so that if that structure were to be recreated you could recreate it exactly as it was. So that information is obtained, you know, photographs are taken, architectural drawings are made so that the structure could be completely replicated if someone chooses to do that.

COUNCILMEMBER COCHRAN: Okay, thank you very much. And as what you just stated that or, Chair, would that help the city become less endangered I guess of being, you know, losing its historic designation of sorts? Or is that at least, you know what I mean, protect that designation somehow?

MS. McLEAN: I don't know that demolishing and then replicating structures would protect, would have that protection. I think maintaining and --

COUNCILMEMBER COCHRAN: Existing.

MS. McLEAN: --existing is a much greater protection.

COUNCILMEMBER COCHRAN: Okay. Well thank you, Department. Thank you, Chair.

CHAIR COUCH: Thank you. Members, back to Page 10-5, Strategy 5. The old language says develop a management and replanting plan for the Cook Island Pines throughout Lanai City. Explore options for appropriate alternative tree species, depending on location and site. Cook Pines could be replanted if appropriate for that location, or native or non-invasive species could be used. Instead of develop, the Department says work with other agencies and others to prepare a management and replanting plan. I think that's a little bit better because then that incorporates more folks than just the Department, so I seem to think that that one is a better use of the language. Any objections to that?

UNIDENTIFIED SPEAKER: No.

CHAIR COUCH: Okay. So with consensus we'll keep that, the suggested changes. All right. Strategy No. 6, it says develop a street tree planting plan for existing areas and new development. Distribute guidance documents for homeowners and landowners to address both new and existing landscapes that would promote the use of non-invasive drought tolerant and climatic-zoned native plants wherever possible. The Department is suggesting new language or tweaking it a bit, saying support the development of a street tree planting plan for existing areas and new development. Encourage the use of non-invasive drought tolerant and climatic-zoned native plants wherever possible.

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They deleted distribute guidance documents for homeowners and landowners to address both new and existing landscapes that would promote the use of. So, Department, any insight on, as to why getting rid of the distribute the guidance document?

MS. McLEAN: For new development through the entitlement process, that information is already provided by the Water Department, and they do also have, you know, information on xeriscaping and the different climate zones. So it was really just a point of like proactively distributing it. It does happen during the entitlement process for new development. That does happen already.

CHAIR COUCH: Members, any thoughts? Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, is there something in the Code regarding that if you cut down that tree or destroy that tree, is there any penalties or concerns from the County currently?

MS. McLEAN: I don't know if Corp. Counsel has any comments. From the Planning side, we administer the Parking Ordinance. So if they're parking lot trees that are removed and not replaced then that is actually a zoning violation that we can enforce.

COUNCILMEMBER HOKAMA: I'm talking about more, you know, those street --

MS. McLEAN: Street trees...

COUNCILMEMBER HOKAMA: --inner street landscaping trees.

MS. McLEAN: Street trees are subdivision requirements and so those can be enforced through DSA through the Subdivision Ordinance.

COUNCILMEMBER HOKAMA: Well, it's been my experience of noticing when we plant trees that people feel it's a rubbish maker, if I can use that phrase. After a while, those trees disappear all over this island, this County. So maybe one is I don't know if they, our people understand what responsibilities they may or may not have regarding those trees and other things. I would think for some it's just a pain in the butt regarding yard maintenance or it grows to a height where, you know, it's bothering my cables, my electric wiring. So I'm just asking because I don't know if people are aware of the reasons why by Code it's, the tree is planted in the first place.

MS. McLEAN: Right. There are requirements for street trees, and typically the right-of-way is dedicated to the County so then those do become a County responsibility to maintain and replace if the tree is diseased or --

COUNCILMEMBER HOKAMA: Okay.

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MS. McLEAN: --needs to be removed. Also in the subdivision process there is a ratio of trees per lot that have to be planted. And so that, then that does become the homeowners' responsibility to maintain those trees.

COUNCILMEMBER HOKAMA: Okay. And so, Chairman, yeah, for me it's more about helping to give good information to our residents, our property owners on some of the responsibilities that the Code places on them that they may not be aware of.

CHAIR COUCH: Yeah. That's kind of my direction I'm kind of leaning to is leaving in the distribute guidance document for homeowners and landowners. Is there a logistic issue to that? Is that why that might have been pulled out?

MS. McLEAN: Well, the Department of Water Supply has information on landscaping, but in terms of spelling out what tree requirements are and whose responsibility maintenance is, I don't think one document exists with all that information in it. So yeah, I don't know who would be responsible for putting that together and then sending it out.

CHAIR COUCH: Okay. I know that there's some, in the actions and goals that there's a little discussion on that. So at this point, Members, any comment on whether or not to accept the Planning Department's suggested changes? The Chair has a little bit of concern on taking out the distribute guidance document but it's up to the will of the Committee. Mr. Hokama, any comments?

COUNCILMEMBER HOKAMA: I can support the Department's new, proposed language regarding support the development, Chairman. But I think it's important we continue our efforts to...

CHAIR COUCH: So you want to leave in the language about distribute guidance document?

COUNCILMEMBER HOKAMA: We should do the best to keep our people --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --informed of their responsibilities. I mean, you know, and it's . . . *(inaudible)* . . . --

CHAIR COUCH: I'm leaning that way as well.

COUNCILMEMBER HOKAMA: --a lot of people assume it's not an issue, not a problem not knowing it's a Code requirement. So maybe, you know, I'm thinking that's part of our responsibility is to keep our residents informed appropriately.

CHAIR COUCH: Okay. Members, and, you know, it may be a one-time expense, remember that, Mr. Hokama, this would be an expense when it comes budget time, so we have to remember that. But I think it's important that the homeowners know. So I'm, the

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Chair's recommendation on this one is to leave in the distribute guidance document, all that language, but also change the language where it says support the development of a street tree planting plan. Any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Did you get that, Mr. Molina? Thank you. Okay. Moving right along, we can, we'll take a break here pretty soon. 10-6, Policy No. 5, instead of ensure that there is community engagement and input to any new development, the Department says encourage community engagement and input to any new development, including expansion plans for Lanai City. I understand probably where you're going with that Department. Mr. Hokama, any comments?

COUNCILMEMBER HOKAMA: I would just make it ensure, well encourage community engagement and input into any new development for the island and I would just leave it at that.

CHAIR COUCH: Leave the encourage? Yeah.

COUNCILMEMBER HOKAMA: I mean I would just leave it as into any development proposed for the island. I don't have a need to highlight specifically Kaumalapau, Manele Mauka, Halepalaoa. To me it's anything the community should be informed and engaged.

CHAIR COUCH: Okay. So you want to take out from...

COUNCILMEMBER HOKAMA: I think it should be just a general statement and not about specific development projects.

CHAIR COUCH: Okay. And encourage as opposed to ensure, and I can see that if for whatever reason the community doesn't want to come out for that one which I doubt that would every happen on Lanai, but if the community decides not to come out then you can't ensure, you can't drag them out if they don't want to come out. But that's why encourage is better than ensure. I'm sure Mr. Hopper would be more comfortable with that language. All right, so, Members, the suggestion is to say encourage community engagement and input to any new development, period. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Next one, No. 6, support the coordination of major development projects in Lanai City to maximize efficiency, provide infrastructure and public amenities, and enhance the overall character of the town. As opposed to what it used to say, coordinate the development of major projects. Mr. Hokama, any comments on the suggested changes? I certainly can see that supporting the coordination but instead of doing the actual coordination 'cause that's not really the function of the Planning Department.

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COUNCILMEMBER HOKAMA: I can support it. I would like it stronger but, you know, I understand the planning document, what its intent is, so I can support the recommendation, Chair.

CHAIR COUCH: Okay. Members...

COUNCILMEMBER HOKAMA: I would just say though, Chairman --

CHAIR COUCH: Oh.

COUNCILMEMBER HOKAMA: --it should be more than just the city. When, you know, when we look at things from a service provider component, we need to take into consideration...let's take Halepalaoa. Is the County willing to expend the type of resources for potentially 50 lots, X miles away to drag the infrastructure? Those are the kind of things that needs to be part of this discussion under the coordination of services, amenities, infrastructure.

CHAIR COUCH: Well, I'm thinking that and maybe, Planning, correct me if I'm wrong, that this one is basically saying look, we've got the city so we're going to deal with the infrastructure there. Anything outside of the city, it may be up to the developer to deal with the infrastructure, because I'm sure at least speaking from budgetary-wise I'm sure that the Members of this Committee are not willing to provide a lot of infrastructure for something so remote. And I think this one is just talking about the town. Is that correct, Department?

MS. McLEAN: The, it sounds like the overall intent of that item was relating to the overall character of the town, and Mary just noted that some of the broader infrastructure coordination we just discussed in Chapter 9.

COUNCILMEMBER HOKAMA: 'Cause I'm really wondering how many major projects we're going to have in Lanai City besides our housing project.

CHAIR COUCH: Yeah. It looks like at least according to what is on the Plan and certainly to change that Plan has to come through Council and Planning Commission. It's the, essentially the expansion of Lanai City, the university area. Essentially that's those two big areas and that seems to be it. I mean if it's not on the Plan when we pass this, it has to go through a community plan amendment. You know how rigorous of a process that is.

COUNCILMEMBER HOKAMA: Well there's a reason for that, Chairman.

CHAIR COUCH: Yeah. Oh yeah, absolutely. Understood.

COUNCILMEMBER HOKAMA: No, I'm fine with the Department's recommendations.

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CHAIR COUCH: Okay. Members, you okay with that? Consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Page 10-6, Policy No. 7, it says ensure that proposed land uses and land use patterns in Lanai City are consistent and compatible with the historic design character of Lanai City. The Department's recommending removing that. I could use an explanation on that one.

MS. JORGENSEN: This is Mary Jorgensen. That policy is also in, covered by Policy No. 1 and No. 3, and so we felt that it was just redundant, that there were enough policies that covered that.

CHAIR COUCH: Makes sense. Any comments, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yeah. I would say that Ms. Jorgensen has a point. And I would say that as long as Lanaians like me sit on the Council it'll be ensured. . . *(inaudible)*. . . going to make sure it happens, so I'm fine with it.

CHAIR COUCH: Okay. Members, any comments? Consensus on removing that?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Page 10-6, Line 47 to 48, they wanted to add a policy. It says continue assisting property owners to preserve and rehabilitate historic buildings in the Business Country Town, I'm assuming District, you want to add that word in there? Department? And, Ms. Jorgensen, you don't have to identify yourself every time, so don't worry about it.

MS. JORGENSEN: Thank you, Chair. This is to get at the question that was raised earlier about what can be done to help restore and preserve the historic buildings, so this was just to strengthen --

CHAIR COUCH: Okay.

MS. JORGENSEN: --that idea that was in the strategy ____.

CHAIR COUCH: Okay. Members, any concern about adding that? If I don't hear any objection, we're going to add that language with including the word --

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: --district after BCT. Mr. Hokama.

COUNCILMEMBER HOKAMA: Since the language is continue assisting, what are we currently doing to assist the property owners?

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MS. McLEAN: We have worked with the property owners in the past on going through the SHPD process --

COUNCILMEMBER HOKAMA: Okay.

MS. McLEAN: --when it is an older building even with renovation. SHPD has an architecture branch on Oahu, but because we have on our staff a cultural resources planner with qualifications in historic preservation, she can effectively pre-review things and then pass her recommendations on to SHPD in Honolulu and really expedite the process --

COUNCILMEMBER HOKAMA: That's great.

MS. McLEAN: --for permitting. And also in the event depending on the project, she has also assisted landowners. I'm not sure if she's had a project on Lanai yet but certainly on Maui with historic preservation tax credits.

COUNCILMEMBER HOKAMA: Okay.

MS. McLEAN: If I may, Chair? Mary and I were just checking, on adding that policy we might want to just end the statement after the word "buildings" and not confine it to the BCT District, 'cause it could be residences or public buildings, it doesn't necessarily have to be BCT structures.

CHAIR COUCH: Okay.

MS. McLEAN: So...

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: So during either the CPAC or our Commission's review of this proposal, were they clear on when we talk about like the BCT, the boundaries of the BCT within the existing city, Ms. Jorgensen? Were they aware or it was just this concept that we, they kind of agreed with? Or was it something on a map they could it was from this street to this street, these are the parameters, this is what is BCT and this is the area of preservation concentration?

MS. JORGENSEN: Yes, they were provided maps that showed clearly what was within the BCT District, and also there was discussion about preservation outside of that area was necessary as well so that the entire town was looked at in terms of its historic character.

COUNCILMEMBER HOKAMA: Okay. I'm not sure, for me, you know, my house is outside of the BCT, Chairman, but I don't want my house declared historic. I got issues with that as a personal property owner and what I can and cannot do with my property. So it's a philosophical thing. At this time I wouldn't be inclined to make it more than the

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BCT District, Chairman. I think the community should have an ability to understand if their property does get designated what it means to them and what the approvals more they need to do anything to their structure or property and potential costs to make those type of adjustments.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: You know I don't think many of them know what it takes to get a permit through State and County government for a --

CHAIR COUCH: Historic.

COUNCILMEMBER HOKAMA: --historic requirement.

CHAIR COUCH: Yeah. Okay. At this point I'm inclined to keep it in, the language, where it says in the BCT District for now. We can always change that at a future time if it, if there seems to be an issue.

COUNCILMEMBER HOKAMA: Well, I mean we're going to let the community, you know, continue to give testimony the next time the Committee goes back as well --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --as the public hearing by Council --

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: --so I would think --

CHAIR COUCH: Well this...

COUNCILMEMBER HOKAMA: --they would give us comment on this, whether they're looking at, prefer the whole community or just a component of the city.

CHAIR COUCH: Well keep in mind, Mr. Hokama, that this was an addition by the Department, this was not recommended by either the CPAC or the, or at least by the Planning Commission. Is that right?

MS. McLEAN: Well you'll see on the next page it was, there was a comparable statement that was an action, so we're proposing that it be a policy rather than an action.

CHAIR COUCH: Oh, move it out to a policy. Okay.

MS. McLEAN: So the concept was discussed but that's what's before you.

CHAIR COUCH: Okay. That makes sense. So they did talk about it in BCT only?

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MS. McLEAN: Yes.

CHAIR COUCH: Okay. You're okay? So right now, Mr. Hokama, the language is continue assisting property owners to preserve and rehabilitate historic buildings in the BCT District.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: Okay. Members, we're on one last page of Chapter 10; however, this may require some discussion, so I think what we'll do is we'll do our morning break. And if you could be back here at 10:30 we can work through the next couple of chapters and be ready to do some more after lunch. So please be back here by 10:30 and we will continue on. This meeting is now in recess.

RECESS: 10:18 a.m.

RECONVENE: 10:38 a.m.

CHAIR COUCH: ...*(gavel)*... Will the Planning Committee meeting of February 5 please come back to order. All right. And yes, just for any viewing public who has just tuned in, I do know that it is February 12th and this is the resumption of a meeting from way back on February 5th. All right. Members, we're on Page 10-7 and we're, which is the actions and goals, or the actions, sorry. The Department has suggested to remove Action 10.01 and essentially that's what we just discussed. They added it as a policy on Page 10-6, policy, the one that they wanted to add, so I can see why they needed to remove that. Any concerns or objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Moving right along. The Department has also asked to delete...I'm sorry, I'll go back to 10.01 just for the viewing folks. Basically it says explore, analyze, and implement regulatory and financial mechanisms for preserving and rehabilitating historic buildings within the BCT. That is almost the same as what we added in the policy. I do notice that it says implement regulatory and financial mechanisms. We typically as a Council don't do that except for potentially on a case-by-case basis. So I'm fine with removing that completely, but I just wanted to read that for the public. All right, 10.06, it says develop and adopt by ordinance specific rural and small town street design standards that would permit context sensitive street design and maintenance of the rural streetscapes without curbs, gutters and overhead utilities, as found in Lanai City. Incorporate the completed design standards into the Community Plan as an appendix. And Department of Public Works was the lead County agency and Planning Department and Pulama Lanai as partners. The Planning Department asked that that or suggests that that action be removed. Department, can you fill us in on that one?

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MS. JORGENSEN: Yes. This action was discussed extensively with the Department of Public Works as part of the complete streets meetings, and it has been covered in Chapter 7 on Page 7-16 through 7-18 that there's discussion of complete streets, and then within that chapter the action. And so we felt that it was redundant to put it in here.

CHAIR COUCH: The question I have on complete streets and maybe we should have, should have had Public Works up here, but I believe complete streets discusses at least sidewalks and maybe not curbs and gutters. But I know rural areas certainly don't have curbs, gutters and potentially overhead utilities, especially in, as it is found in Lanai City. My question would be would complete streets make that more of an urban setting as opposed to the rural setting that they're specifically stating in here no gutters, no curbs, and potentially no overhead lines? I know there are some overhead lines, but...

MS. JORGENSEN: In the discussion with Public Works and I was not, participated in those but I did talk with Kathleen Kern a lot about what was occurring, and there were, they were creating a separate section for Lanai to not have the curb and gutter with the street. So complete streets is looking at where you have multiple use, so you can have...where they're encouraging pedestrians and bike travel as well as use of a street by a car. So it doesn't necessarily have to be a curb and gutter for your pedestrian use. And so they also wanted to maintain the more narrow streets if possible. And so it would necessitate having different design standards for Lanai City. So my understanding is that there is going to be, in the new ordinance there will be a different section for Lanai.

CHAIR COUCH: So in that case, if those ordinances and those guidelines are developed and set aside for Lanai, that would meet that criteria then?

MS. JORGENSEN: Yes, that's correct.

CHAIR COUCH: So it wouldn't hurt to have that in there. I don't know, that's just a thought. Mr. Hokama? Oh, miss, I'm sorry, Ms. McLean, go ahead.

MS. McLEAN: Also this is a chapter on Urban Design, and so having language about rural streetscapes goes beyond the scope of this. This is focused mostly on Lanai City.

CHAIR COUCH: Right. But isn't that where they want the no curbs, gutters? I don't think there...Mr. Hokama, are there any curbs and gutters in Lanai City? I don't recall seeing any, except for up, on the way to Koele actually, that road there.

COUNCILMEMBER HOKAMA: Well around Dole Park it's cut stone curbing on the blocks, and yeah, we don't have gutters per se as normal standard subdivisions. I will say though one of the things that is an issue for the County is sheet flow issues during major rain without a gutter and drainage, appropriate drainage systems. So part of the condition I think that the previous landowner already complied with which was a detailed Lanai City drainage master plan that had to submitted to Public Works, to

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address issues of flooding and drainage during major storms and whatnot for the community is something that we should be reviewing as part of how we might want to incorporate our CIP considerations for the, for Lanai community.

CHAIR COUCH: I guess my concern is do we need that language in here or if as Ms. McLean and Ms. Jorgensen said that that's handled in the complete streets, and Public Works is making a, carving out some exemptions or exceptions for Lanai city. If we take this out of here are we losing something? And Ms. McLean is right, this is Urban Design but, you know, I just for the life of me can't see Lanai City being urban even though it is, I'm sure it's designated Urban, et cetera. We want to keep it as...I'm assuming the citizens want to keep it as rural as possible.

COUNCILMEMBER HOKAMA: So that's the interesting thing about our community for like me who grew up there. What is the difference between 5th Street where I'm on and 7th Street? They're both main streets of the city use, and why would my block be considered rural and two streets down is the urban core? I mean we all look alike...*(inaudible)*... I mean, you know, those north-south laterals are wider than the west, east-west laterals. I mean I don't, my thing, Members and Mr. Chairman, is that we will get that opportunity as we formulate and write our own standard and guidelines --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --on the Country Town Business --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --ordinance. That is when we can get specific, we can address road widths and whatnot, and that's why for Lanai because of road widths we use a lot of one-way streets. It's one community that does a lot of these. It's just like old Sacramento, one-way streets, only right turns. So, you know, it's something that I can support, but I think we have mechanisms and another venue for the community to work with the specific details than in a community plan, Chairman. So I can support.

