

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

March 5, 2015

CONVENE: 9:06 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Gladys C. Baisa (left at 11:43 a.m.)
Councilmember Elle Cochran
Councilmember Don S. Guzman (arrived at 9:55 a.m.)
Councilmember Michael P. Victorino
Councilmember Mike White (arrived at 9:56 a.m./left at 11:09 a.m.)

NON-VOTING MEMBERS

Councilmember Riki Hokama

EXCUSED: Robert Carroll, Vice-Chair

STAFF: Sharon Brooks, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via voice conference)

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

Dawn Lono, Council Aide, Hana Council Office (via voice conference)

ADMIN.: Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

William Spence, Director, Department of Planning

Mary Jorgensen, Senior Planner, Long Range Planning Division, Department of Planning

David Yamashita, Planner, Long Range Planning Division, Department of Planning

Douglas Miller, Planner, Long Range Planning Division, Department of Planning

Jennifer Maydan, Planner, Long Range Planning Division, Department of Planning

Michael Napier, GIS Analyst, Long Range Planning Division, Department of Planning

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OTHERS: Gwen Hiraga, Senior Advisor, Munekiyo & Hiraga
Lynn McCrory, Senior Vice President of Government Affairs, Pulama
Lana`i
Ron McOmber, Lana`i Community Plan Advisory Committee
Deborah dela Cruz, Lana`i Community Plan Advisory Committee

PRESS: *Akaku Maui Community Television, Inc.*

PC-11 LANA`I COMMUNITY PLAN UPDATE (CC 14-283)

CHAIR COUCH: ... *(gavel)* ... Will the Planning Committee meeting of Thursday, March 5, 2015 please come to order, it is 9:06. My name is Don Couch, I'm the Chairman of the Committee. I would like to first of all ask everybody to turn off their cell phones or turn them into silent mode please. There's a big, we have a big, huge audience today so, not really. Okay. First of all, I'd like to introduce the Members that are here today, first of all, the Vice-Chair of the Committee, Robert Carroll is excused and we have Gladys Baisa, Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha and good morning, Chair.

CHAIR COUCH: Good morning. Council Vice-Chair Don Guzman is excused for now. Councilmember Mike Victorino.

COUNCILMEMBER VICTORINO: Aloha and good morning Chair.

CHAIR COUCH: Good morning. And Council Chair Mike White is excused for now. And with us today too we have a non-voting Member, we have Riki Hokama from the island of Lanai, he's gonna give us his mana`o on the things that we're talking about today. Good morning.

COUNCILMEMBER HOKAMA: Mr. Chairman.

CHAIR COUCH: Alright from the Administration we have from the Planning Department we have Will Spence.

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: And Mary Jorgensen.

MS. JORGENSEN: Good morning, Chair.

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CHAIR COUCH: And from Corporation Counsel we have Jennifer Oana.

MS. OANA: Good morning, Chair.

CHAIR COUCH: Good morning. We have Legislative Attorney Sharon Brooks with us this morning. Good morning. And Committee Secretary Pauline Martins, good morning. Alright, we're about ready to start public testimony, I see a very long line of people ...*(chuckles)*... wanting to testify. So Members without any objection, we'll start public testimony.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, for the individuals testifying in the Chamber, please sign up at the desk outside the Chamber door. Testimony will be limited to the items listed on the agenda today which is one PC-11 the Lanai Community Plan Update. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item with an additional minute to conclude if requested. When testifying please state your name and the organization you may be representing. First, we'll go to the, let's say the island of Molokai, Ella, are you there? Nope. She was there. We'll go back to Molokai. No, it's on. Hana District Office, are you there?

MS. LONO: Yes. Good morning, Chair, this is Dawn Lono at the Hana Office and I have no one waiting to testify.

CHAIR COUCH: Thank you. Molokai, are you there?

MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COUCH: Thank you. Lanai District Office, are you there?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez and there is one person that's waiting to testify.

CHAIR COUCH: Okay.

MS. FERNANDEZ: And that person is Ron McOmber testifying on PC-11.

MR. McOMBER: Good morning, Chair.

CHAIR COUCH: Good morning.

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. . . BEGIN PUBLIC TESTIMONY . . .