CHAIR COUCH: Removing this?

COUNCILMEMBER HOKAMA: Yeah.

CHAIR COUCH: Okay. Members, any concerns? All right, so we're going to remove 10.06. 10.07 says develop a street tree planting plan, using a diversity of appropriate street tree species, for existing areas and new development. I believe we put that back in on Page 10-5, Strategy 6. So I'm assuming that that, because that's in the strategy we don't...or actually if it's in a strategy we usually have an action to that, right? Ms. Jorgensen.

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MS. JORGENSEN: Correct. There's usually either a policy or an action to support the strategies, and there's Policy No. 7 which is encourage the planning of suitable street tree species in new and existing areas, and encourage the replacement of Cook Island Pines if appropriate.

CHAIR COUCH: Okay. So then it's okay to come out of that? Mr. Hokama, since trees are your friend over there on Lanai, any comments? You're okay with taking that out there because it is mentioned in the, in a policy?

COUNCILMEMBER HOKAMA: I'm, I don't have a strong feeling either way, Chairman. You know I mean I know it's in Chapter 7, I see it in Chapter 7 so I understand the Department's comments. It's in the narrative.

CHAIR COUCH: It's also in the policy on page...

COUNCILMEMBER HOKAMA: Yeah. No, so I don't have a problem.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: You know I think we can delete it at this point. If the community has real strong sense we're going to hear it when we --

CHAIR COUCH: Sure.

COUNCILMEMBER HOKAMA: --return back to the island. So I don't have a problem at this point in time, Chairman.

CHAIR COUCH: Okay. Members, consensus on removing 10.07? Okay. And down to ten point, it's listed as 10.09. The current action is develop standards for street lighting that mandate 'dark sky' shielding of lamps in order to minimize light pollution and glare. Explore options for LED lighting to save energy and provide more point-like light source. The Department has requested to strike develop standards for street lighting that maintain, mandate 'dark sky' shielding of lamps in order to minimize light pollution and glare. And I can see why they've done that because we already have an ordinance that requires that. And just for as an aside, that ordinance was done in 2006 or 2007, I believe. And this year it is coming, there's a grace period for everybody to get their lighting up to Code. This year that grace period ends. So that's just an aside. And Ms. Cochran, that's from her thing. So I'm fine with removing that because it already is in Code. Mr. Hokama, any comments on that?

COUNCILMEMBER HOKAMA: No, I would, I agree with you, and I think that that's the type of information we'll be sharing with all the advisory committees of what is existing that can assist them.

CHAIR COUCH: Right.

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COUNCILMEMBER HOKAMA: But Council did take action years ago to protect our night skies, Chairman.

CHAIR COUCH: And I'm fine with leaving explore options for LED lighting to save energy and provide a more point-like light source, provided of course it meets Code which we're having an issue in Ms. Cochran's Committee in getting that finalized I believe.

COUNCILMEMBER COCHRAN: Yes.

CHAIR COUCH: Okay.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR COUCH: I mean it's they're...yeah. So, Members, without objection, I know in the list of changes that were made, it says delete entire Action 10.09, but in their track changes addition they did not delete the explore options for LED lighting to save energy and provide more point-like light source. So I'm willing to go with the recommendations on that page. Department, are you aware of the differences in what you've given us? The one, this list of changes that you've made that I've been tracking on, it says delete 10.09 altogether but in the actual track changes it leaves in that last sentence and I'm willing to go with that recommendation of leaving in that last sentence.

MS. McLEAN: That last sentence can be left in, yes.

CHAIR COUCH: Okay. Do you have that, Mr. Molina?

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Thank you. Yes.

COUNCILMEMBER COCHRAN: Chair? Yeah, thank you. And that LED lighting thing I've been trying to --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --push through for years now. And so the explore options, I believe we've been doing a lot of exploring. We have gone out to the sites at Wili Pa and looked at all the different kinds of lighting. And I'd like support or, you know, just support the options or something to that effect. Because Mr. Kobayashi did an outstanding job and took us all out there, and we looked at all the different colors and renditions and, you know, all that technical stuff, and I'm still yet to have some decisions and support. And what do we want? What can we use that's going to be, you know, that everyone's going to be happy with? And we haven't found that yet. But hopefully this new term we can...but I mean that's just a, that's wordsmithing. But explore I believe we have, and I'd really like to get some support now.

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CHAIR COUCH: So you're suggesting to change that to support options for...

COUNCILMEMBER COCHRAN: Yeah. I, if it lends a little more, 'cause as I've just stated we've done a lot of research and looked at the options that are out there as of now. Perhaps there's more that have come to the table, but as for this County, Mr. Kobayashi has done a very thorough investigation on what options we do have.

CHAIR COUCH: Okay. So the suggestion is to change support to explore. Mr. Hokama.

COUNCILMEMBER COCHRAN: No.

UNIDENTIFIED SPEAKER: Explore to support.

COUNCILMEMBER COCHRAN: Explore to support.

CHAIR COUCH: I'm sorry. Yeah, explore to support. My...

COUNCILMEMBER COCHRAN: But, you know, it's...

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you know, I understand my colleague's frustration. She's right, we've been working on this for years now, and I don't have a problem. And I think Lanai would be...maybe Lanai can be the first one to do it. But I don't have a problem changing the last sentence to say selecting options to implement LED lighting to save energy and provide a more point-like light source.

CHAIR COUCH: Run that by again so Mr. Molina can...

COUNCILMEMBER HOKAMA: Select and, select options for implementing LED lighting. My thing is we did enough exploring, I agree. Let's pick an option and start implementing the program. So I don't have a problem that that be an action.

CHAIR COUCH: You got that Mr. Molina?

MR. MOLINA: So that'll be to replace explore with select options for implementing LED lighting.

COUNCILMEMBER COCHRAN: I agree. Consensus.

CHAIR COUCH: So, Members, are we okay with changing that language to that? Okay.

COUNCILMEMBERS: Consensus.

COUNCILMEMBER COCHRAN: Yeah, I like it.

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CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Thank you very much, Mr. Hokama.

CHAIR COUCH: Thank you. Okay. And you have that, Mr. Molina? Okay. So we will change that. There is consensus to that. Okay, that's it for Chapter 10, we're on to 11 which is housing. And, Members, there's a lot of narrative and charts and whatnot. Let's have the Department talk about it a little bit and then let us know what the issues were with that.

MS. JORGENSEN: Thank you, Chair. Jen Maydan from the Planning Department is going to present the Housing chapter as well as Chapter 12 and 13.

CHAIR COUCH: Okay.

MS. JORGENSEN: Thank you.

CHAIR COUCH: Welcome, Ms. Maydan. And introduce yourself just once and then we're good to go.

MS. MAYDAN: Thank you, Chair. Jennifer Maydan, Long Range Division, Planning Department.

CHAIR COUCH: Okay. So tell us about housing and what's going on there and what some of the issues were.

MS. MAYDAN: So Chapter 11 is Housing, it focuses primarily on housing supply and affordability in the background and the issues and strategies sections. On Page 11-2 there are two charts that compare both rent and home ownership affordability based on, as defined by HUD. Both the CPAC and the Planning Commission really stressed the importance and the need for workforce housing as well as senior housing, and we have touched a number of times on the senior housing that's proposed in the Manele Mauka. That was discussed quite a bit in land use as well as housing. As far as any differences in this Housing chapter from CPAC to the Planning Commission, there are no significant differences, they both just very much stress the importance and the need for workforce housing and senior housing.

CHAIR COUCH: Okay. Members, Page 11-1 and 11-2 are in agreement, the Department is in agreement with the CPAC and the LPC, so unless you have concerns or questions we'll go straight to 11-3. There is a paragraph on Line 17, starting on Line 17 that says Lanai also has a number of Transient Vacation Rentals and Bed and Breakfast accommodations. The conversion of houses to TVRs and B&Bs has reduced the inventory of housing available for residents on Maui and has created some conflicts with neighbors. The County recently created new and revised existing regulations regarding TVRs and B&Bs, however, those regulations address the situation on Maui.

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Lanai vacation rentals will require regulations that are tailored to the unique situation on Lanai. The Department has suggested that that line be stricken or that whole paragraph be stricken. Can you talk about that a little bit? It seems to be self-explanatory but go ahead.

MS. MAYDAN: Basically the Department felt that the Short-Term Rental Home Ordinance and the B&B Ordinance have recently been refined and they have gone before the planning commissions, through planning commissions, and that there is an established County regulatory process for these uses. And that there was no need to do this again.

CHAIR COUCH: And the fact that that went through the Lanai Planning Commission and they made no recommendations or special comments. Is that right? If I seem to recall.

MS. McLEAN: Those recommendations have been transmitted back to the Council, so you'll have the minutes and the recommendations of all the planning commissions including Lanai.

CHAIR COUCH: Well but we've already gone through the TVR, I mean we already have STR and TVR language. I know there's, we're looking at bringing it up again, have...

MS. McLEAN: Right. And that's what I'm saying, the Lanai --

CHAIR COUCH: Gotcha.

MS. McLEAN: --Planning Commission just recently reviewed the bill again --

CHAIR COUCH: Okay.

MS. McLEAN: --and provided supplemental comments now that the ordinance has been in effect --

CHAIR COUCH: Excellent.

MS. McLEAN: --the STR Bill has been in effect for a little while, it's back in front of the Council.

CHAIR COUCH: Okay. Members, any objection to removing that? Mr. Hokama, you want to talk about that?

COUNCILMEMBER HOKAMA: Yes, Chairman. Thank you. I would prefer we consider revising instead of eliminating it. I would recommend we keep the first sentence. The second sentence I would just state it as the conversion of houses to TVRs and B&Bs has reduced the inventory of housing available for residents of Lanai, period. I think what would be fair besides stating that it has impacted the inventory of housing

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available for Lanai, it is also an alternate source of visitor accommodation for a component that the community looks forward to annually which is the annual State game mammal or, and game bird management programs which brings in a lot of cash flow to our entrepreneurs, our small-family businesses. And so at one end of the spectrum, it takes away maybe some long-term rental or opportunities for another family to own or have a good lease on a house, but at the other end it also gives us the ability to take care of our hunting season that is a big economic boom.

CHAIR COUCH: I gotta tell you, it certainly is. When we were over there last time, big signs, welcome hunters.

COUNCILMEMBER HOKAMA: So it helps the airlines, it helps the merchants, it helps, you know, pretty much anyone that has a business on the island. And so I think stating that is a more fair presentation of the impact of the B&Bs and TVRs on Lanai. And I would say that's what we should have in the document.

CHAIR COUCH: Okay. And I know if Mr. Guzman goes over there to hunt that things will be pretty safe.

COUNCILMEMBER HOKAMA: Yeah.

UNIDENTIFIED SPEAKER: Me too.

COUNCILMEMBER HOKAMA: And then my only last comment is I would agree with you, Chairman, our planning commissions had each time the opportunity --

CHAIR COUCH: Yep.

COUNCILMEMBER HOKAMA: --like Molokai chose to propose different language to meet that unique community's needs. And every time we checked and I checked twice, the Lanai Planning Commission chose not to propose specific language to address Lanai's unique situation. And that was something that I always make sure that we double check before we pass final approval.

CHAIR COUCH: Gotcha.

COUNCILMEMBER HOKAMA: So our island did have an opportunity twice to speak on this issue.

CHAIR COUCH: Okay. So, Members, it's Mr. Hokama's suggestion that we say, we leave in a couple things. One, it says Lanai also has a number of Transient Vacation Rentals and Bed and Breakfast accommodations, period. The conversion of houses to TVRs and B&Bs has reduced the inventory of housing available for residents, period. And then leave it, that's it, everything else goes away? Is that what you're suggesting?

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COUNCILMEMBER HOKAMA: Yeah, but I would add that we add a sentence to say that we also recognize that the B&Bs and TVRs provide an alternative source of --

CHAIR COUCH: Accommodations.

COUNCILMEMBER HOKAMA: --visitor accommodations during for us the hunting season which is an economic advantage for our community.

CHAIR COUCH: Okay. You have that, Mr. Molina? Members, are we okay with that language?

COUNCILMEMBER BAISA: I like it.

COUNCILMEMBER COCHRAN: Yes.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay, great. All right, Page 11-4, going over to that. Issue 5, it says Lanai has a number of vacation rental properties (including Bed and Breakfast) that cater to hunters, kamaaina tourists, and short stay visitors, but mostly [sic] do not have County permits. I can see Mr. Hopper losing more hair over that line. I'm assuming, well, we talked about it a little bit in the page before, but boy that, I don't like that issue. Ms. McLean.

MS. McLEAN: If I could jump in, Chair. The issues are tied to the strategies and because the strategy to address that issue is as we just discussed, developing vacation rental regulations specific to Lanai, because it seems that there's agreement that that opportunity has come and that matter is before the Council then we don't need to list the issue because we're not going to pursue that strategy 'cause that's been done already.

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: I was going to ask if during the Department's recollection of CPAC discussion or Planning Commissioner's discussion, was there a big concern about noncompliance to the, 'cause, you know, it's in the Code, you know. To be legal you have to be permitted. So was there a concern about the illegal one? I'm trying to get a good sense of how we can assist them with this issue on the island.

MS. MAYDAN: No, I don't believe that there was concern expressed in the CPAC or the Planning Commission about noncompliance. I think this issue and strategy more focused on that they were saying that it's a bit of a cumbersome process, it's a detailed permit to go through, and that some had not pursued it because of the process and the financial impacts of going through the permit.

COUNCILMEMBER HOKAMA: Yeah.

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MS. MAYDAN: It was not that they had an issue that there were unpermitted ones, it was that the process maybe was part of the reason why people had not pursued becoming permitted.

COUNCILMEMBER HOKAMA: Well to me that's not a good enough excuse not to comply. You're asking to do a non-permitted activity in a specific zoning category, and so for me unless you coming to Council for a Change of Zoning which would be more difficult to do that activity. You know this is what it takes to do in Residential and you have to go through this approved process that's by Code, and you need agency reviews and signoffs. So I mean that's what it takes to be legal to ensure one, taxation, and two, make sure that that activity is not cheating or hindering the abutting neighbors who paying right then unfair amount of taxes to cover that activity that's not paying its fair share of taxes. Then I have one big problem, Chairman.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: So the Planning Department has suggested that Issue 5 and its accompanying strategy be deleted, and I think it's, it appears to be consensus with that. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: All right. Moving right along to Page 11-5, nothing, everything is in agreement there. 11-6, we're into the actions now.

MS. McLEAN: Excuse me, Chair?

COUNCILMEMBER HOKAMA: Yes.

MS. McLEAN: Sorry. On 11-5 we noticed this after we had put together the list. That last policy, Policy No. 14 on Line 45, the same as the Committee's been discussing, support development of vacation rental regulations specific to the situation on Lanai, so we would recommend that that be deleted.

CHAIR COUCH: And I concur. Members, consensus on that? The language again says support development of vacation rental regulations specific to the situation on Lanai. And we have that coming up. So consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Thank you. Page 11-6, Item 11.03, basically they're saying delete that entire action which says review the County's Workforce Housing Ordinance; consider revisions to address Lanai's particular situations. We've just passed the Workforce

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Housing Ordinance changes. I believe, during that time did the Lanai Planning Commission have an opportunity to look at that or is this still something that we may need to do? I know, I don't think we did add any specific, issue specific to Lanai. Department?

MS. McLEAN: The Workforce Housing Ordinance did not get processed through the Planning Department, so it did not go --

CHAIR COUCH: Oh, okay.

MS. McLEAN: --to the, to any of the planning commissions.

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: Regarding that specific action consideration, Mr. Chairman, what Council did in working with the community at that, back in that point in time regarding workforce housing on Lanai was part of conditions of approval if my memory serves me right, and I think those things...and I gotta review those conditions again. But I'm pretty sure we addressed workforce housing in those ordinances, and if they are, it runs with the land and the, whoever is the landowner is going to need to perform.

CHAIR COUCH: But my question would be in the expansion section, if, Mr. Molina, can you pull up that map real quick? The expansion. There's going to be in that I believe it's the salmon area, there appears to be a lot of housing going to go in there. Are you suggesting that we leave it up to the Council to put conditions for workforce housing in that or use the existing Workforce Housing Ordinance which right now says that we have 25, there's a 25 percent requirement?

COUNCILMEMBER HOKAMA: You know I don't want to make this plan so tight it doesn't give some flexibility to the County or Pulama or any other landowners that may have interest in the area. I would rather we deal with it on a --

CHAIR COUCH: Case-by-case?

COUNCILMEMBER HOKAMA: --entitlement, again, depending on the situation. The concern for Lanaians, Mr. Chairman and Members, is that with the housing projects they want to see it for Lanaians, they don't want to see projects that it's for people that have to come to the island. They want to see projects for them who live on the island, for their kids that's growing up on the island, for their families that want to return to the island. That's my sense of what I hear people telling me of what they look for in our housing projects, take care our own first. And so there's limitations on how government can structure housing --

CHAIR COUCH: Right.

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COUNCILMEMBER HOKAMA: --to take care of its own without being discriminatory going against constitutional rights. But for me I don't have a problem working with the private sector to ensure if possible stronger consideration to take care Lanaians as a top priority or the only priority instead of going through the government route, Chairman. But that's --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --what my community is telling me at my breakfasts and whatnot that that's what they prefer.

CHAIR COUCH: Sure, and I agree. I, Members, with, if you don't have any objection, I would like to hear from the resource people on their concerns with what we currently have in the workforce housing compared to what they think, what kind of revisions they would be looking at. And I'm pretty sure that this item was already created prior to this Committee or I mean not this Committee but this Council adopting the new workforce housing changes. So without objection, can we hear from the resource folks?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Denise, did you catch that?

MS. FERNANDEZ: Yes.

CHAIR COUCH: Okay. Can we ask whoever can step up and say what kind of revisions are they looking at that would be different from what we've done already?

MS. FERNANDEZ: Hold on.

CHAIR COUCH: Sure.

MS. dela CRUZ: I have no comments on 11.03.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. dela CRUZ: I have no comments on 11.03.

CHAIR COUCH: Okay. And that was, who was that? I'm sorry.

MS. dela CRUZ: This is Debbie dela Cruz, I was on the CPAC.

CHAIR COUCH: Okay. No other comments?

MS. dela CRUZ: No.

MR. RUIDAS: No comments.

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CHAIR COUCH: Okay, thank you. All right, Members, you heard Mr. Hokama's comments and the lack of comment from the resources out there, so it appears that it's okay to delete that. Okay. Without objection, consensus, we'll delete that.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay, down to 11.06. The Department suggests that we delete review and revise buildings codes to allow aging-in-place housing adaptations. Department of Public Works is the lead County agency and Planning Department is a partners. It's my guess is we already have those Codes but we'll talk with the Department since they requested removing that. Ms. Maydan.

MS. MAYDAN: That's correct, Chair. Upon further research, we came to the conclusion that the existing Code does not have anything that prevents aging in place, so this action was unnecessary.

CHAIR COUCH: Okay. Members, consensus with deleting that?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Then down to 11.09. It says develop vacation rental regulations specifically for Lanai. We are doing that so the Department has suggested deleting that whole thing. Any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Down to 11.11, it currently --

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: --says --

COUNCILMEMBER COCHRAN: Sorry. Chair?

CHAIR COUCH: --hold workshops...

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes --

COUNCILMEMBER COCHRAN: Sorry --

CHAIR COUCH: --Ms. Cochran.

COUNCILMEMBER COCHRAN: --just to jump back up --

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CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --to 11.08.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: And just the lead County is Department of Housing and Human...

CHAIR COUCH: Concerns.

COUNCILMEMBER COCHRAN: Yeah. And then so no partnership there, is that...and this is housing I guess for I guess County workers or government personnel and residents. And so how...

CHAIR COUCH: Yeah, Department, I guess the question, well first of all, it is government sponsored, I mean the suggestion is to provide adequate government-sponsored affordable housing so that would be just DHHC, it wouldn't be with anybody else. But my question is the next portion of that sentence where it says for Lanai government personnel and residents. I would think that Lanai government personnel are residents, and as Mr. Hokama has said, that's the desires of the community but we still have the issue with if it's government funded that we can't discriminate. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you know, our community...I don't know how to state it. Historically, let me say historically the State has provided housing for teachers on Lanai since we had many that were just there to be tenured and then move to a school of their preferred choice. But we also have State firefighters at the airport. We have State transportation people with Highways on the island. We have County police officers, County firefighters, State hospital personnel. There's a lot of government requirements on the island, and for this County we provide housing for the Police Department in County-owned --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --housing. The State provides teachers on the, in State-owned housing. Part of I think the reason that the community feels strongly about this is that at times that's some of the excuses we are given why we don't have certain services or the level of service is not where it should be --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --because of housing issues. So I can understand the Committee, community making this a concern, that I can be supportive. But I would

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say the partners would be, you know, the State agencies as well as the County agencies.

CHAIR COUCH: So adding State, maybe State agencies as a partnership in that?

COUNCILMEMBER HOKAMA: I would say so, Chair. I mean they do have...

CHAIR COUCH: Consensus with that?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay, thank you, Ms. Cochran, for bringing that up.

COUNCILMEMBER HOKAMA: Yeah, thank you.

COUNCILMEMBER COCHRAN: Yeah. You're welcome.

CHAIR COUCH: So we're going to add State agencies, various State agencies as a partner. Got that, Mr. Molina? Okay, great. Thank you. All right, back down to 11.11, Line 1. The Department says assist with workshops with the community to explore different housing types and development patterns that could be utilized in an expansion of Lanai city, or in new residential areas. They say assist with, the Lanai, LPC said hold workshops, and they have Planning Department as the lead County agency and Pulama Lanai as the, a partner. Any reason why you wanted to say assist with as opposed to hold?

MS. MAYDAN: The Department felt that through the master planning process and design process for these communities, for these expansions, that it would be the developer who would hold these workshops, and that it wouldn't be completely the onerous of the Planning Department but that the Planning Department could play a supportive role --

CHAIR COUCH: Oh, okay.

MS. MAYDAN: --in workshops like this.

CHAIR COUCH: Okay. That makes sense. Members, consensus with leaving it as assist with? Okay.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I would say well, Lanai is kind of interesting, you know, this project, our project was under DHHC, now it's under Department of Management, and yet we talk about doing this type of housing varieties and development. And now it's

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Planning Department. For Lanai I would say we need to make up our mind who's the lead agency, Housing, Management, or Planning Departments, and I don't know why we wouldn't put as partners Hawaiian Homes 'cause they have their subdivision right there. Definitely Pulama 'cause they've got already lands approved to build housing, and we're there, so we definitely need to be there.

CHAIR COUCH: So you're saying putting in DHHL as a partner and DHHC?

COUNCILMEMBER HOKAMA: Well, they definitely will have impact on the expansion of the city since they already have lands approved.

CHAIR COUCH: Okay. And these are holding workshop, this is talking about workshops at this point.

COUNCILMEMBER HOKAMA: Why wouldn't we include them?

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: They're part of the community.

CHAIR COUCH: You got it. Members, any objection to putting in DHHL and DHHC as partners in that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, great. And then keeping the language as assist with or adding, changing the language to assist with.

COUNCILMEMBERS: Consensus.'

CHAIR COUCH: Okay. 11.14, it says explore development of incentives promoting the use of sustainable green building and development practices. They, the Department has suggested that language as opposed to the original language which says develop incentives promoting the use of sustainable green building and development practices. Department.

MS. McLEAN: Because this is in such an early stage, to go so far as to say develop incentives, we need to...we're starting pretty much from scratch on this, so in terms of tracking the implementation of this action item, we feel like we can explore that rather than developing those incentives. You know researching or exploring rather than coming out and developing them, 'cause it could be that there are existing incentives already. So we just wanted to back up a little bit from development.

CHAIR COUCH: Mr. Hokama.

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COUNCILMEMBER HOKAMA: This would be something totally different from the LEED's concept that we're more familiar with, Director?

MS. McLEAN: It could be. It could be similar to that or it could go beyond that. Other than recouping, ultimately recouping the savings that LEED development, you know, there's a high upfront cost for LEED development, you save that over time. So that's the incentive plus getting the certification --

COUNCILMEMBER HOKAMA: Right, right, right.

MS. McLEAN: --if you want that.

COUNCILMEMBER HOKAMA: Yeah, people want that standards.

MS. McLEAN: But I think this goes beyond that. Maybe making it more cost efficient from the first day or I don't know, it's still early enough that I can't comment more than that.

COUNCILMEMBER HOKAMA: Okay. Thank you. I appreciate what you shared.

CHAIR COUCH: And, Mr. Hokama, this...and, Members, this talks about the incentives promoting the use of sustainable, so it's an interesting concept. And I can see exploring the development of those incentives is probably the better way to go on that. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. And then down to 11.15, determine current community housing needs and project future population growth and housing needs based on plans for new development. The Department has suggested of crossing that out. I can see why because that's what's this whole plan is. That's exactly what this whole plan is. Any comments from the Members? Yeah, any objections to removing that?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Consensus. All right, we're on Chapter 12 now, Members. And Chapter 12 all the way through Page 1 and 2 we...and this is government, Governance. Talking about how to deal, what the issues are, et cetera. Take a look at some of the issues and strategies. There's a, Issue 1 is there's a history of ineffective communication between residents and the primary landowner. Issue 2, there are insufficient opportunities for public participation in County government councils, commissions, committees, and boards. We, I know we're working on that. We've done it, we're doing it now with the, you know, it's a limited but it's at least we're working on it. And I know we're working on getting video after that. And we've gone out there more often than I've seen this Council go out. So I think we're reaching out. We can still improve and we're working on that. We are working on the concern, Issue No. 3 is

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Lanai residents are concerned that there is a lack of effective representation at all levels of government. We are working on that as well. We changed some laws to, on specific boards and commissions to require somebody from that island be on those. So those are issues that are there and we continue to work on that. So without objection, we'll go to Page 12-3 which is the Actions. All right. The Department...I'm sorry, I, Department, I stepped on your lines there. You have anything to add to the governance portion?

MS. MAYDAN: No, Chair, I think you covered it well. It just, the chapter touches a bit on the unique situation as far as the island being 98 percent owned by a private entity. And then the relationship you talked about and the remote community and participation in government.

CHAIR COUCH: Okay. All right. So 12.01 on the Governance Actions. It says provide a forum and facilitate regular meetings for the entire community and Pulama Lanai representatives to discuss on-going issues and potential strategies for Community Plan implementation. That has been crossed out completely. Department, can you talk about that? 'Cause that seems like something that we would want to encourage.

MS. MAYDAN: Chair, we felt like that action was not necessary, Pulama Lanai holds regular community meetings to discuss issues. And then as far as the component that says strategies for Community Plan implementation, if you look further down in the table Action Item that has become 12.05, provide the Lanai Planning Commission with annual status reports as described in 2.80B. That's a requirement in 2.80B, the status reports of implementation, and those will be provided to the Planning Commission annually.

CHAIR COUCH: Mr. Hokama, any comments on that?

COUNCILMEMBER HOKAMA: I can verify that Pulama, at least this current landowner does conduct a lot of community meetings, informing them of a specific project, whether it be the renovation of the theatre or information regarding currently the adjustments at the hotels regarding employment. So it's something that the, for me, Chairman, the current landowner has started something that would be hard to stop, because they the one that created this momentum and energy of being willing to inform community on a regular basis. And I think it's a good thing that they're doing. And, you know, I don't see it being a requirement in a government docket for responsible property ownership. So I can support the recommendation.

CHAIR COUCH: Of removing that action?

COUNCILMEMBER HOKAMA: Yes.

CHAIR COUCH: Okay. Other Members? So without any objection, we'll remove that action.

COUNCILMEMBERS: No objections.

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CHAIR COUCH: Okay. 12.02, increase the number of posted agendas and public notices printed in multiple languages. Department.

MS. McLEAN: I'm not aware that we post any agendas or public notices in multiple languages, and I, that would be a tremendous undertaking. As the Council well knows, we staff eight boards and commissions who we have at least a dozen meetings every month of our different boards and commissions. And for those agendas to be effectively translated and I'm not even certain what languages this would be, is just a tremendous undertaking. And something like that I would propose should be a Countywide directive, not just for the Planning Department, you know, for the Council, for any other County boards and commissions. It just goes, it goes quite far.

CHAIR COUCH: Members, before I call on for comment, I would like to just say that yeah, that seems to be if we're going to do that we're going to have to do that department-wide, I mean Administration-wide and Countywide, including the Council and committees. I think that's something that probably needs to be discussed in the Policy and Intergovernmental Affairs Committee, because if we do for one we gotta do for all in this case, and what languages. So I'm fine with removing that language, but I'd like to hear from Mr. Hokama or any other Members as well.

COUNCILMEMBER HOKAMA: I don't have a...I can support the recommendation to remove, and yet I can also understand what the community is trying to get is, you know, information to the maximum amount of people that may have a comment or a concern about what is being proposed in their communities. But I would agree with the Director, this needs to be a Countywide policy, not a district policy. And one, also in that, you know, I always bring up cost but it's going to be a cost factor because more than likely now you're going to need translators. And then can the Council function on a schedule that more than likely is going to take another week of delaying meetings, because you're going to now need translation requirements and then you're going to go and post the seven days or six days requirements of Sunshine Law. So, you know, we should really think this through and let the communities know this is the advantage and disadvantage if we do this.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: And by State Constitution we only recognize two languages, it's English and Hawaiian.

CHAIR COUCH: Hawaiian. That is correct.

COUNCILMEMBER HOKAMA: That's all we recognize as official languages of this State. Thank you, Chairman.

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CHAIR COUCH: Thank you. And what we can do is certainly post or a comment to the PIA Committee to consider looking into that as an official request from this Committee. You okay with that, Mr. Molina?

MR. MOLINA: So essentially you would make a recommendation to refer the subject matter --

CHAIR COUCH: Correct.

MR. MOLINA: --as part as the Committee's recommendations to Council?

CHAIR COUCH: Right, right. And so that would be, just look into multiple languages on agendas and whatnot as a Countywide issue. And that probably that would go to Council which then would probably take it to the PIA Committee. Okay, Members, okay with that? Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, thank you. Yes. But I just was curious how this came about. What, how did this get spurred to be put in here to begin with?

MS. MAYDAN: Councilmember Cochran, I honestly don't know. I don't recall. I don't know if I was at one of the meetings that it did. I don't know if one of the resource people, but I don't recall.

COUNCILMEMBER COCHRAN: Okay. Yeah, if you don't mind, just curious --

CHAIR COUCH: I don't mind.

COUNCILMEMBER COCHRAN: --because I've never seen, you know --

CHAIR COUCH: I can understand because of the...

COUNCILMEMBER COCHRAN: --a proposal like this --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --before in any other community plan ever. So I was just --

CHAIR COUCH: Exactly. That's...

COUNCILMEMBER COCHRAN: --wondering what on Lanai spurred them to want to put such verbiage in. So that's just my question.

CHAIR COUCH: So, Members, without objection, we'll talk to the resource folks and see if they have any recollection as to what happened there.

COUNCILMEMBERS: No objections.

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CHAIR COUCH: Ms. Fernandez.

MS. FERNANDEZ: Hello there. Here we go, Stan.

MR. RUIDAS: I think we put it in but increase the number of posted agendas and public notices so we can get more communication out there to the people. But then it was added in multiple languages. But the body of it was the first part, the added part was multiple languages.

CHAIR COUCH: Oh, I see. Okay. Any other comment from you folks over there on Lanai?

MS. dela CRUZ: I think we added the multiple languages part because we have such a large Filipino community.

CHAIR COUCH: Okay. Okay, thank you. Members, you did hear and that does, Mr. Ruidas did bring up a good point. There's two parts to this, one is increase the number of posted agendas and public notices which can be done, so I'm willing to leave in that portion of the language just to see...yeah, oh, Ms. McLean.

MS. McLEAN: I would ask how are we supposed to increase the number of posted agendas? What do we, I mean I'd like ask Council Services Staff, if you were told increase the number of public agendas, how do you do that? Where do you...I'm not sure, we're not gonna meet, we're not gonna post the same agenda more than once. I don't know how to increase the number of agendas.

CHAIR COUCH: I'm guessing they're talking about number of copies, so not just posted. Let's say I'm guessing it's just happening at the community center or if the meeting is going to be at the senior center that's where they post. I'm guessing that they suggest that there's posting at both locations and potentially other places around the island so that people can see that. I think that's what their, the intent is there.

UNIDENTIFIED SPEAKER: Distribution.

CHAIR COUCH: Yeah. See and I think again that would be a matter of potentially policy, and I don't know that we can legally do that either. I see Mr. Hopper having some concerns just from the body language.

MS. McLEAN: Well for the Planning Department, Mike was suggesting oh, maybe it's locations to, but the Planning Department doesn't have staff on Lanai. And we post all of our meeting agendas online.

CHAIR COUCH: Okay.

MS. McLEAN: We make them as available as we can. So I'm not...

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CHAIR COUCH: So potentially I would think since you're right, you don't have, essentially you don't have staff over there, it would be up to the Council Services Staff there to coordinate something like that I would think. Because what happens now with the agendas? Mr. Hokama, do you recall if there's...

COUNCILMEMBER HOKAMA: Our agendas? Our agendas?

CHAIR COUCH: There's our agendas, there's Planning Commission agendas, there's...

COUNCILMEMBER HOKAMA: Well there's definitely an exterior bulletin board by the County offices where we post all our meetings and our agendas. I think, you know, historically the place to post a notice of a meeting was at the old community post office. There was a large community bulletin board that Dole Company provided and maintained, and that was how most people got their community news. You pick up your mail, you read the board and you go okay, meeting next week Tuesday, by the Council or --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --PTA meeting tomorrow night at 7:00 at the school, whatever it be, that was pretty much traditional. Our merchants, our family merchants has boards at their stores. They've been always very gracious in allowing community members post signs on their boards for another venue of public information. So if the community's, you know, wanting more public posting and displays of notices, I mean it all, then it's going to fall on us, our Staff at Council Services. You know our person, Ms. Fernandez does an outstanding job in helping to get that information displayed. We assist departments when requested but it's not something we automatically do for our department, because they're not under or jurisdiction or our Staff is not under their jurisdiction, but we try to do what we can and from a community information basis, Chairman. And, you know, if they need more signage we can work with State agencies, we can have it posted at the, ask to post at the airport, post at the small boat harbor, post at the school. I mean I don't know what's allowed or not allowed, but I don't have a problem with us trying to have more information out there when we're doing meetings. Because not everybody is tech savvy on the island, not everybody will go to the internet --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --for an e-posting. They're going to either read it through *Maui News* as one forum or hear it from a neighbor or read it on the community board. That's how they're going to get the information, Chairman. Most of them won't go on the County website. You know there are those that every day will traverse the County website --

CHAIR COUCH: Sure.

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COUNCILMEMBER HOKAMA: --for notices, but, you know, I think they just want community informed. An informed community, I should put it that way.

CHAIR COUCH: So, Mr. Guzman, you have comment?

COUNCILMEMBER GUZMAN: Oh, thank you, Chair. Well just FYI, if you go on the County website you can actually register to receive notices via e-mail and you can check which departments and which boards and commissions, and there's a little clicker, you just click on it, exit. And then they'll automatically send you the e-mail notices. And you can, I think you could get taxes, I'm not sure, but you can get really specific on if you're just tracking one department or one board or commission, just click on that. Or if you want it all then just go down the list and click it all and you'll get massive e-mail notices.

CHAIR COUCH: Yeah. And I agree --

COUNCILMEMBER GUZMAN: But just FYI.

CHAIR COUCH: --with that. Mr. Hokama brings up a good point, I'm not sure how many folks there are computer savvy at this point that would be able to do that.

COUNCILMEMBER HOKAMA: I mean if you really wanted to catch up on a daily basis you would go get your coffee at Blue Ginger at 7:00 and get the news. You know or you go to Canoes at 7:30 and get the news. I mean we just have to work with what makes our small communities, you know, I mean, you know, if it's --

CHAIR COUCH: Sure.

COUNCILMEMBER HOKAMA: --Molokai they're going to do it their way, if it's Upcountry, Kula, by Calasa area, they're going to do it their way.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: I mean, you know, Pukalani is going to do it their way. So I mean this is just how we do it on Lanai with getting information out is community bulletin board posters.

CHAIR COUCH: Okay. So you're still okay with deleting that whole thing? But also with a kind of a nudge to Council Services, Ms. Fernandez, that...

COUNCILMEMBER HOKAMA: Again, yeah, she does a good job.

CHAIR COUCH: She does, yeah.

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COUNCILMEMBER HOKAMA: Okay. And, you know, I mean she posts where people allow, you know, we allow any community member to post whatever notice, funeral notice, wedding notice, baptismal notice, you know.

CHAIR COUCH: So she does more than just the one --

COUNCILMEMBER HOKAMA: She does more than just the --

CHAIR COUCH: --location.

COUNCILMEMBER HOKAMA: --basic governmental requirements.

CHAIR COUCH: Okay. Members, you see that there is a need of a little bit more communication, but I think that's on a case-by-case basis. I think certainly Council Services is getting the message that there might be a need for a few more postings, but I don't know that it rises to the level of an action according to the comments from Mr. Hokama. Any comments from the rest of the Committee? So we're okay with then removing that action?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. So, Ms. Fernandez, you've heard our discussion I'm sure and can act. Okay. Thank you. Members, almost done here. 12.07, the Department has...it says implement the use of social media to improve public communication. And the Department has requested to remove that. Ms. Maydan.

MS. MAYDAN: Chair, we recommend to delete that because it has already been implemented.

CHAIR COUCH: Okay. That's easy. Members, any comments, concerns? Mr. Hokama.

COUNCILMEMBER HOKAMA: I think what we heard two weeks ago was that we need to improve the delivery of information through social media.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: Because we've had comments about difficulty accessing the Department's comments regarding the Community Plan consideration.

CHAIR COUCH: Agreed.

COUNCILMEMBER HOKAMA: And so again I'm not a webmaster, Chair, I mean you're better, you're a better informed person than I am. But my thing is I don't have a problem leaving in a comment that says to --

CHAIR COUCH: Improve the use?

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COUNCILMEMBER HOKAMA: --improve the communication. And I wouldn't mind leaving it general, but it can be, you know, adjustments in the webmaster, it may be just changing the way that, you know, the routing is done for specific things on the homepage or whatever it be. But I think we learned some good lessons from our comments we got regarding difficulty --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --accessing the latest information from the Department.

CHAIR COUCH: And that could be Council Services as well as Mayor's Office as lead agencies or actually Council Services at least for...well more of the...we do have notices, I think Council Services is gonna be, would be the lead agency on that. Only because more notices come from us and then a partnering agency would be the Mayor's Office/the Administration, essentially.

COUNCILMEMBER HOKAMA: Couldn't it be Management, then it'll cover all the departments.

CHAIR COUCH: Yeah. So I think, Members, the suggestion is to, I'm going to say encourage the use of social media to improve public communications. We do, we have implemented it but we need to make it a little bit better. Is that, and then the lead agency would be Council Services, and Department of Management would be the partners. Any concerns with that? And consensus on that?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay, thank you. Okay, and I agree with Mr. Hokama, we've had some issues with this specific document, so hopefully we can work on that. 12.09, create a Lanai Community Plan implementation planner position. I believe...I see that that's a specific to the Lanai Community Plan. I'm guessing...you know, I'll let the Department go with that one.