MR. McOMBER: Members of the Committee that happened to show up. Thank you. This is really important to us that we follow this through, I don't have any comments right now 'cause I don't know what you guys are going to talk about. But the comment that I would make is there have been revisions or adds, additions from the Planning Department that I think is imperative that the CPAC and the LPC get to look at those things rather than have you make those decisions, because a lot of our decisions were based on what we saw, what we've put together in the Community Plan. Now if the Planning Department thinks they have a right to change some of this stuff without us having comment on it and it should be the whole Community Plan people that want to show up and do that. I think it's important that we do this, we are the resource people that worked on this for eight or nine months, and then the LPC did it for eight or nine months, not fair I believe that the Planning Department can change or add to the Community Plan stuff that we didn't, that we didn't understand why they did it and I think that's a big gap. Thank you very much.

CHAIR COUCH: Thank you. Members, any questions for the testifier? Seeing none, thank you. And Ms. Fernandez, I believe you have some folks there as potential resources?

MS. FERNANDEZ: Well, actually we have another person that will testify.

CHAIR COUCH: Oh okay.

MS. FERNANDEZ: And that is Deborah dela Cruz testifying on PC-11.

MS. dela CRUZ: Hi. I'm Deborah dela Cruz, I already emailed this in but just in case you hadn't seen it. I'm a full-time resident and a member of the Lanai CPAC. Regarding Map 7.1 Infrastructure and Utilities, I suggest adding the two water tanks that are overlooking Palawai Basin. And Map 9.6, the proposed Halepalaoa Land Use Detail and just growth in general, you had quite a lot of discussion regarding removing Map 9.6 and not allowing development on the east side. Personally I prefer that Lanai remain at its present level of development except for more housing for permanent residents in Lanai City. However, I saw the effect on residents when the economy tanked and have come to believe that we have to accept sustainable growth. Pulama Lana'i presented a comprehensive plan to the CPAC, I understand that it was hastily done as the CPAC was going to start meeting. The CPAC looks at the plan in its entirety, the cornerstone of which was the desalination facility, I voted to accept the Halepalaoa development as a part of that comprehensive plan, I thought that the alternative more rustic resort concept would offer a different visitor experience and increase our visitor count. If there is no desalination plant or some other major source of water acceptable to the LWAC, I do not support any residential or resort development except for the Lanai City affordable housing project, the Department of Hawaiian Home Lands Development and any infill housing within Lanai City. Any other development should be considered on a case-by-case basis especially regarding water usage. Thank you for your consideration.

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CHAIR COUCH: Thank you. Members, any questions of the testifier? I have one, you mentioned the Map 9.6 and there was when you guys had your discussions, was there talk about the agreement saying, you know, if you leave that side alone you can have, you can develop Manele area, was that discussed at all in your committee?

MS. dela CRUZ: I don't recall specifically --

MR. McOMBER: It just showed it

MS. dela CRUZ: --I beg your pardon...

MR. McOMBER: Well, this is Ron.

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

MR. McOMBER: Let me chime in just a little bit. We, it showed it...

CHAIR COUCH: Hang on, hang on, this is testimony, when we get into the questions when we get down there, I was just curious in the testimony portion. If not, when we get back to that, Ron, we'll discuss that but right now we're in testimony.

MR. McOMBER: Okay. Thank you.

CHAIR COUCH: Thanks.

MS. dela CRUZ: Thank you.

CHAIR COUCH: Okay, Members, any other questions? Seeing none, alright, next testifier?

MS. FERNANDEZ: There's no one else waiting to testify on Lanai but Ron McOmber and Debbie dela Cruz will be resource people if you need to have questions for them.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR COUCH: Excellent, thank you. Members, last chance in the gallery for anybody to testify. Seeing nobody coming up to testify, Members, without objection we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR COUCH: Okay, public testimony is closed. Oh shoot, I shouldn't have done that. No, we have to get back in 'cause they're resource people, so if you could do that. Let's short recess.

RECESS: 9:13 a.m.

RECONVENE: 9:14 a.m.