MS. MAYDAN: Chair, we have a new division, Plan Implementation Division within the Planning Department, and so that covers this action. And we do not feel it was appropriate to have a specific only Lanai Community Plan implementation planner position. It's, it is a division within the Planning Department that will cover implementation of the General Plan, Maui Island Plan, community plans.

CHAIR COUCH: And I believe that implement, that Division came up after this document was made or about the same time.

MS. MAYDAN: Yes. And originally this action going in, yes, the Division was created post, after that.

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CHAIR COUCH: Okay. Mr. Hokama, any comments? Concerns?

COUNCILMEMBER HOKAMA: We'll talk about it during budget.

CHAIR COUCH: Okay. All right, Members, the suggestion is to delete that action, and there appears to be consensus.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: All right. That gets us to the end of Chapter 12. We only have Chapter 13 and some appendices left, and then the discussion on the maps. So I think this is a great time to break for lunch. If we can be back here by 1:30 we can get this done for the rest of the day. Hopefully everybody will be here. I know one person has to leave at 2:00 or 2:30, but I think with enough Members here we can get this finished. So, Members, thank you. And I...please be back here by 1:30. We are now in recess. . . .*(gavel)* . . .

RECESS: 11:51 a.m.

RECONVENE: 1:34 p.m.

CHAIR COUCH: . . .*(gavel)* . . . Will the Planning Committee meeting of February 5th please come back to order. All right. Members, thank you for getting back here in a relatively early time. We're on Chapter 13 now. This is the Implementation and Monitoring plan, and if we can have a discussion and an overview from the Department, I would appreciate it, and then we'll go on from there.

MS. MAYDAN: So Chapter 13 discusses the Implementation and Monitoring program which the bulk of it is the Implementation Table which is a compilation of the actions from all the chapters that you've been reviewing that implements, that are needed to implement to actualize the Plan's vision, the goals, the policies. The primary addition in the Implementation Table from the action tables that you've been reviewing is the addition of prioritization. Also within Chapter 13 is Monitoring and Evaluation program which establishes a strategy to track the implementation, evaluate the effectiveness of policies and programs, monitor the quality of life on Lanai, and allow for periodic program adjustments. That's kind of an overview of the chapter as far as just its structure.

CHAIR COUCH: Okay. Members, a couple things, we're going to get to in the back of this is a table and that will have the list of priorities that the community put on there. Keep in mind that we've changed a lot of the actions, and so some of the actions will have been deleted or changed or we have added some. And I'll explain to you when we get to that how we're going to handle this section. So first of all in the Implementation and Monitoring Section, on Page 13-1, the Department has added significant language to the end of Paragraph 2. Paragraph 2 starts off with the implementation schedule is included in this chapter and includes a description of the project or program, priority,

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timing, lead implementation agency, estimated cost, and potential funding source(s). Then they added actions may be implemented by the lead County agency or by another agency [sic], such as the State or nonprofit groups, and assisted by a County agency. Actions are identified as either Priority 1 or Priority 2, with Priority 1 being the highest priority. Identifying high priority actions helps agencies focus on implementing key actions considering time and budget constraints. Priority 2 actions are still considered important for implementing the Community Plan. The following questions were used to identify Priority 1 actions: one, will the action address an urgent issue? Two, is the action required for public health and safety? Three, is the action required by legal mandate? Four, is the action required to prevent the irretrievable loss of a resource? Five, will the action benefit the majority of the community? Six, will the action significantly improve the quality of life of Lanai residents? We need to change that. At least in my marked-up version it says Molokai. And seven, is the action required for other actions to be initiated? And eight, is the action already funded? So, Members, those are the changes that the Department wants to make on Page 13-1. Department, do you want to mention, talk about that or...it's fairly self-explanatory, but go ahead.

MS. MAYDAN: I would just mention that the first sentence that you read, that was added, and a sentence that, actions may be implemented by the lead County agency or by another entity with the County assisting. We just wanted to clarify that because there was a number of actions in the tables that we have the County as a lead but a lead as in assisting --

CHAIR COUCH: Correct.

MS. MAYDAN: --perhaps a State agency. So that was a clarification we wanted to add. And then as far as talking about the prioritization and the questions, we just felt that adding this in, this process was used when we reviewed the plan with the Planning Commission. And these are the questions that they used to help themselves prioritize the actions. So we thought that it was important to include this in the text so you could see the thought process that went on.

CHAIR COUCH: Okay. Members, any question with that language? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And so then the last two sentences in the draft are kept in, adds to what you just --

CHAIR COUCH: Correct.

COUNCILMEMBER COCHRAN: --read off?

CHAIR COUCH: Correct.

COUNCILMEMBER COCHRAN: Okay. So you just read in the insert and...

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CHAIR COUCH: The end of Paragraph 2, everything else is still the same.

COUNCILMEMBER COCHRAN: Okay. 'Cause I guess we did have some written testimony in regards to further defining what is reprioritization and adjustments and that type of verbiage to explain, and does it go back to Lanai Planning Commission for comments? Can they, you know, whatever the actions that you're stating are going to occur, that it gets re-vetted or somehow some type of, you know, comment period or --

CHAIR COUCH: Well we have...

COUNCILMEMBER COCHRAN: --___ to it?

CHAIR COUCH: The way this is going to work is we're going to get through what we can today, then we're going to go back to Lanai and pass completely out of Committee, probably tagging on to the budget, when we go over for budget. Once it's...that's one section of testimony. We will accept of course written testimony all the way through. And then once it's passed out of Committee, there's still going to be a Council public hearing as well before it gets first reading. So there'll be two more instances, both on Lanai that people will have a chance to testify --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --and discuss. As far as going back, I mean the process has always been that once it leaves the Lanai Planning Committee, it gets changed by the Department. Not a lot here in this case. But it gets changed by the Department and then those recommendations are brought to us and we take any and all measures that we can. We can accept their recommendations or not as we have done in this. Going through this some, most recommendations we accepted, some we said no, and some we added, and some we changed. So recommendations, they didn't make any recommendations but we changed on our own. So none of that goes through any other review process other than through us and then opportunity for two public testimony and public hearing sections. So that's kind of the way that works.

COUNCILMEMBER COCHRAN: Right. Well, as long as there's opportunity for people --

CHAIR COUCH: Yes. They're definitely going to.

COUNCILMEMBER COCHRAN: --that have concerns to voice themselves --

CHAIR COUCH: Yep.

COUNCILMEMBER COCHRAN: --and then we can act on that.

CHAIR COUCH: Yep.

COUNCILMEMBER COCHRAN: Thank you.

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CHAIR COUCH: And that's especially what we're going to do some time in April with the, when we go over for budget. Okay. Any other comments on that? All right, so without any objection, we're going to accept that language.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. That's it for the Chapter 13 Planning Committee, Planning Department changes. Now there's the table. Let's take a look at the table. Everybody turn to Page 1 of the table which is at the, it says the Lanai Community Plan LPC Final Draft October 14 Implementation Actions. And if you take a look at the table, it essentially has the action numbers. It looks like it's done by CIP, you know, it goes into CIP, Environment/Natural Resources, Hazard Mitigation. I mean it goes through each chapter and any implementing actions, the descriptions. Keep in mind the descriptions may have changed from what we've done or may be completely gone. I would like to talk, like everybody to note that there is estimated, there are estimated costs when possible. And we have Priority 1, Priority 2. And it turns out that our Budget Chair is also the Lanai representative, so I'd like to have him kind of discuss his thoughts on this, the priorities and the budget and the recommendations.

COUNCILMEMBER HOKAMA: Thank you, Chairman. My comments is pretty consistent what I shared with Members throughout my years of serving. For one, I would say I have no problem maintaining what the community has recommended as Priority 1 or Priority 2 for the various project descriptions, Mr. Chairman. I for one would prefer that we recognize how the community prioritized what they felt was the top issues or program services, CIP requests. And I for one don't plan to make any adjustments to what the community's recommending. I would just say that as the overall Budget Chair, you know, it's going to be our job. You know it may be Priority 1 from the Lanai Community Plan in a specific area, but from a total Countywide perspective it may be Priority 13, as an example. The Councilors I feel will need to make that Countywide perspective decisions on policy and funding at the appropriate time, but use the community plans as a guidance for us to put into perspective where the district feels it should be within the County's financial resources. So that's how I plan to approach budget, Mr. Chairman and Committee members. And I think that's the first way for us to deal with the community's recommendations on priority. Thank you.

CHAIR COUCH: Thank you. And, Members, this also will be a roadmap for if we get into discussions or deliberations in the budget at some time, not necessarily this budget because this won't have passed by then. But we'll be able to look back at this when, if there's conflicting needs we say oh well, this was rated Priority 1 or Priority 2 in the Lanai Community Plan. So we'll have this as something as backup for our comments. Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I would just ask if you and your Staff would assist us, Mr. Chairman, that by some of the previous actions of the Committee in revisions, if they have impacted the priorities that maybe we be aware. And that's part of the

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recommendations we would ask the community then to give us in comment when we return to the island.

CHAIR COUCH: Okay. Yeah, when we have the final draft for when we return to the island that will be taken into account. So, Members, you heard what Mr. Hokama said. His recommendation is to go with what the community says. These are the community's priorities, and that may not be Council's priority in an overall sense but if we need to choose between a couple of items, at least this is what the community recommends. The Planning Department did not make any changes. Having gone through this, I haven't seen anything, any, you know, something standing way out that would warrant a priority change. One small thing that I have, I would ask...well, it depends on what we do with the land use, but I would ask the Member from Lanai, is developing and constructing a fire and safety and rescue services facilities at Manele. That was listed as a top priority. Is that, so you're asking, they're asking for a second fire station and potentially ocean rescue?

COUNCILMEMBER HOKAMA: In my earlier discussions with the Department, we were looking more at a substation, Mr. Chairman, at that point in time. I think it's only responsible for the Department to make a, you know, more current reassessment. But for me until we get the one and only main station on the island staffed and equipped at the level it needs to be, I will not be looking at other stations for the island.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: You know my thing is you need to take care your main base first so that if and when need be, you know, the appropriate level of, then consideration for a substation or a Manele/Hulopoe facility, we can consider at that point in time.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: But I won't move it until we take care of the Lanai main station, Chairman.

CHAIR COUCH: All right. Members, what I'm suggesting is to leave the recommendations as is unless you have a specific really desire to change a priority on any one of these, as per Mr. Hokama's comments. If we do have we can go right through them, if not I suggest that once we get the updated version, you go through one more time to see if something makes sense to change the priorities. Unless you wanted to go through each one of these individually now, I think I'm willing to take the recommendation of the representative of that island and go with the community's recommendation. It's been vetted through the Community Plan Advisory Committee, the Lanai Planning Commission, and the Planning Department and nobody's, this is the final version. So without objection, 'cause I don't see anybody raising their hands...oh --

COUNCILMEMBER COCHRAN: Chair?

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CHAIR COUCH: --Ms. Cochran.

COUNCILMEMBER COCHRAN: I do have...where in here...as I've been hearing over and over from some people of Lanai in the community that a lot of the decisions and the bigger picture, build-out, what have you of the Plan itself had to do with perhaps the desal plant or some other type of designated water source to accomplish all of this. And so because that seems to have fallen through where is that notated in here of some kind, in an appendix or somewhere, I don't know, that states that in...

CHAIR COUCH: In Chapter 7 we added language to basically say if you don't have the water you aren't going to be any do any. And Staff might be able to point to that, but we did discuss that in Chapter 7 to make it clear that without available water they weren't able to do any additional or any, a complete build-out of this. They had to have sufficient water as we went.

COUNCILMEMBER COCHRAN: Right. I mean just as it relates to the implementation and monitoring of this itself. Not going to implement if you don't have the source for, if it's potable or brackish or any type of water being needed to carry all this out. And so I guess until there is...

CHAIR COUCH: It's, we added it or actually the Planning Department added it. Page 7-5, Line 25 to 28 they added the policy, support the provisions under "Land Use Entitlements" of the Water Use and Development Plan by deferring additional or incremental discretionary entitlements pending careful consideration of the adequacy of long-term water supply sources and infrastructure. And we had a long discussion on that. I know my concern if it was tight enough, and after we had some discussion with everybody, we decided that that was sufficient enough to make sure that they have the water supply. Would you like me to read that again?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR COUCH: Okay. It says support the provisions under the "Land Use Entitlements" of the Water Use and Development Plan by deferring additional or incremental discretionary entitlements pending careful consideration of the adequacy of long-term water supply sources and infrastructure. So basically it's saying you can't add until you've got enough water. And if there's a concern with that we can ask Corporation Counsel if that basically limits them to making sure that they have enough water before doing any of these issues or implementing any of these developments.

MR. HOPPER: Mr. Chair, whether or not a project is able to go forward is going to depend upon the regulations in place at the time for that project. If they're going to be required to have water through the "Show Me the Water" Bill or some equivalent, that's going to apply at the time. If the water source is not available and is required for a particular entitlement such as a Change in Zoning, that's something that the Council can consider in entitling that project and say we are not going to grant the

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project. But generally those decisions are made at the time that the entitlements are sought such as --

CHAIR COUCH: Right.

MR. HOPPER: --if the Council's looking at a Change in Zoning, they can evaluate the water source and development. If the State Land Use Commission is looking at the same thing, they can evaluate the water source availability, but generally they do not require proof of a long-term water source at the Land Use Commission level, as an example. They can certainly ask questions and generally they could deny a project if they believe that they had not adequately shown the potential for future water source development. But generally that's not something that it's, is going to prohibit development if, prohibit the granting of entitlements. And so if we're going to look at language it, that's going to do that, I think it would, you know, be unprecedented in the County, but I'm not sure if that's the actual intent of the language. It says adequate. It doesn't specify desal, I believe it says whatever adequate sources are made, but...are arrived at. But it's highly unusual to have, if the intent is to prevent future entitlements, discretionary entitlements that the zoning, a zoning ordinance would deal with, generally that's, it'd be a bit unprecedented to do that through a plan that's going to ban all future entitlements or require new things. That's something in the Change in Zoning Ordinance that requires an assessment. So generally those decisions are made during the entitlement process.

CHAIR COUCH: Thank you. And just for the Members and anybody who needs refresh, their memories refreshed, we did discuss the fact that most of this Plan was based on having enough water through the desal plant. And now, at least for now the desal plant is not on the table. We discussed this language and thought it was sufficient enough, and after Mr. Hopper's discussion, I think it still is sufficient enough to say look, you can't do it unless Council wants to override, you know, the fact that you don't have any water. I think it's, this is sufficient enough to say look, we're, we have to carefully consider the adequacy of the water supply source and infrastructure. And if there's no water from the desal and they're tapping down to the last limits, I'm sure Mr. Hokama is going to be very vocal about the fact that they have no water, so how can we support this project. Or whoever the Lanai representative is when this comes up. Of course in 20 years it still could be Mr. Hokama. Yes, Ms. McLean.

MS. McLEAN: Chair, if I could comment. At the beginning of the Water Section, the beginning of Chapter 7, Page 7-3, it does say that the CPAC predicated their decisions on the availability of significant additional water sources for future development proposals. And that's under the section called Existing Conditions. So that was established early on in that chapter. It should be noted though that additional water sources doesn't have to be desal.

CHAIR COUCH: Correct.

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MS. McLEAN: It could be conservation, it could be improved groundwater recharge, it could be increased use of reclaimed water. They're all, there's a variety of ways to have increased additional potable water sources. So desal I think was foremost on their minds at the time but it could come from other places as well.

COUNCILMEMBER COCHRAN: Yeah, okay. No, I'm okay.

CHAIR COUCH: Okay. Any other questions on the Implementation section? Okay. Moving on to the Appendices. Oh, and I don't have 'em in this list. Okay. Appendix, Page A-10, Appendix 3.2. So turn to A-10, 3.2. Oh, we're having a change of staff here. A complete change of staff, look at that. Want to welcome back Ms. Jorgensen and also welcome to the desk Planning Director Spence. Good afternoon, Mr. Spence.

MR. SPENCE: Good afternoon, Chair.

CHAIR COUCH: Okay. Page A-10, the suggestion of the Department is to delete Appendix 3.2, Lanai Forest and Watershed Partnership List of Partners as that Lanai Forest and Watershed Partnership no longer exists. Is that correct, Mr. Spence?

MR. SPENCE: That's correct.

CHAIR COUCH: I believe we discussed that in the, in Lanai. Mr. Hokama, any comments?

COUNCILMEMBER HOKAMA: You know on this one, Mr. Chairman, I'm not ready to support the Department's recommendation to delete this from the appendices. You know my office is currently reviewing documents that says this thing exists until 2020-something. So, you know, I prefer not, I would ask if the Committee would indulge me and just defer action on the recommendation from the Department.

CHAIR COUCH: Okay. Mr. Spence.

MR. SPENCE: If the Committee wants to defer, that's fine with me. I would just add an additional comment that we normally don't, I'm not familiar with any of the other community plans where we've listed private partnerships between landowners and other entities. So but that's, so I would just question whether this is the proper place for that anyway, but that's the Committee's call.

COUNCILMEMBER HOKAMA: That would be my request, Chairman, if we could defer this until I'm able to give the Committee a little bit more accurate information.

CHAIR COUCH: Okay. So without objection, we'll just defer this at the moment.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Page A-12 through A-23. Well that's a big appendix. It says Appendix 9.1, Lanai Project Districts - List of Prior Required Agreements and

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Conditions of Approval. I'm not sure what the Department is asking for on this. You're saying it's incomplete and redundant with the Maui County Code Title 19 listings of ordinances on the County website. Oh, you want to delete the whole appendix? I see that, I missed the word delete right there.

MR. HOPPER: Mr. Chair?

CHAIR COUCH: Yes.

MR. HOPPER: I can maybe assist with this. This is something that was discussed at the Planning Commission, I was present, and with the Department. This is apparently a list, I'm not sure how it was compiled or whether or not it's comprehensive of some conditions of zoning that have been adopted by ordinance. A, this is not a required component of a community plan. B, it is an incomplete, potentially an incomplete list and cannot verify the accuracy of all the information in here. And it's, could be deceiving as far as putting zoning ordinances that already exist as part of a community plan. The concern is that there'd be incomplete information. If something like this wants to be, you know, provided to the public...well first of all, it's public record anyway, but if there's a compilation list that can be provided to the public, that's fine. But my concern was putting it as part of a zoning, as part of the Community Plan with it not as a required component and with a potentially non-comprehensive or inaccurate list was potentially problematic. Listing all of the zoning ordinances in a community plan is an extremely odd thing. I don't think I've seen it in another, in any other context, and that's when the Department asked me for advice on this, that was the recommendation. Also, these aren't, I don't understand why these would be prior agreements, they're, they appear to be laws, basically ordinances passed by the County. They do not appear to be so-called private agreements and things like that that were discussed separately. Which again would be inappropriate for placement in a community plan because they're, if you read the components of what the Plan is required to contain it's not listed there. So that was the problems that I had observed and advised with the Department and the Planning Commission.

CHAIR COUCH: Okay, thank you. Mr. Spence.

MR. SPENCE: Mr. Chairman, Committee members, I agree with Mr. Hopper, it is extremely unusual to list ordinances. I mean this is supposed to be a plan, it's not supposed to be a comprehensive documentation of all the applicable land use laws that apply to the island of Lanai. The, I would also say that the, I bring up the question, okay, so if this is a part of, if this is one of the appendices of the Plan and the landowner comes in and wants to amend say one, even one little section, say setbacks for some un-built part of a project district, do they then have to go amend the community plan as well and trigger the whole EA process and all that stuff? It seems like a lot of unnecessary regulation in order to accommodate, you know, I mean it, there may be big things that want to be amended. But potentially even just a small thing would require an EA. These documents stand on their own. You can go to municipalcode.com [sic] and

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download all of these. It's readily available to the public. It's not necessary for these to be within the Plan.

CHAIR COUCH: Any comments from...Mr. Hokama.

COUNCILMEMBER HOKAMA: I can appreciate the Planning Director's comments, Chairman. But on the other hand, how well do we do compliance checks as a County on any zoning conditions? I'm not just talking about our project districts on Lanai, I mean Countywide. Unless we have a complaint, it comes to us, I wonder who does compliance checks. So for me while I can understand the Director's comments, I have an issue about the County not following through on compliance. So I don't have a problem putting in a document somewhere that reminds government employees that they have a job to do in compliance and follow through. So if this is not the venue then, Chairman, I would look for another venue. But the Plan is predicated on those two key project districts, and to understand the current situation you gotta understand the project district legislation. Okay. For those of us who've lived through it, it's a little different, but for those that haven't gone through it and who's going to learn through reading the documents, well I don't have a problem telling them where to look for that information.

CHAIR COUCH: It would be municipalcode.com [sic] I think is where they would go.

COUNCILMEMBER HOKAMA: Well if this is where they're getting that information now and this information as presented is incomplete and, or well this part may be redundant but this is incomplete, what are they telling me what's on the books now then? Is that incomplete too?

CHAIR COUCH: Well, I'm reading the, under the purpose it says this list was developed in response to the CPAC's members concerns about prior agreements and conditions of approval for the Manele and Koele Project Districts that either may not have been fulfilled or may be currently out of compliance. This list was compiled from research of historical documents and may not represent a complete record. So I'm guessing the planning, either the CPAC or the Lanai Planning Commission put that in --

COUNCILMEMBER HOKAMA: Well...

CHAIR COUCH: --trying to compile from municipal code and whatnot.

COUNCILMEMBER HOKAMA: Well I could be definitely on a different position if someone could tell me that we have a current status that can give me a complete assessment of all conditions whether it's been complied with, ongoing, hasn't been initiated, or what, I'd feel a lot better.

CHAIR COUCH: And, Mr. Hokama, maybe if we do it though...and I'll get to you in a minute, Ms. Jorgensen. Maybe if we do as a communication from this Committee to the Council to ask for a compliance update. And that can come through either I would

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think it would be this Committee or maybe PIA, I'm not sure. But to actually have that as an item to go through.

UNIDENTIFIED SPEAKER: Sure.

CHAIR COUCH: So would you be willing to go through that? 'Cause I'm concerned, when Corp. Counsel's concerned, most of the time I'm concerned too. But I'd be willing to absolutely put in a communication saying let's go through and find out. Everything that's in 19.70, 19.71, what the conditions were, because unfortunately most of the conditions aren't put in, they're in the ordinance but they're not put into law, so we'd have to go find the condition. I mean I'm sorry, they're in the ordinance --

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR COUCH: --but--yeah--and they're, but they're not into the County Code. So we would have to do some research, the Department would have to do research and then compare it to with what's going on, but I think that's something that they can do. And then that can be a whole item for this Committee at some other time. Mr. Hopper.

MR. HOPPER: And I wanted to note again, I did state this earlier that the zoning conditions are, those are ordinances adopted and passed by the Council, they're independent of the current and the future community plan. So if there's compliance issues with that or if, they exist completely independently of the community plan.

CHAIR COUCH: Right.

MR. HOPPER: So that's an important distinction. And whether they're listed here or not listed here or whatever else is said in the Plan, if there's existing conditions of zoning those will, those would be in effect independent of the Plan or the new Plan until they're amended by the Council.

CHAIR COUCH: Right. And that's my contention too is that it isn't part of the community plan but it is something that this Committee in a different item can certainly pursue and has pursued before on different projects. We do, we have one coming up pretty soon is the Makena conditions. Unfortunately it appears that at the time that these conditions were given, they weren't required to do an annual report or any kind of compliance report, at least to the Council. They may have to do one to the Department. But I'm willing to bring 'em up and say okay, where are we on all the, what are the conditions and where are we as far as compliance in another item in this Committee. I'd be happy to do that.

COUNCILMEMBER HOKAMA: Well, you know, Chairman, I appreciate your willingness so I thank you for that. You know I understand the community's position on why they want this in the document. And for me it says something, it's not just about the level of trust with Pulama Lanai, it's also the community's level of trust with this County government. Okay. 'Cause they're not just also, you know, we're not just talking

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about the relation between the community and the company, it's between the community and this County government also. And I want to help, you know, if this document can help put back some trust and confidence in the Lanai community in its County government then I am open to those and willing to do those attempts, Mr. Chairman. Okay.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: 'Cause I am...well I'm not tired hearing it, it's never tiring to hear comments from the community, but it's definitely tiring when I know we can do better, and I'll leave it at that.

CHAIR COUCH: Okay. Department, I know you wanted to have some comment. No?

MR. SPENCE: Okay. Yeah, Mr. Chairman.

CHAIR COUCH: Okay.

MR. SPENCE: You know as was stated, the ordinances stand by themselves. Those ordinances were vetted by the County Council and they were approved to, as to form and legality by our Corporation Counsel. The wording of those is very precise, and, you know, I was not there when the Council was forming conditions. So but I, but having worked with the County Council I know very often you're very precise with the wording of conditions and the, everything about the ordinance. This is something of a summary. I can't say that every word is exactly as the County Council said. I mean I have full confidence in the ability of Planning staff; however, does, the ordinances themselves were vetted by the Council and reviewed by County Council. But this, what your, this appendices is a summary, and I would hate at some point in the future when presented with perhaps an enforcement issue and the wording in the community plan is slightly different than what the actual ordinance says. That to me, that creates a lot of confusion in the community as where we're looking for, I mean potentially as where we're looking for surety in the community and with the Council and with enforcement. So I would prefer that this be taken out. I would be happy to compile all these ordinances into...I mean they're available on the web anyway, but I would be happy to compile them all into one PDF downloadable that the community can, you know, put in their, if they got the capacity in their cell phones, at least on their desktops and, you know, they can search through them, et cetera. And then, you know, I can't speak for the landowner but it seems like it'd probably be a good idea to do a compliance report and then we would review that and report to the Council when, you know, when that matter comes up. Lynn's bored, she needs something to do.

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: Well I, you know, I thank you very much, Director. I appreciate that offering from that, you've just proposed, so thank you very much. I for

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one think it'll assist the Council as well as the planning commissions on some potential future land use considerations before us. But the reason why, you know, I've been kind of stuck on this, not just hearing some of your words this afternoon but throughout the time we started on Lanai. I don't know why but is there...and you can just, if you can tell us, tell us. The continued discussion about amending the ordinances, so are you giving me one head's up that there's proposals to amend the project district ordinances or Lanai zoning ordinances, that's why you prefer that certain documents don't get clouded up or whatnot because you're anticipating revisions to the ordinances?

MR. SPENCE: No. I'm...Mr. Chairman and --

CHAIR COUCH: Go ahead.

MR. SPENCE: --Councilmember Hokama, I'm not suggesting there's going to be any amends, I'm not aware of any, but I just know from time to time we go oh my God, we, we made this mistake, this wasn't clear in whatever ordinance we passed, we need this little amendment. And so if such a small amendment happens to appear in one of these ordinances and even if the County Council agrees with it, yes, that's a good thing that we should clarify, we may have to send, you know, through the whole EA process and everything. And I just, I, we're trying to make the land use stuff easier, not easier but less --

CHAIR COUCH: Bureaucratic.

MR. SPENCE: --bureaucratic.

COUNCILMEMBER HOKAMA: I understand what you're saying, Director. Don't get me wrong, I understand your situation, and I appreciate your willingness to work hard on it. So no, I can appreciate your comments and I understand what you're saying. I'm fine, Chairman.

CHAIR COUCH: Okay. Members, having heard the discussion and the comments, it's the Chair's recommendation to still delete that because of potential changes and potential EA requirements and whatnot. But it's also the Chair's comment that we should through subject matter, through communication to Council to refer a compliance to Chapter 19.70 and 19.71 of the Maui County Code and its conditions. We would like a compliance report from the Department. You got that, mister...Jordan? Mr. Molina.

MR. MOLINA: Mr. Chair, just to repeat for the record, so the Committee's recommending referral of the subject matter relating to outstanding compliance conditions in relation to Chapters 19.70 and 19.71.

CHAIR COUCH: Correct.

MR. MOLINA: And referral to the Planning Committee?

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CHAIR COUCH: The appropriate Committee, but I'm sure it's going to come back to here.
But...

MR. MOLINA: Okay. Well, we'll note appropriate committee.

CHAIR COUCH: Okay. Thank you. Members, is that sufficient with, is that...Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah, I like where you're headed, but I also like this summary here of sorts in relation to all this, 'cause I could just scan these pages and get a good idea of what the conditions were for these project districts which I had no clue. And, you know, the first paragraph, purpose, it states also may not represent a complete record but it gives a general-ish idea of what the development was supposed to adhere and be compliance with. So I see it both ways. And this came from the Lanai Planning Commission recommendations? Or Ms. Jorgensen I guess has --

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: --an answer.

MS. JORGENSEN: This was added between the CPAC, their draft came out and then the Planning Department did revisions that were in track changes that were, was initial draft that the Planning Commission started. And so this came entirely from the Long Range staff in the Planning Department. And it was to respond to as it says in that purpose, CPAC members often in the meeting would bring up there's agreements. And we would, what kind of agreements and there, we didn't know. And it seemed like there were agreements between Castle and Cooke and the residents, and those would be not a concern of the County. And then there were agreements that were related to the project district. And so this was meant to be a tool to be used with the Planning Commission so that they would at least see well, what were the ones that, the agreements that the County might be, you know, have. But it was put together just drawing out, off of the website, and the reason we put that sentence up there in the top is we weren't sure whether we got them all and, you know, there's so many on the website. So it really probably should have been separate from the copy that we gave them. Like I said, a separate tool for them to use during the Planning Commission process.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: And I do understand that that probably should have been a tool. Let me just give you an example, if you look at Page A-14 and under woodlands let's say, no more than 60 percent of existing woodland area shall be cleared. If the community and everybody agreed that they wanted to change that to 50 percent, you would need an EA in order for that, because in order to make a community plan amendment you have to have an Environmental Assessment. So any changes, if this part of the

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community plan and you actually change the Code which is 19...I think that's 71 or 70, you'd want the Code changed to be matched to what's in this book, and then once you do that, you have to do an Environmental Assessment.

MR. HOPPER: Mr. Chair?

CHAIR COUCH: Yes.

MR. HOPPER: Just a comment, I wanted to note that I don't, I mean this is clearly showing existing ordinances and giving dates. If they're amended after this, I don't want the implication to be in order for that amendment to be effective you would need a community plan amendment. In order to change this language it's true, you would have, need a community plan amendment, but again...

CHAIR COUCH: Right, and I'm sorry, that was my intent to...

MR. HOPPER: Yeah. The ordinances are in effect independent of the Plan. To me the greater concern would be like for example in the very beginning it has a section on the 19.70, Lanai Project District I Manele, and the only section of that project district ordinance is 19.70.110. Well that's essentially Section 11, so there's 11 other sections before that and I think multiple sections after that. And, you know, I think the Department looked at that and said well, there's one section that talks about required agreements and so we're going to put that in, but there's also ten other sections that are a part of this ordinance, and some of those do talk about requirements such as irrigation requirements and other things. And that was the only concern. And if there is a list compiled I would, you know, recommend including the actual ordinance that's on file rather than one section of that ordinance that was picked out because it seems to deal with agreements. That's another concern mentioned here, because that's one relatively small portion of a pretty comprehensive ordinance which goes over everything including permitted uses and a lot of other things. And so referencing that these documents exist and things isn't as a big of a deal as trying to adopt the text as part of a plan can be very misleading I think.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR COUCH: Agreed.

COUNCILMEMBER COCHRAN: Right. Okay well I appreciate those, that comment, Mr. Hopper. And so I get a better picture that this is, there's more to it than just what we see here in --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --these pages. So if it's not complete then it doesn't really serve, I guess, the overall...but I do have a question and maybe Mr. Hokama. Just in reference to what is the Brown House or where is it or is that --

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CHAIR COUCH: What page are you referring?

COUNCILMEMBER COCHRAN: --a social hall? No, it doesn't really state it but I think Chapter 13, Page 5 has an action in relation to renovate...restore and preserve the Brown Hall (Social Hall) for continued community use. And so I'm not familiar, is that where we have our County, where we had our meeting? That that's the old bowling alley. So I'm not sure where is that and what is that, because it doesn't seem to be listed in Appendix 5.1 Historic and Cultural Resources. It seems to have every other building of some sort with historic significance, but that Brown House and I'm not really sure what that is or where and if it should be in this, listed here. So it's originally spoken of in Chapter 13 in Action No. 5.05. So and that's Implementation and Monitoring Chapter, and it does say Action No. 5.05, description, restore and preserve the Brown House (Social Hall) for continued community use.

CHAIR COUCH: And keep in mind that that, we changed that.

COUNCILMEMBER COCHRAN: To?

CHAIR COUCH: 'Cause this corresponds directly to Action Table 5.1, Item 5.05. We say provide assistance to a landowner to restore and preserve the Brown House, switch names and columns and...

COUNCILMEMBER COCHRAN: Okay. But still where is that and what is it? And does it need to be listed in a historic and cultural items?

CHAIR COUCH: It's my understanding that it was the bowling alley, is that right?

COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER HOKAMA: No, no, no --

COUNCILMEMBER COCHRAN: No? Okay.

COUNCILMEMBER HOKAMA: --no, no, no.

COUNCILMEMBER COCHRAN: So that's why I'm not clear myself.

COUNCILMEMBER HOKAMA: The Bloomfield-Brown House is named so after a plantation manager by that name. This was pre-Union days, pre-worker's rights days. This is when we had the picket fences, the hibiscus hedges. Somebody didn't like your looks, you were terminated, you lost your company house, you got taken your charge abilities from the markets away. It was a different era on the island. I would say yeah, I didn't find it on those documents, so I would agree, Mr. Chairman, that I would ask that we put that on our, add that facility or structure on the list of important historic buildings.

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CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: It's the same era as many of the other structures that's being recommended for either preservation or consideration for other types of government protection. So I would agree with that, that that is a major...and it has such a historical connection to the community from its pineapple days. You know whether you want to believe the ghost stories about that building or not, you know, it was a major structure for the community at that point in time and it needs to be recognized and maintained as such, Chairman.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So I would keep it in there.

CHAIR COUCH: Before we go any further, that's a separate issue, we're still --

COUNCILMEMBER HOKAMA: Yeah.

CHAIR COUCH: --trying to determine whether or not we want to pull out that chapter.

COUNCILMEMBER HOKAMA: So one more comment...

CHAIR COUCH: But I wanna do, I will bring that up next, is the Brown House.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: You know I know the Committee's having some difficulty with this and it's a tough, tough, tough one even for me, but I will tell you one of the things that can help you is that if you look at Chapter 15 [sic] and you go to that same area that the Chairman had talked to you but you go lower where we highlight Ordinance 2133.

CHAIR COUCH: Chapter which? Thirteen?

COUNCILMEMBER HOKAMA: Chapter 15 [sic]. You know the A-14, the Page A-14.

CHAIR COUCH: A-14.

COUNCILMEMBER HOKAMA: Right. You mentioned the woodlands component of 60 percent, Mr. Chairman. You go further down that page you will see highlighted in red Ordinance 2133. If you look at part of conditional zoning, what is the first thing you see in the black? Establish a loan fund of \$1 million to be administered by the Bank of Hawaii in consultation with Lanai Resort Partners for the purpose of assisting

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current Lanai City merchants with improvements of their commercial facilities. So if you go earlier, back to an earlier chapter regarding that B-CT, the historical designation, the maintenance/preservation of the buildings, you look already there's a condition that says it needs, there should be a pot of money to assist those current merchants with some of these potential issues that an earlier chapter is considering for action. Doesn't this help somebody who has no sense of history of our island? Somebody should say where's that million dollars that I can tap in as a current merchant to achieve some of these goals.

CHAIR COUCH: And that is exactly what I would be asking for from the Department, is saying here's a list of your conditions, has that been met. 'Cause that would be my first question is was that loan fund ever established?

COUNCILMEMBER HOKAMA: And that's part of a compliance report, Chairman.

CHAIR COUCH: Right. And that's exactly why I want to get that compliance report. I think it's, all of those discussions should be held in that meeting. I think that would be a long meeting. We probably should have it on Lanai.

COUNCILMEMBER HOKAMA: So I'm open to another option of addressing the concern, Chairman.

CHAIR COUCH: Yep.

COUNCILMEMBER HOKAMA: I need this concern addressed.

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: So, Members, having that recommendation and coming back to the Council with a request for the compliance report, any objections with removing that appendix?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Seeing none, okay, we'll do that. But we definitely want to do that compliance report. Mr. Molina.

MR. MOLINA: Yeah, Mr. Chair, I just wanted to clarify on the comment made relating to the Environmental Assessment for non-decennial revisions to the community plan. There's two routes in which non-decennial revisions can be pursued. It's either by Planning Director, Council, or by a person, and it's under individual personal, persons who want to apply for changes is when the Environmental Assessment requirement would be triggered, not necessarily for revisions initiated by the Planning Director or Council.

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CHAIR COUCH: Okay, thank you. Okay. Next, Page A-28 which is Appendix 9.4, Lanai Planning Standards. And the Department is asking to delete that appendix because the new list of planning principles and standards is in Chapter 9, Land Use, Page 9-3, conditions of zoning as appendix, as in Appendix 9.4, should be legally determined by County Council at the time of zoning, and should be based on studies and findings made during the entitlement process. 'Cause things may have changed between the this is printed and the time something is actually done. Department, any further comment? Or Mr. Hopper.

MR. HOPPER: I could comment on this in executive session, if you'd like. Mr. Chair, I did that with the Planning Commission regarding these, the issue of deleting this, and in my opinion, there is legal advice and legal issues potentially involved with these, with this language at this time.

CHAIR COUCH: Short recess of two minutes please. . . .(gavel) . . .

RECESS: 2:32 p.m.

RECONVENE: 2:36 p.m.

CHAIR COUCH: . . .(gavel) . . . Will the Planning Committee meeting of February 12, please to order. Members, there was some discussion at the Lanai Planning Commission in executive session about this appendix. And after having a short discussion with Mr. Hopper, it appears that that's going to be necessary here for this item too if we want to discuss this item. So the Chair's willing to if the Members want to do this, the Chair's willing to entertain a motion to go into executive session pursuant to HRS 92-5(a)(4), to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. Do we have any desire to do that?

COUNCILMEMBERS: "No".

CHAIR COUCH: Okay. All right. So then the request is to delete Appendix 9.4, 'cause the new list of planning principles is already in Chapter 9, Land Use, Page 9-3. Is there consensus to that? Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman --

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: --you know, again, our community through its commissioners did meet with Corporation Counsel in executive session. They made a open meeting decision to include it in this Plan proposal. Until I'm convinced otherwise, I don't have a problem having it remain in the document.

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CHAIR COUCH: Other Members, let me just remind everybody that in Page 9-3 we have the land use planning principles and standards which talks about most of that stuff. Yes, and then Ms. Cochran.

COUNCILMEMBER HOKAMA: Chairman, couple things I would just have the Committee take note. The last four, three words of the first sentence at the top, it says for historical purposes. Second, I believe...no we didn't work on all of these requests. But I think this is something that comes to the head regarding again trust, confidence, integrity in landowner and in the County. These were things said to the community multiple times in many, many meetings. Okay. So part of the, I think the community's desire now is we've heard all the talk, let's see the walk.

CHAIR COUCH: And I agree with that. I'm guessing that the compliance report and discussion will shed a lot of light onto that.

COUNCILMEMBER HOKAMA: So again, Chairman, it says...I don't have a problem, it says for historical purposes. The community is trying to make a point. Thank you, Chairman.

CHAIR COUCH: Okay. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I will agree with Mr. Hokama actually. And so I turn to your Page 9-3 in reference and it, but this really details it out more, you know, this appendix. And I guess there's no concerns, as was stated it had been vetted through executive sessions, what have you, to come out with this version and seems to be deemed fit for public viewing and what have you. Is that not, that's not true? You're shaking your head no?

CHAIR COUCH: This isn't a legal document at this point.

COUNCILMEMBER COCHRAN: No, not a legal but I mean it fits...

CHAIR COUCH: When it gets through us it then will become legal if approved with form and legality.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: But right now --

COUNCILMEMBER COCHRAN: For historical purposes.

CHAIR COUCH: --it's not a legal...right. Right now it's not a legal document. Mr. Hopper, do you have any comment?

COUNCILMEMBER COCHRAN: But...

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MR. HOPPER: No, Mr. Chair.

COUNCILMEMBER COCHRAN: Yeah, I mean what may, what I'm saying is that this page currently and the words on it are okay for all of us to sit and read, it's okay for us to discuss openly to the public. So all, anything that wasn't, that couldn't be done, you know, publicly has been omitted or whatever. I wasn't at these executive sessions. So as Mr. Hokama stated, I mean until proven otherwise it seems to be okay at this point, and this is the will of Planning Commission and others who put it here for us to now look at. So I don't see a big issue either, and also feel no need to go into executive session about it. That's my comments on this page.

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I just find it interesting because this is part of the existing Community Plan.

CHAIR COUCH: Exactly.

COUNCILMEMBER HOKAMA: It's in the current document, people. So which was approved by Corp. Counsel and a previous Council so.

CHAIR COUCH: Mr. Hopper.

MR. HOPPER: Again, I have legal advice that I would like to provide to the Committee in executive session regarding this language. It's certainly up to the Committee whether or not it chooses to go into executive session.

CHAIR COUCH: And that's as far as essentially he can go with that. It's the Chair's recommendation that we follow Corp. Counsel's recommendation, but if I get no motion then and no, you know, no vote then we essentially can't hear what Mr. Hopper has to say. So it's the Chair's recommendation to delete Appendix 9.4 based on what it says in here and what information that I know. If there's any comments about this or if there's no objection, that's what we're going to do. Going once, going twice...Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, is the, in reference to the 1998 Lanai Community Plan, is the language identical? Is it, has it been amended in any form or fashion? Is it the exact same language that is in the 1998 Lanai Community Plan, Pages 62 through 63?

CHAIR COUCH: Checking right now.

MS. JORGENSEN: In the 1998 Plan, it has a heading of C. Planning Standards, and then there's an introductory three lines that read the following planning standards or specific guidelines or measures for development and design. These standards are essential in clarifying the intent of the land use and town design objectives and policies and the land use map. And then it is exactly as it is on the page in the

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current update with the exception of there was a Item F which reads no applications for zoning shall be filed for the 1-acre Business/Commercial area at the Police Station, identified as TMK 4-9-6:4, until a new Police Station has been built and the Courthouse has been relocated. The Planning Commission took that off as the police station has been built.

COUNCILMEMBER GUZMAN: Thank you. No further questions.

CHAIR COUCH: Thank you. And still hearing no objections? Okay.

COUNCILMEMBER COCHRAN: To delete you mean?

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: No, I object.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: 'Cause, Chair?

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: I mean I don't want to get, put us in a pickle or bind either, but...

CHAIR COUCH: That's why we need to go into executive session.

COUNCILMEMBER COCHRAN: You know I beg to differ though. So it's, so are we going to be at some kind of legal thing if we end up...

CHAIR COUCH: And that's what he wants to tell us in executive session. He can't say that in open session at this point.

COUNCILMEMBER COCHRAN: I don't want to know the details of it, but why, I don't understand why it vetted through that community to this form, to us. If there's issues why did it come to us to begin with in this form?

CHAIR COUCH: 'Cause it's not a legal document at this point. Before this gets made, when we pass it out of Committee and Council passes it, it then becomes a legal document.

MR. HOPPER: This is a draft.

COUNCILMEMBER COCHRAN: And I understand that. Sorry, Mr. Hopper, but I understand that. And the point is why wasn't those matters being addressed at the time to say once it gets to Council it'll become legal so we shouldn't even put it there. I mean

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that's where I'm having this kind of hard time common sense thing happening. It doesn't make sense. So that's just my stand on that, and...

CHAIR COUCH: Ms. Baisa.

COUNCILMEMBER BAISA: Chair, this is always difficult, you know, when we're being offered a legal concern and, you know, we're not really sure that we want to go into executive session. Might I ask Mr. Hopper how complicated this issue is? Is it going to take hours or is this going to take minutes?

MR. HOPPER: Thank you, Mr. Chair. In addressing the earlier comment, this document has not been approved as to form and legality, it is in draft form. It has not been approved yet. I would also add that at this stage I do not believe it's a particularly complex issue. I can explain in executive session. But to me it is an important issue to, if I was speaking with a private client or a client I would certainly put this in, I would keep the advice confidential. And that is the gauge that I use in giving legal advice to the County and the County Council as my client in this case. So that's why I've recommended executive session.

COUNCILMEMBER BAISA: Chair, it sounds like this is a fairly simple explanation once we can get it done, so based on that I will make that motion.

CHAIR COUCH: So you're moving that we go into go into executive session --

COUNCILMEMBER BAISA: Yes.

CHAIR COUCH: --pursuant to 92.5(a)(4)?

COUNCILMEMBER BAISA: Yes. I think we better err on the side of caution.

CHAIR COUCH: Any seconds? . . .*(long pause)*. . . Okay, no seconds, the motion dies. Okay. Now then we have a...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: You know and I thank Ms. Baisa for her concern, I can appreciate and I understand that concern very well. Let me, maybe if I placed the question to Mr. Hopper this way. The language in the current community plan is already, is that an issue?

MR. HOPPER: That is one of the issues I would like to discuss in executive session. But...

COUNCILMEMBER HOKAMA: The current language is an issue?

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MR. HOPPER: This is, mirrors that language, so yes, mister, Member Hokama.

COUNCILMEMBER HOKAMA: Then why we were never apprised of this before this if it was a problem as it existed for a while? Chairman, why now are we only aware of it?

CHAIR COUCH: So now there are some objections to deleting Appendix A-4. So the Chair will entertain a motion to adopt the Planning Commission...Planning Department's recommendations to delete Appendix 9.4. Mr. Carroll.

VICE-CHAIR CARROLL: Are you asking for a motion to . . . *(inaudible)* . . .

CHAIR COUCH: Yes. The Chair will entertain a motion to adopt the Planning Department's recommendation to delete Appendix 9.4

VICE-CHAIR CARROLL: So moved.

CHAIR COUCH: No seconds? . . . *(long pause)* . . . No, okay. Motion dies. And well, we still have more to go, let's go on further. The Chair will not be recommending passing this Community Plan until we have that discussion, because from the information I've learned I can't recommend passing this Community Plan out. Okay. Chapter 15. We're on the maps now. Yes.

MS. JORGENSEN: Can we, the Planning Department has a couple...

CHAIR COUCH: Can you speak into the microphone, we can hardly...

MS. JORGENSEN: Okay. The Planning Department has a couple additional recommendations within the appendix section.

CHAIR COUCH: Oh, okay.

MS. JORGENSEN: The first is on Appendix 9.2, that's Page A-24. And the language that we'd like to add would be in the third column where you have the heading, it says County Zoning Districts, we'd just like to add a star, a footnote symbol and then below the table have wording as follows, examples of listed zoning districts are not exclusive, as additional zoning categories beyond those listed may be appropriate, or amendments may be made to the comprehensive Zoning Ordinance.

CHAIR COUCH: Members, do you need that repeated again? Mister...yes, one more time.

MS. JORGENSEN: Okay. Examples of listed zoning districts are not exclusive, as additional zoning categories beyond those listed may be appropriate, or amendments may be made to the comprehensive Zoning Ordinance.

CHAIR COUCH: Okay. Members, any objection to putting that, making that change?

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COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Next.

MS. JORGENSEN: Okay. The next change that the Planning Department would like to recommend is to Appendix 9.3, the County Community Plan Designations, and this is on Page A-26. And after the first paragraph, we'd like to insert a sentence, the following sentence, County community plan land use designations are not regulatory. The following list of designations provides general descriptions of types of uses.

CHAIR COUCH: Mr. Hopper, any concerns with that language?

MR. HOPPER: No, Mr. Chair. If the intent is to specify that the zoning, if, the zoning controls the use of the property, I think that's the general intent of the language.

CHAIR COUCH: Okay. Can you read that again, please, Ms. Jorgensen?

MS. JORGENSEN: Yes. County community plan land use designations are not regulatory. The following list of designations provides general descriptions of types of uses.

CHAIR COUCH: You got that, Mr. Molina?

MR. MOLINA: Was that to be included in the first paragraph or to be a standalone paragraph?

CHAIR COUCH: Standalone paragraph? I would think that that would be standalone.

MS. JORGENSEN: Yes, so it'd just be below the first paragraph as a standalone sentence, or two sentences.

CHAIR COUCH: And, Mr. Spence, reason for that?

MR. SPENCE: I think as Mr. Hopper iterated that the land use maps within the community plans are intended to show, they reflect existing uses but also where future land uses are going to go. The, it's really when the County Council goes to implement the community plans, it's the zoning that's regulatory. So if you say Hotel or you say project district and you list all the conditions, those aren't really, those aren't what's in the descriptions for the community plan designations, it's the zoning as implemented by the Council that's the regulation, not the community plan designation.

CHAIR COUCH: And we have that language in there because we've had some real life issues with that, is that correct?

MR. SPENCE: Yes, that's correct.

CHAIR COUCH: Okay.

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MR. SPENCE: I don't think real live issues...and putting this in the plan is not going to alleviate requirements of State law for like SMA consistency, it's just specifically dealing with, you know, how we, how these are applied. And I would say people are, some people are concerned that, you know, we're reducing regulation. If these were regulatory and you have, all of a sudden you have a mixed use designation on a map, are we saying you can go ahead and do that? I don't think so. I think that what the intent of these maps should be is what are, what's currently existing and what are the future land uses going to be. It's not a, it's not just handing out an entitlement. It's one of many entitlements needed to go ahead and build something.

CHAIR COUCH: Okay. Members, any concerns with adding that language? Consensus?

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Thank you. Okay. You know what, before we start with the maps, let's take our afternoon break. If we can all be back here at five after 3:00 then we can get this done in relative haste. So this meeting is in recess. . . .(gavel). . .

RECESS: 2:56 p.m.

RECONVENE: 3:11 p.m.

CHAIR COUCH: . . .(gavel). . . Will the Planning Committee meeting of February 5th please come back to order. All right, Members, we're on the maps now, the fun stuff.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: So on the verbiage, you don't want to go back to any of the verbiage portions? I just had one thing I wanted to follow up on Appendix 5.1, please.

CHAIR COUCH: Oh yes, that's right, you had mentioned that and I said that we were going to come back. Yes, 5.1.

COUNCILMEMBER HOKAMA: That's on A-11, Mr. Chairman. I would say under point No. 3 which states protection, preservation and restoration needs. I would like to have the Committee please consider inserting Bloomfield-Brown House or aka Social Hall as one of those important historical buildings on the island. And maybe also include it under No. 8.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: I would ask the Committee for its consideration on those two points regarding the Bloomfield-Brown Home. Thank you.

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CHAIR COUCH: Okay. Just out of curiosity, Mr. Hokama, where is that?

COUNCILMEMBER HOKAMA: That is, well, for those that know the old Cavendish Golf Course, it's at the backside of hole, green three and tee-off number four.

CHAIR COUCH: Oh, way up over there.

COUNCILMEMBER HOKAMA: It's mauka of what was known as the pineapple plantation manager's residence. It's what was called Haole Camp or Snob Hill historically.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So I would say it's like in between Koele Project District and the Lanai City community, it's on the border, and Cavendish being one of the physical borders on the western edge.

CHAIR COUCH: Okay, thank you. Members, any objections to adding that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. That's consensus on that. And do you need the language, Mr. Molina?

MR. MOLINA: That's the Bloomfield-Brown House?

CHAIR COUCH: Also known as Social Hall.

COUNCILMEMBER HOKAMA: Yes.

CHAIR COUCH: And then he wants to add it to Item 8 as well. Can that, I think addressed your concern too, Ms. Cochran, is that correct?

COUNCILMEMBER COCHRAN: Yes. Thank you. Yes.

CHAIR COUCH: Okay. So, Members, quickly on to the maps. The first few maps are just essentially for our information. I'm sure we're not experts on a lot of this, so I'm guessing that we're not going to want to change certainly Map A which is the environment. Huh? Mr. Spence.

MR. SPENCE: Yes, Mr. Chairman, this Map 3.1 delineates Environment. One of the things identified on this map is the Lanai Forest and Watershed Partnership, and as you know in previous discussion, we had a question of whether that partnership even exists anymore. So if it does not exist we would prefer that it be removed from this map.

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CHAIR COUCH: It's and I know we haven't taken that out, we were going to discuss that probably on Lanai. It's Lanaihale Forest and Watershed Partnership, can we change partnership to area and just make sure that it's there? 'Cause it is a watershed area and --

MR. SPENCE: And...

CHAIR COUCH: --I'm thinking we need to be aware of that.

MR. SPENCE: Yes. But this...

CHAIR COUCH: Speak into the microphone, please.

MR. SPENCE: Is this extends into the dry land, the wet forest at Lanaihale is delineated under a separate, a legend symbol. So it's the, what was or is the watershed partnership extends clear over to the dry side on the, towards the northwest. So it ends, so it's not just the watershed for Lanaihale.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Ms. Cochran.

COUNCILMEMBER COCHRAN: But you wanted to replace partnership with area.

CHAIR COUCH: With area.

COUNCILMEMBER COCHRAN: So forest can mean --

CHAIR COUCH: Just delineate it.

COUNCILMEMBER COCHRAN: --dry land also, it doesn't necessarily mean rainforest per se.

CHAIR COUCH: Right. And that's why...

COUNCILMEMBER COCHRAN: So that's why I think, you know, but my question is what happened to this? That's a huge chunk of land and there's the Kanepuu Preserve and all these other things I notice, there's no one overseeing this, there's no...what's going on with that?

CHAIR COUCH: We had that --

MR. SPENCE: Those are...

CHAIR COUCH: --discussion Lanai but if we can...

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MR. SPENCE: Those things are identified on this map. The Kanepuu Preserve has its own legend identity. The dry land forest scrubs where there's significant quantities of native species and resources, those are also identified on here. The watershed partnership is or was a specific entity, it's not identifying a particular habitat. And that's what the purpose of this map would be, would be to identify specific habitats or specific preserves. Identifying a partnership or even, you know, just having a red line, it would be confusing to me just going okay, what is this, it doesn't, I don't know what it identifies if you just give it another name.

CHAIR COUCH: Well and that's why I'm saying it's an area of --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR COUCH: --the forest and watershed. 'Cause that watershed looks like it extends down to that area as well. I'm not...I mean they were doing that...and I guess let's ask Mr. Hokama. We discussed that a little bit there but can you refresh our memory as to what happened with this?

COUNCILMEMBER HOKAMA: I know there was discussions and I'm trying to get the, an executed document of all the various parties who signed off on this including US Fish and Wildlife. And if I recall right I thought their agreement was until 2020-something. And that's why I had asked for a deferral.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: I am asking US Fish and Wildlife or another governmental agency for an executed copy so that I can better inform the Committee of how to proceed with this request.

CHAIR COUCH: Okay. So, Members, without objection, hearing that, I want to at least defer that until another time.

COUNCILMEMBER COCHRAN: Yeah.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Defer that change. Okay. No. 2, Map 3.2, and these are natural resource and management areas. Any comments, Department?

MR. NAPIER: Yes, Chair. We actually had another comment or proposed change on Map 3.2 or 3.1, excuse me.

CHAIR COUCH: 3.1, back to 3.1.

MR. NAPIER: Yes, yes.

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CHAIR COUCH: Okay.

MR. NAPIER: The sixth, I believe sixth, seventh box down in the legend, the proposed critical plant habitat, US Fish and Wildlife 2012, that layer has been updated so we do want to change that to the adopted layer which, and change the name to just critical habitat (US Fish and Wildlife 2014). Because this layer was consolidated by the State of Hawaii at the end of the year in 2014.

CHAIR COUCH: So they went through with the process without...

MR. NAPIER: No, they just consolidated the US Fish and Wildlife layers into all the, the different species into one big layer, the 50.

MR. SPENCE: Okay. I think the question is has this been adopted by the US Fish and Wildlife?

MR. NAPIER: This is on the State GIS website, and it is no different than what you see here in this layer except...and I'll point it out on the map up here.

CHAIR COUCH: That's the wrong map though.

MR. NAPIER: Well, if you could go back to 3.1.

CHAIR COUCH: He can use a mouse. I believe you can use a mouse too, 'cause...

MR. NAPIER: There's an area right here that it's...

CHAIR COUCH: We need you on a microphone, Mike, sorry.

MR. NAPIER: Okay. There's an area on the north side of the island actually. It's a small area, probably I'm guessing about 200 acres or so, and it is designated in that database.

CHAIR COUCH: Okay. If that exists I don't see any...I mean if it's designated already I don't see any reason why not to add it. Members, okay with that? Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Can you give us a sense of what this means, this critical habitat? We need like Federal agency approvals to do anything in that area? We need State DLNR reviews for the area? Okay, any, just give us a sense of what this means?

MR. NAPIER: Well on Lanai I believe there were 37 species of plants and animals designated, and I believe that...or actually in the State. And I believe that on Lanai there's three that are endangered. And that's what they want to capture. I mean in a nutshell I believe that's what. But there's, just a volume of information that you can read in the metadata for this critical habitat. I can get you the metadata and...

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COUNCILMEMBER HOKAMA: Is this part of what the rest of the County went and, with Maui island also and we had a lot of objections from our agricultural community?

MR. NAPIER: Yes.

COUNCILMEMBER HOKAMA: Is this the same application?

MR. NAPIER: It's the same layer but that is on the State website, the Office of Planning that puts out updated layers of every GIS layer we have in the State, Federal, State, et cetera. So I'm, periodically check those, that website and download the latest layers, and those have all been adopted.

COUNCILMEMBER HOKAMA: Okay. So I'm assuming the property owner, landowner is aware of this designation then on their land?

MR. NAPIER: If they've looked at this map they would be, other than the area I pointed out earlier.

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Please.

MR. SPENCE: How about this, how about if, I mean I understand that there's new data and that's a good thing to get the most current. Can we before this is adopted, let us do some research as to whether this is, has been adopted by the US Fish and Wildlife or what kind of regulatory effect this would have just in identifying this. I mean the map itself wouldn't be regulatory but the...I mean we want to be accurate as to its meaning, and so we will get back to the Committee on this particular item.

CHAIR COUCH: I'm fine with that. Members? Okay. Moving on.

COUNCILMEMBER COCHRAN: Wait, Chair?

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Our map in the binder is different from what's up on the screen, yes?

CHAIR COUCH: It doesn't look like it.

COUNCILMEMBER COCHRAN: The light blue areas I think that aren't designated up there are here. As in the northern area I think that was just being talked about.

CHAIR COUCH: This map, the map I have --

COUNCILMEMBER COCHRAN: Yes.

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CHAIR COUCH: --looks exactly like that one.

COUNCILMEMBER COCHRAN: Okay, 3.1.

CHAIR COUCH: Yeah.

MR. MOLINA: Mr. Chair, they're from the same document.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: And so US Fish and Wildlife were all the light blue and I think Mr. Hokama mentioned he thought perhaps that red oblong area where we had questions about deferring at this point had to do with them also. So but it's not completely...on your map, I don't know, my map's different. 3.1? Is that what we're looking at?

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Okay. Anyways.

CHAIR COUCH: Okay, we'll look into that. 3.2.

MR. NAPIER: Okay. On Map 3.2 the only change we're proposing on that...if Jordan can bring it up.

CHAIR COUCH: Go ahead.

MR. NAPIER: Is to remove the rock and gravel out of the legend, quarry sites.

CHAIR COUCH: Because?

MR. NAPIER: Because they do not exist in our database in this particular map. They exist in other, on other islands and it was inadvertently left in this map.

CHAIR COUCH: Oh, yeah, because I don't see any --

MR. NAPIER: Right.

CHAIR COUCH: --on there. I mean that's manini. You can do it. Members, either way on that one. There's no rock and quarry defined.

COUNCILMEMBER HOKAMA: Well, Chairman --

CHAIR COUCH: Yes.

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COUNCILMEMBER HOKAMA: --I would say that I mean depends who you talk to on the island. I think what's at above Kamalapau, some would consider that an old quarry site. Where Pulama currently does some crushing and whatnot in the, close to the Manele PD, I would say some would call, consider that a quarry site.

CHAIR COUCH: Oh, so the actual...

COUNCILMEMBER HOKAMA: So whether, I mean, you know, it may temporary in nature or what but I mean we got two sites that, you know, various entities have done crushing and quarrying work. So --

CHAIR COUCH: So...

COUNCILMEMBER HOKAMA: --that's just the reality of what's occurred there.

CHAIR COUCH: Department, those aren't depicted on this map.

MR. NAPIER: They are not depicted in our database in the attributes, but we can certainly put them on there if...and I believe I know where, what Councilmember Hokama is referring to.

CHAIR COUCH: Yeah, I'd rather see them on there. If they actually exist they should be on the map.

MR. NAPIER: Okay.

CHAIR COUCH: Members, any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Chairman, a question, please.

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: Under your coral color you have marine resources and whatnot.

CHAIR COUCH: Continuous coral, yeah.

COUNCILMEMBER HOKAMA: Right. And I appreciate that being on the map, so thank you for one. Second, how much jurisdiction do we have in those coral waters? You know if we're going to extend and, you know, really make the aha moku programs work and whatnot then I appreciate this and, you know, I want to advocate for it. But if that's not what we're trying to do and we have, and then Mr. Hopper say well, it's kind of

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tough 'cause you have no jurisdiction, that is State. Then, you know, let's make the decision now.

CHAIR COUCH: If I can, while they're discussing that, my thought on this is if we leave it in there at least we know in discussions on what may be happening upstream or above that might affect, oh look, we've got a lot of coral down here, maybe we don't want to, we want to be a little bit more careful. I would think that that would be at least for informational purposes for us to know where that stuff is.

MR. SPENCE: Yeah. The...Mr. Chairman? The question was what kind of jurisdiction do we have over the coral reefs, I believe. Everything makai side of the upward wash of the waves is Conservation District, so and I think that...I'm trying to remember somewhere where I think the district goes to five miles around the island or something like that. That would be under Department of Land and Natural Resources. However, any land activities that would affect the near-shore waters would be regulated through the Special Management Area.

CHAIR COUCH: Mr. Hopper.

MR. HOPPER: In addition, a Grading Permit process does have a lot of erosion control measures, best management practices, things like that that, I mean it applies whether or not there's coral involved. But that's another example of a County land use regulation that can consider issues, runoff issues and things like that.

COUNCILMEMBER HOKAMA: Okay, Chairman. Well, you know, one is to make sure our community understands our jurisdictional parameters, but also, you know, for us what happens in the hale area, the mauka areas definitely impacts the shoreline, especially the North Shore. I grew up when what is known as Federation Shipwreck was just overrun with oatmeal flake sand. Okay. Not granulated sugar sand, I mean oatmeal flake sand and it was the whole stretch of the beach area. Okay. I remember that from the '50s, was early '60s. Because of siltation, runoffs and whatnot, you know, our reef is dying out there. And so for me I just want to make sure that we can do our part to protect and try and keep as best we can a healthy reef system because for us it's critical. We had testimony about subsistence practices from our native Hawaiian community, I take that seriously. It's part of our State Constitution. We worked hard to put that in the Constitution. And so I just want to make sure that Lanai can do its part in maintaining its native cultural practices, Chairman. Thank you.

CHAIR COUCH: Thank you. Any other comments on that map? Next we're on 3. or I'm sorry 5.1. That would be Cultural, Historic, and Archeological Resources. Any comments from the Department? We okay on that?

MR. NAPIER: Yes.

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CHAIR COUCH: Okay. Comments from the Committee? Again, there's not much we can do on these. These are depicting facts where they're in existence. Okay. Map 7.1, Infrastructure and Utilities. Mr. Napier.

MR. NAPIER: Thank you, Chair. We had some labeling issues down by the Kaunalapau Harbor. There's a couple of purple areas, private infrastructure ownerships polygons that we needed to label, so we will attach the appropriate labels on there.

CHAIR COUCH: Okay. Any other concerns, Members?

COUNCILMEMBER HOKAMA: Mr. Chairman, just a...

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Does the Department look at communication towers and whatnot as part of our key infrastructure like for communication purposes? And would that be something that we should consider placing on the maps? And I just bring that up because Lanai we're in a unique strategic geographical part of the State. Right. Through our towers we're bouncing signals to almost every other island for whatever, for various purposes. And so I don't know if that is something we should consider as part of the infrastructure component. And for me that's one of the assets of Lanai to the rest of the State. We're in an area to relay or help transmit communications Statewide.

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Go ahead.

MR. SPENCE: It's fine with me if we put some of those things on here. I know that in the past like, I mean maybe it, maybe at this scale it doesn't matter. I know there's been some security questions about those kind of critical infrastructure, communication infrastructure that certain Federal agencies no like, you know, specific things, some things put on maps. But I mean I don't know, maybe that's not an issue.

COUNCILMEMBER HOKAMA: And again, I just ask that question 'cause counties, you know, we're making a big push nationwide on the Feds to reinvest back in infrastructure. And part of it is they're going to be looking at counties and our research division to come up with information like maps like this regarding the status of the country's infrastructure and the ability to reinvest in it. So for me it's going to be supporting documentation to make our case to the Feds on the amount of future finances we're going to be looking at them to assist us with reinvesting.

MR. SPENCE: If that's something the Committee would like us to look into, we can look into that.

CHAIR COUCH: Members?

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COUNCILMEMBER HOKAMA: I would ask the Committee to consider it, Chairman. Thank you.

CHAIR COUCH: To ask them to put in the towers?

COUNCILMEMBER HOKAMA: That we should have one infrastructure map.

CHAIR COUCH: Complete infrastructure.

COUNCILMEMBER HOKAMA: Yeah. Again, you know, whatever is appropriate. Not to jeopardize the County but, you know, it's how we're gonna convince the Federal government of certain support.

CHAIR COUCH: Okay. So you guys, does, Members, are you okay with that? Department, you okay with adding? Do we even have that information?

MR. NAPIER: We don't currently...excuse me, Chair, we currently don't have it in our database but I'm sure the police may have it 'cause they do the comms.

CHAIR COUCH: Mr. Hokama, if you're okay with if we have it in a database, otherwise we're going to have to go out and GPS everything.

COUNCILMEMBER HOKAMA: Yeah. No, no, I understand, so yeah, I don't want to make more work for the Department, but I'm saying if we have that data I would like us to utilize it, and if we don't, we should be considering how --

CHAIR COUCH: Getting it in.

COUNCILMEMBER HOKAMA: --we're going to get it squared away.

CHAIR COUCH: Okay.

MR. SPENCE: And...

CHAIR COUCH: And also like I'm guessing if it's not sensitive data.

COUNCILMEMBER HOKAMA: Correct.

MR. SPENCE: Okay.

COUNCILMEMBER HOKAMA: Correct.

CHAIR COUCH: Okay.

MR. SPENCE: Thank you.

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CHAIR COUCH: All right. Next, Map 7.2, Transportation, Existing and Proposed Department.

MR. NAPIER: Thank you, Chair. The only change in this map is to replace the proposed runway in the legend with airport, the language.

CHAIR COUCH: Oh, with the word airport. Okay.

MR. NAPIER: With the word airport.

CHAIR COUCH: Members, any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: No? Okay. Anything else? Mr. Hokama.

COUNCILMEMBER HOKAMA: Under existing road by owner, black is, under the legend is County. There is no County road from the bottom of Maunalei Gulch to past Lopa or Naha. I would say that is currently a road in limbo between the State and the County.

CHAIR COUCH: Where is this one, Mr. Hokama?

COUNCILMEMBER HOKAMA: I would say just south of where Kaiolohia Bay all the way past Lopa toward that smaller end called Naha. At one point the State had Highway 130 signs on it. Okay. And they claimed jurisdiction. I definitely don't want that under the black legend of County 'cause I'm going to dispute that that's our road.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: On the old maps it will say, just says government road, and this was of course early Territorial days.

CHAIR COUCH: Mr. Napier, that road, it basically goes along, all along the beach there. You're calling it Keomuku Beach Trail, is that right? That should be a road?

MR. NAPIER: That's correct.

CHAIR COUCH: And it's in what database as a County road?

MR. NAPIER: This is in our KIVA database as a County road.

CHAIR COUCH: So that means the Public Works Department has...well I don't know that the County...

COUNCILMEMBER HOKAMA: We do not maintain the road, Mr. Chairman.

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CHAIR COUCH: Right. And I don't know that the County, the Council would have had to accepted that, right?

COUNCILMEMBER HOKAMA: Correct.

CHAIR COUCH: That's something that we may need to discuss with Public Works then.

COUNCILMEMBER HOKAMA: Yeah. Mr. Goode is aware that I don't --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --have any intention to accept responsibility for that road.

CHAIR COUCH: Okay. Anything else on that map? Okay, next. Road Ownership I'm guessing is going to be the same, 7.3. Why do we have two separate roads? Because you already talk about road ownership. Any reason why we have two separate maps?

COUNCILMEMBER HOKAMA: I don't know. But I would also say, Chairman, Polihua Road, you gotta wait 'til I die for make, convince me that's one County road.

CHAIR COUCH: Okay. I see the little bit differences in map but it looks like it might be a little bit of overkill but that's all right. Map 7.4, Road Classification, and that means arterial, collector, local, and lane and some trails and stuff. Anything on that map, Department?

MR. NAPIER: No changes, Chair.

CHAIR COUCH: Mr. Hokama, does that look fairly straightforward?

COUNCILMEMBER HOKAMA: Just so that, again, and my apologies for not double checking the definition but a lane is consider what, a substandard road? A lane is one-way street? How do you folks looking at the term lane, please?

CHAIR COUCH: Department.

MR. SPENCE: I can't say, Mr. Chairman. I know this was discussed extensively. The different roads were discussed extensively on the island with the CPAC and the Planning Commission, but the exact definition I can't give you.

COUNCILMEMBER HOKAMA: Okay. What appears to make sense to me from the map is anything that's two-way is local or a local road I guess. A lane appears to be all our current streets that is one-way, and that might be the only difference, but I just wanted to make sure that the Department and I was kind of in sync on that understanding. 'Cause where I live on 438 5th Street it, you know, Koele is shown a lane and that's because it's a one-way street, so I get it.

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MR. SPENCE: I'm not sure there's that much meaning assigned to it, but I'm trying to check with staff and...

COUNCILMEMBER HOKAMA: Okay. Well, I would just say, you know, if we can get this settled because if we're going to move eventually to the standards and guidelines on street widths and everything else then it's got to make sense with the maps too, Chairman.

CHAIR COUCH: Okay. Ms. Jorgensen?

MS. JORGENSEN: Thank you, Chair. I did not really actively work on this, but I believe what they were trying to do is show from the database the amount of traffic. It gives you your different classifications of whether it's an arterial, collector, local or lane. And so it, I imagine this was in the database with that classification on it. But we can look into it more and find the source.

COUNCILMEMBER HOKAMA: Okay.

CHAIR COUCH: Okay. If you can get that before the final that would be nice.

MR. SPENCE: Sure.

COUNCILMEMBER HOKAMA: And if the intent of the Plan is to, for 5th Street to be a collector then I would like that to be a told to the community that that's the intent of 5th Street. And I'm interested 'cause I, my house is on 5th Street.

CHAIR COUCH: Yeah, we want a star on the map where your house is, Mr. Hokama.

COUNCILMEMBER HOKAMA: Well I just want to know, I mean, you know.

CHAIR COUCH: It, on my map it's listed as a local road. Is it not a, is that what you're saying it's not a local road?

COUNCILMEMBER HOKAMA: It's one of the major north-south roads to get to the new subdivisions and what we call Wailua Housing that was built...a '50s component that was added to the city from the '20s. So, you know, everything that was gonna plan to be fed into the proposed County affordable housing site, the next phases of anything that Hawaiian Homes does, it's all geared to come through 5th Street.

CHAIR COUCH: All of 5th Street or just from Fraser Avenue or maybe Lanai Avenue?

COUNCILMEMBER HOKAMA: Well 5th Street has always been the north-south road between Fraser and Lanai Avenue from the time I grew up, so I just wanted to know that if that's the direction then let's tell the people who live on that road that's what it's going to be. And make --

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CHAIR COUCH: Department --

COUNCILMEMBER HOKAMA: --appropriate collector road --

CHAIR COUCH: --any comments on that?

COUNCILMEMBER HOKAMA: --improvements.

CHAIR COUCH: I tend to go with the person who lives there. It seemed, and it appears like it's going to be a collector because that's where all the rest of the development's gonna go.

MR. SPENCE: We can look at that, Mr. Chairman.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: Okay. And please put a star on Mr. Hokama's house. ...*(chuckles)*...

MR. SPENCE: And a legend symbol.

CHAIR COUCH: All right. Next is Map 8.1, Public Facilities and Services. Any comments from the Department?

MR. NAPIER: No, not on this map, but I did want to take a second to just reiterate that some of this data is, had gotten lost, so I'll put it that way. Doug Miller was working on the roads layer, so we will talk to Doug since he's back now, and we'll figure out some of the stuff. And our apologies for that.

CHAIR COUCH: Okay. Public facilities and services.

MR. NAPIER: No changes.

CHAIR COUCH: Any comments? Mr. Hokama.

COUNCILMEMBER HOKAMA: I find it interesting that light-blue line on what I would understand would be 3rd Street, between Fraser and Lanai it says undetermined. Well, the County has exercised authority, we've paved that road many times, so I can say we have actively exercised control of that road. So I would say I don't know how we would convince community that's an undetermined ownership. The one that is, other is light blue by the hospital designation, that is Hotel Lanai, and as I recall if I recall correctly from my days of operating Koele Company, that has always been a company road.

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CHAIR COUCH: I'm guessing that's in there because of data that's maybe missing in the database.

COUNCILMEMBER HOKAMA: Yeah.

MR. NAPIER: It's actually...excuse me, Chair, it's actually from the KIVA database.

CHAIR COUCH: From the KIVA?

MR. NAPIER: Yes.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So I think, you know, working with Pulama Lanai, Mr. Chairman, and maybe some of our County agencies like Police, Fire, Public Works, I think we can get this map squared away and be very accurate real quickly.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: Next map is 9.1 Okay, now we're getting into the meat of this subject. This is the State Land Use and these are...any changes in that, Mr. Napier?

MR. NAPIER: No, there's no changes. We actually proposed to delete this map with a couple of others on the basis that they were just informational ancillary data or just to make decisions map, to make decisions on the community plan maps.

CHAIR COUCH: I'm fine, and it says right on there that it's for planning purpose only. I'm fine with leaving it in there unless the Department has a strong objection to taking it out. Just again so people can take a look. If the Department or Corporation Counsel don't have a strong objection, I'm fine with leaving it in. Members, concerns with that?

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: If we are going to leave it in then I would say let's make sure we get the names right.

CHAIR COUCH: Oh, what name are we missing?

COUNCILMEMBER HOKAMA: I don't know what is Haua, I know what is Hauula Gulch and Hauula area, but I don't what is a Haua.

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CHAIR COUCH: Up on the --

COUNCILMEMBER HOKAMA: So my thing is --

CHAIR COUCH: --northeast corner there.

COUNCILMEMBER HOKAMA: --we need to verify and make sure that we use accurate place names please. 'Cause we're pretty sensitive about it on Lanai.

CHAIR COUCH: So do you know what that area is called?

COUNCILMEMBER HOKAMA: I know what we call it but I would again, you know, we've had the services being volunteered by Mr. Kepa Maly who, you know, was taught by one of our old kupuna families. And I would say he's provided written testimony stating his willingness to assist the Committee and the Council --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --with ensuring accuracy regarding names. And I would ask if you would indulge our community by allowing our cultural specialist to help us in this area, Mr. Chairman. Thank you.

CHAIR COUCH: And I did, we did get a correspondence from the Department about how the, they came up with a lot of the names. It was handed out to everybody. It was USGS, something...

COUNCILMEMBER HOKAMA: I understand that, yeah.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: They're not Hawaiians. Okay.

CHAIR COUCH: Understood.

MR. SPENCE: And --

CHAIR COUCH: Yes, mister...

MR. SPENCE: --Mr. Chairman, I would just comment, I mean maybe some of these are holdovers from the USGS maps, but staff did extensively in a number of cases consult with Mr. Maly on place names, on proper spelling. And it's been very interesting and very educational, but if, you know, I would tend to agree the US Geological Survey is not always correct and we're happy to change whatever we gotta change on these.

CHAIR COUCH: Okay. Ms. Cochran.

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COUNCILMEMBER COCHRAN: Thank you, Chair. And just looking at the different maps, I think to be consistent one way or the other with the kahakos and the okinas.

MR. SPENCE: Yeah.

COUNCILMEMBER COCHRAN: 'Cause you have maps, this one we're currently looking at Lopa or Lopa is not, you know --

MR. SPENCE: Yeah. And --

COUNCILMEMBER COCHRAN: --spelled out that way --

MR. SPENCE: --we agree.

COUNCILMEMBER COCHRAN: --but the other maps are. So --

MR. SPENCE: Sure.

COUNCILMEMBER COCHRAN: --just to be consistent. Thank you.

CHAIR COUCH: Okay.

MR. MOLINA: Mr. Chair?

CHAIR COUCH: Yes.

MR. MOLINA: Just to comment further is there's actually a State Board on Geographic Names, HRS Section 4E and it states that essentially the names recommended by the State board are the names to be used by State agencies.

COUNCILMEMBER HOKAMA: And I can appreciate that very much, Chairman. I just hope they talk to the Lanai kupunas, because we all know whether it's on our island, on this island, Molokai, there's reasons why certain places are named after a certain way and it has significance. And my thing is we need to, we've agreed to recognize that in the Constitution. Let me just state it that way.

CHAIR COUCH: Okay. Next, Map 9.2, Lanai City center, I'm sorry, the Lanai City Current Land Use. This is based off of...actually, any changes, Mr. Napier?

MR. NAPIER: Thank you, Chair. No, there's no changes, this is another one of the maps that we proposed to delete just as background information.

MR. SPENCE: And, Mr. Chairman, the reason to delete this is it confuse, it's a little bit confusing with what is ultimately going to be the community plan land use map with all the different designations. It's just, I've, you know, it's hard to kind of switch back

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and forth and go what is this and everything, so we're just proposing that it just be removed. In some cases simpler is better. And this map will change too.

CHAIR COUCH: Yes, it already has changed. We, one little piece of residential that I, I'm not sure if we're through yet, second and final reading for the Change in Zoning on one yellow spot to a red spot. So, Members, any objection to A, do you want to leave it in or take it out? I'm fine either way with whatever the Committee, and the Department would like to pull it out so. Without objection, we'll...

COUNCILMEMBER HOKAMA: Chairman, if I can?

CHAIR COUCH: Yes, mister...

COUNCILMEMBER HOKAMA: I would recommend pulling it out because I can see too many inaccuracies already.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So I prefer not to have it in.

CHAIR COUCH: Okay. So that map we can, we'll definitely ask to pull out. I still think the State urban land use boundaries is kind of important at this point. Okay, 9.3, moving right along, County Zoning. And this also can, I think is blown up further. Oh yeah, the little inset right there. Is this one, Department, you're asking to pull out as well?

MR. NAPIER: That's correct.

CHAIR COUCH: Any comments, Mr. Hokama, Members? Mr. Hokama.

COUNCILMEMBER HOKAMA: I would just say and I'm glad the Department's here, my understand is pretty much the existing city, the two project districts, Kaunapali is already all zoned under its corrected or current community plan designation. So basically we're okay with those areas. That's a good understanding on the Committee's part?

MR. SPENCE: I'm sorry?

COUNCILMEMBER HOKAMA: As far as Lanai is concerned, the two project districts, the city, more or less existing city and Kaunapali is all zoned outside, away from Interim already, right?

MR. SPENCE: This just reflects whatever is, I mean just the current zoning. Yeah. So yes, the project districts are, Project District Kaunapali it looks like there's a little Rural down there and perhaps some Heavy Industrial.

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COUNCILMEMBER HOKAMA: Yeah. So the big so-called potential concern is the Interim which is basically the Conservation lands of the island.

MR. SPENCE: It's a mix. It's zoned Interim but as you saw on the State Land Use map there's Rural and Urban and Conservation and Ag all mixed in there.

CHAIR COUCH: And again, while you're looking at that, mister...

COUNCILMEMBER HOKAMA: No, so I would agree with you we need to keep that State map in, Chairman.

CHAIR COUCH: Yeah, the State map definitely --

MR. SPENCE: Yeah.

CHAIR COUCH: --leaves in, but this one I'm fine with removing as well. No objections?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. You got those, Mr. Molina? Okay, thank you. All right...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Your plan, how you're approaching maps, you plan to do this consistently for all community plan maps?

CHAIR COUCH: Yep.

MR. SPENCE: Yes.

COUNCILMEMBER HOKAMA: Okay, got it. Thank you.

CHAIR COUCH: Okay, next map. This is the Proposed Community Plan Land Use. This is the overview map that in each you can see that there are one, two, three, four...five detailed maps that I think this one is just kind of more of like a legend unless the Department has something that they want to change. But we really want to get into the details on the detailed maps. Mr. Napier.

MR. NAPIER: No, no changes on this map.

CHAIR COUCH: Okay. Members, any changes? Okay. Here we go, 9.5, Proposed Lanai City Land Use Detail. We've seen this map several times, Members. Department, any comments? Any changes?

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MR. NAPIER: No changes proposed, Chair.

CHAIR COUCH: Members, this is where if we want to make any changes this is where we're going to do it. Mr. Hokama, it appears through all the discussion that this area here, this map is pretty much what your, what everybody's in agreement with. There's not too many concerns with this. Is that right?

COUNCILMEMBER HOKAMA: I'm very supportive of this portion of the maps, yes.

CHAIR COUCH: Okay. And again provided and we'll do this caveat numerous times, provided that there's adequate water supply. Okay. It's understood but we want to just remind everybody of that. Okay. So without objection, we'll accept that map.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Map 9.6, okay, here we go. And if you want to take a look at Map 9.1 which is the State Land Use, take a look at a couple places there that are listed as State Rural. I mean it's State Urban and Rural, little bit of a mix right along in that area. So just keep that in the back of your mind. First of all, Department, any changes to this map that you guys are recommending?

MR. NAPIER: No.

CHAIR COUCH: Okay. Mr. Hokama, just at, before you say your thing, I just wanted to remind the Members that this is the area that we were reminded by several testifiers both in writing and at, in, on Lanai that there was a tradeoff made between okay go ahead and develop Manele Bay and leave this area alone. Now that being said, the CPAC...was it CPAC --

UNIDENTIFIED SPEAKER: Yeah.

CHAIR COUCH: --Mr. Molina? The CPAC looked at this knowing that information apparently, voted eight to two to leave that in. Did you ever get a chance to look at the vote for, in the Lanai Planning Commission, Mr. Molina?

MR. MOLINA: I haven't been able to locate that vote yet.

CHAIR COUCH: Okay, thank you. So there's been discussion by the community to leave this in as is, but quite frankly I'm a little bit concerned about the agreement that was made. So, Mr. Hokama, if you have any comments on that, I'd appreciate it.

COUNCILMEMBER HOKAMA: I would say the issue about developing this area or not was in the 1980s during an earlier community plan review as well as then landowner moving forward its project district proposals to the County and to the community. I would say if there wasn't consensus from the community that this area would remain open natural for regular hunting, fishing, camping, cultural practices use, I don't know if

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Manele/Hulopoe would exist today, that project district. Because it was a critical component to get support for the community to let go of Hulopoe Bay and Beach Park. That was the community's playground. That was the community's backyard. That was the community's at time overfished area. Okay. Then we made it a marine conservation district for certain types of protection, and then we came in with our developmental plans. And as I shared earlier, I mean, you know, there was plans for five big mega towers on the peninsula at one time. There was plans for manmade reefs, lagoons in the park areas. Various options of how to address resort development. But it came down to again if we wanted, the developer/landowner wanted the community support, it was what are you willing to give back to the community. The community said we want the North Shore. Okay. And so it's a tough one, you know, some of the members of the CPAC are our younger people, our newer generations, but these conversations and these agreements was made with I guess what we would call now the retirees who were the active employees at that time of the island. So, you know, I was there, I represented the company. Do I ignore what we discussed and had general consensus on? Not everything is in writing, I understand that. There's nothing maybe legally binding, but there's where the principles of honor, doing what is pono or right come into play. Questions of do we still fulfill things we know was said to the community. I think it's important. I grew up in a day where a man's word and handshake was good. I didn't need ten lawyers to verify that that was a good agreement. And so again, Lanai is looking at the County and the landowner to do the walk. Is our word good, is our agreements good? Are we going to fulfill what we said we were going to do? Well, we have an opportunity now to build confidence back in this community from two points, from the landowner's standpoint and from the County's standpoint. And so for me now that we have a decision and it can change regarding the desalination plant, I'm going to, I have no problem being more conservative and saying I don't have a problem eliminating this from the maps and let them come back. Because one thing doesn't change, State land use classification. That will still remain classified Urban. That will still remain classified Rural, and they can come back for revisions and amendments. They got the water, they have the cash flow, they're willing to build that road from Maunalei to Halepalaoa, maintain it, I'll be open to it. But at this time, no.

CHAIR COUCH: And, Members, one of my concerns would be the infrastructure to get there, and also if these 250 acres, I think it's proposed 50 homes. Are they expecting services? What about police services, what about fire services? Are we expected to provide those services way the heck out there? And if so then we need a road. There's concern about, you know, who owns the road right now and what condition that road is in. I know I have a lot of concerns. I'd like to hear from the Members on this one. Any concerns? I still have the vote that says eight to two for the Community Plan Advisory Committee. Mr. Spence.

MR. SPENCE: Thank you, Mr. Chair. Just a comment. So it's, and, you know, it certainly is this Committee's decision and gonna be recommendation to the full Council on whatever happens with this map. So with that in mind, putting a couple blobs on a map does not alleviate all the questions that were just asked about are there going to

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be services, is there going to be a roadway, how's the roadway going to be built, how's access along the shoreline going to be preserved, you know, all the environmental concerns. And I mean this just by way of information, all these things are not answered if this Committee puts this on the map. All these questions are answered when you go, when you do the EIS, when you go to the State Land Use Commission, when you come to this Council for zoning, and that zoning is reviewed by the Lanai Planning Commission. And this property is also, these properties are also located within the Special Management Area. Ultimately decision whether to build or not to build rests with that Planning Commission. So that's just by way of information and perspective. It's probably, if they started tomorrow just say, it'd probably be ten years before there was a shovel put in the ground. It's just that long of a process and that detailed in answering all the questions. So anywhere along the line it could fail or it may proceed, I don't know.

CHAIR COUCH: I guess, Mr. Spence, the question I would have is if that's, if that remains on there then that, is that kind of a...well see, you're kind of letting us know that it might be okay to be there. So would that raise expectations?

MR. SPENCE: I could see that as well, and I could also see what Mr. Hokama was alluding to is that they could come back and propose to amend the community plan. I'm mostly, my comments are more for your information that this is, if this Committee decided to leave this on the map, this is not a guarantee that this is ever going to be built. There's a very long road ahead, and all the questions about infrastructure and fire protection and police protection and water supply and all those things, those all still have yet to be answered. So my suggestion is, I mean if this remains on the map it's for planning purposes only, it's not a guarantee that anything would be built or not. It still has a long way to be vetted and more meetings with the community, et cetera.

CHAIR COUCH: Members, any thoughts about listening or hearing from the company and what their thoughts were when putting this in?

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Before we go there, again this reminds me of the whole Lipoa Point Master Plan, and it was the community for that example to not have it written, drawn, colored in anywhere. Even though it had to go through the process pretty much, yet the community felt a little more confident that it'll go, work itself out, but it wasn't just a proposal drawn in, green light on a map. Even though if it was just a proposal, it wasn't a guaranteed, it's cut in stone good to go, but people felt a little more comfortable that well, if it's meant to be and they go through the process they will and have the avenue. So I know you're highlighting the votes but I do recall Mr. Kahoohalahala's testimony --

CHAIR COUCH: Yes.

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COUNCILMEMBER COCHRAN: --which concurs with Mr. Hokama's, you know, documentary of the times, the verbal recollection of the agreement. And I want to stand by that myself. You know that's just me, and so that's my take that I'd rather not have this here.

CHAIR COUCH: And I can tell you the Chair's conflict here too is, you know, we get testimony that, you know, we're not listening to the community when we take things out and whatnot or put things in that they don't want. And now we get an eight-to-two vote that says we discussed it, we've discussed it with the community, they want it in and yet I agree with what you say that we heard from Mr. Hokama and we heard from other members of the community who were back there back then and were a part of that agreement saying hey. And as Mr. Hokama said, Manele wouldn't be there without them giving up this. And it's not, has nothing to do with the existing company, I want to make that aware right now. My guess is...I wonder why they put it in.

COUNCILMEMBER COCHRAN: Well, Chair, if I may? And then the State land use designations as Mr. Hokama pointed out are there.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: And, you know, the Urban and Rural designations and what have you, so they have that opportunity to fall back and go look, it's here, State land uses already. So we're asking to ____ the County or, you know, so I am comfortable that when company is ready, they have the proper channels to go through in order to make it happen and to get it vetted through community and the people and things of that nature. So thank you.

CHAIR COUCH: Any other comments?

MR. MOLINA: Mr. Chair?

CHAIR COUCH: Yes.

MR. MOLINA: Located that vote from the Lanai Planning Commission. At its meeting of January 28, 2014, the Commission voted to remove Map 9.6 and the related projects in Chapter 9. The motion failed with two affirmative and three in opposition to delete the maps.

CHAIR COUCH: Oh.

MR. MOLINA: With two excused.

CHAIR COUCH: Okay, thank you. So it was essentially a three-to-two vote to leave it in. Okay. Members, we're running out of time but I would like for a five minute, if we can

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do a five-minute explanation from the company to see what's going on and what their idea is. If that's, without objection?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. If we can have Mr. Matsumoto come down. And just at the podium is fine.

MR. MATSUMOTO: Kurt Matsumoto. Good afternoon.

CHAIR COUCH: Good afternoon.

MR. MATSUMOTO: Thank you, Chairman. As I expressed the week prior, you know, we don't have any firm plans to move forward. This was just part of a very early stage thought process about ideas that could be done on the island. So we don't have any firm plans to enact something like this at this point.

CHAIR COUCH: And if some or part or all of this was removed, you still have the opportunity to come back if in the long term you feel that it's a viable project and you've got community buy-in, you're willing to come back and go through the whole process?

MR. MATSUMOTO: Yeah, we understood that that would always be available to us.

CHAIR COUCH: Okay. Because if we do remove it out of the process it's one more layer that you have to go through. I don't think it's going to be a huge layer because, I mean you already have to do a community plan amendment I'm assuming. I'm sure you're going to have to do, looking at the State district boundaries, you're probably going to have to increase their Rural area it kind of looks like, hard to say. But it looks like you're going to have to do their Rural area anyway, so you're going to have to go through these layers. All right. Members, anybody have any questions for Mr. Matsumoto? Okay. So the one thing that I think I hear from everybody is that we're fine with removing all or part of this. Any suggestions, Mr. Hokama? Is all, the whole thing or just the Rural or just the Resort? I mean in my mind at least removing the Rural is important, don't know about the Resort. It's 20 acres, I'm not sure what significance, you have more...

COUNCILMEMBER HOKAMA: You know for me, Chairman, I would, from my perspective I would prefer to take it off the map and allow them full flexibility of what they may want to consider in the future --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --and not be tied to what a map said it was a proposed future.

CHAIR COUCH: So in essence you want to remove the whole map --

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COUNCILMEMBER HOKAMA: Yeah.

CHAIR COUCH: --from the plan.

COUNCILMEMBER HOKAMA: And I would say, you know, whether it's me or another sitting Member for Lanai, it would be on, the responsibility of that Member to even non-decennial amendments, take the request from the landowner and the community very seriously if they want to move this project forward. And the Member can initiate the amendments and the revisions.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Not necessary it needs to be initiated by the landowner. It can be initiated --

CHAIR COUCH: That's true too, that might speed up the process --

COUNCILMEMBER HOKAMA: --by the --

CHAIR COUCH: --a little bit.

COUNCILMEMBER HOKAMA: --Councilmember them self --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --to expedite it. So thank you.

CHAIR COUCH: So, Members, I see, I hear or hear lack of any objection to removing this map from the whole plan and the subsequent layers that might be involved. Are you okay with that kind of action, Mr. Napier? 'Cause if we remove this map you also have to take it off of the bigger map.

MR. NAPIER: That's correct.

CHAIR COUCH: Okay. Any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, thank you, Members. Map 9.7. We're almost done. This one is pretty straight forward. I don't see any...I mean this is what everybody has agreed to anyway for a long time. Mr. Hokama.

COUNCILMEMBER HOKAMA: No, I think the community is very fine with this proposed map, Mr. Chairman. Thank you.

CHAIR COUCH: Okay. Any changes, Department?

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MR. SPENCE: No changes, Mr. Chair.

CHAIR COUCH: Thank you. Members, no objections? You go on to the next map.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, thank you.

MR. SPENCE: Thank you.

CHAIR COUCH: Map 9.8, Proposed Manele Land Use Detail. Some concerns about this map too. Mr. Hokama. Or actually first, Department, any changes proposed?

MR. NAPIER: No changes.

CHAIR COUCH: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: I would, I've, my request to the Committee for consideration is to take off the Manele Mauka project and await community, additional input when we go back to the island. You know after I shared my thoughts about how I didn't want us to get back to some kind of social financial strata, you know, on our island again, I think it made people start recollecting where we came from. And the idea of trying to maintain a, one community one island concept I think got some reenergized feelings in our community. I can appreciate, and that is why I've been a strong supporter of the Lanai City expansion. I want one community, one...I understand we have Manele/Hulopoe Project District, but as again I said, during that approval process that was one of the issues whether we call it a social issue, an economic issue, it was an island issue about what would happen with stratification going back to the basically pre-Union days when we were in camps either by race or by economics. And like I said, I will fight to make sure Lanai does not go back to that era. So I would love to have the community give us additional input with this. I'm not 100 percent, you know, sold that this is a good project site. I understand some of the reasons for the proposed and whatnot, and, you know, again, I serve the whole island so, you know, I would like the island to continue to give more comment after I was able to share my thoughts about what I didn't want to have occur back on the island. And that I think we can still do a very good development, growth for our local people, growth for future employees within the existing project districts, and with the city expansion I think we'll be okay for the next 30 years. So that's where I stand, Chairman. Thank you.

CHAIR COUCH: Okay. Members, any comments? Seeing none, the Chair understands Mr. Hokama's concern and I share some of them. I would like to hear from the community. We are going to go back there. We are going to have between now and the time we go back there, we're going to have ample opportunity for written testimony. The Chair's inclined to because it went through both the Planning Commission and the Community Plan Advisory Committee, is inclined to leave it in

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and have the community ask us to remove it. Mr. Hokama's not 100 percent sure he wants to remove it, so I'm more inclined to...it's easier to remove something than it is to put it back in my opinion. But it's totally up to the Committee which way you want to go on this one. Any thoughts? If not, that's the Chair's recommendation is to leave it in and then get some feedback from the community. And I'm sure Mr. Hokama can generate a lot of comment from the community and we will get it. Any objections to that? Ms. Cochran.

COUNCILMEMBER COCHRAN: No, Chair. I mean I personally saw the point of view of the Pulama Lanai and then but I also hear Mr. Hokama too. So I, yeah, I'm looking forward to further dialogue from community --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --and to get their thought settled in to figure out yay or nay for sure on this or not.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: And I think it's okay, just leave it for now, and then if we hear enough opposition and what have you then we can take it out. But I'm okay.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Just leave it there for now.

CHAIR COUCH: Is that sufficient, Mr. Hokama? Members, anything else on this map? Mr. Hokama, you had some concerns on anything else?

COUNCILMEMBER HOKAMA: No.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: Thank you. And Map 9.9 and I believe that's the last map. And I think, Mr. Hokama, you were mentioning that you're very supportive of this, but I would like to hear it from your mouth. But let's first find out, Department, you got any proposed changes?

MR. NAPIER: No, we don't, Chair.

CHAIR COUCH: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as I stated earlier and thank you once again for allowing me to share my thoughts. Again, for me I'm quite excited about this

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proposal. I support Pulama Lanai's efforts in this area. This was a very active component of the community at one time during the heydays of Dole and _____ barge system. You know we had a whole community grew up there. They had their own parks, their own basketball outdoor facilities and whatnot, so it was a great place in the '50s, '60s. I would agree with the, some of the mixed uses that they're proposing, especially the industrial that I think can assist with some marine-based activity and economics that I hope the island will be the beneficiary of. So I'm in support of this proposed area, Mr. Chairman.

CHAIR COUCH: Okay. Members, any other concerns? Comments? So without objection, we'll accept that map.

COUNCILMEMBERS: No objections.

CHAIR COUCH: That being said, thank you very much, Members. We've gotten through this. We do have several items of discussion that we still have to go through. I do have a planned Committee meeting on March 5th or somewhere around that time. I'm asking that we go through this one more time just real quick in that meeting, March 5th with the concerns that you have and some of the things, it should be a short meeting because we've got only a few. Maybe we'll do that, go through this one last quick pass on March 5th before we go out to the community. And at the same time if, Mr. Hokama, if you can get the community to come up with more testimony and we'll be, we will be accepting testimony both written and oral on that day. We won't be recessing this meeting, we will adjourn this meeting and then open it up for testimony on March 5th. Denise, did you guys get that over there?

MS. FERNANDEZ: Yes, we did. Thank you.

CHAIR COUCH: Okay. With that, Members, please go through the stuff that we talked about. I'm not sure that we'll have a Committee report quick enough, we may hopefully, I don't know. We aren't going to have a meeting on February 18th, I will not be here. I believe there's a Council meeting that day as well. So our next meeting is going to be March 5th and where we'll, we'll just go through a quick review of everything that we had left hanging.

ACTION: DEFER.


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CHAIR COUCH: So is there any comments from the Committee? I want to thank the Department for being here through this tough plan, and we will do one more and then bring it out to the community. I want to thank the company for being here, and I want to thank the folks, the resource people on Lanai. I'm glad that they were able to be there when we had questions. So with that, Members, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 4:25 p.m.

APPROVED BY:



Don Couch, Chair
Planning Committee

pc:min:150212r:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, 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 5th day of March, 2015, in Kula, Hawaii



Daniel Schoenbeck