CHAIR COUCH: Will the Planning Committee of Thursday, March 5, 2015 please come back to order. A little technical difficulty there, we're done with that. Members, we're here now, we've gone through the Lanai Community Plan Update first pass and discussing changes that the Committee wanted and incorporating some changes that the Planning Department wanted. Mr. Spence, can you talk a little bit about the process just to remind everybody what the process is and why we're making some of the changes we are, some of the ones that you suggested and not all of the ones you suggested and how that works inside the process.

MR. SPENCE: Okay. Thank you, Mr. Chairman. The adoption of the Community Plan is a multi-step process involving primarily three different organizations or three different major steps. First was, is the Community Plan Advisory Committee which is a group of 13 volunteers, some appointed by the County Council, four appointed by the Mayor, they meet for six months with I forget exactly how many meetings for this particular --

MS. JORGENSEN: Twenty-five.

MR. SPENCE: --so they had 25 meetings with a little bit of time extension for certain circumstances. It then went to the Lanai Planning Commission, and they, they're supposed to by Charter, commissions are supposed to comment on land use regulations or land use regulations, but also just within 280B they're supposed to review and also comment on what the Planning Department put together as a draft plan as well as reviewing what the CPAC recommended. From that point, recommendations are transmitted to the County Council and the Planning Department makes recommendations on everything that's come thus far. The what you have before you is those complete recommendations. We make some recommendations after reviewing and again its recommendations that's part of the Charter says the Planning Director is supposed to advise the County Council on land use matters. So we're making recommendations on what has come thus far, it's certainly within the purview of the County Council whatever you adopt, whatever, you know, you can take my recommendations, you cannot, we're happy to explain you know the history of each thing and why we're making recommendations.

CHAIR COUCH: Okay.

MR. SPENCE: Is that sufficient?

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CHAIR COUCH: Thank you. Members, any questions or comment to that? Okay. So Members, the idea today is to go through, we had several items flagged for revisit during our meetings in January 28th, 29th, and February 5th and 12th. So I'd like to go through that list, and Members, if you have any other thoughts for revisiting as well I'd like to hear from you as well when we get through this.

COUNCILMEMBER VICTORINO: Chair.

CHAIR COUCH: Yes, Mr. Victorino

COUNCILMEMBER VICTORINO: One quick point of clarification --

CHAIR COUCH: Yep.

COUNCILMEMBER VICTORINO: --before we go on. As the testifiers had mentioned, you know the Department are making changes and we may make some. Will they have an opportunity to look all this over and comment? I mean I think that's very important, I, you know, they work very hard to get to this point --

CHAIR COUCH: Uh huh.

COUNCILMEMBER VICTORINO: --and we may have rationale for what we do but they may have a more localized rationale for what they've done and we should be listening to what they've done.

CHAIR COUCH: The way this works is we're going to come up with our finalish draft --

COUNCILMEMBER VICTORINO: Okay.

CHAIR COUCH: --we will have it printed out and made known to the public quickly as opposed to later. And then on the 18th of April I believe, we have almost everybody's going to be at a meeting Saturday morning which I thank you very much, Members, for accommodating us on that. So Saturday morning, April 18th, we're going to meet and at that time, members of the CPAC or members of the Lanai Planning Committee or whomever can come and testify as to their concerns with any of the changes. As far as meeting as an official group, I'm not sure that I don't know that the Department has any other plans on staffing a meeting because it's under Sunshine Law, they have to go over there, they have to give notice and what not. I don't know that they're going to meet, because their job at this point was to come up with their draft and that goes to planning, Lanai Planning Committee and they came up with their draft and now our job is to take all those recommendations. So I'm guessing that if anybody, if there's something that they have a real concern about, they can come and testify certainly beforehand via e-mail or at that meeting.

COUNCILMEMBER VICTORINO: Well and you know I thank you, Chair, and I think all of us understand the importance, but I would also recommend that if it's all possible once

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they receive the final revision that if the Planning Department could go over for a day and spend time to make sure when we get there, there's not a lot of because again how much longer do we take, you know.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER VICTORINO: I think like you said yesterday, better to know what's going on before we get there than when we get there.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: And I think that's very important so I mean it's up to Mr. Spence, I know this is somewhat costly but you know it we're at that final stage where I believe if we do it right this will also be a model for other areas, other districts as we go through theirs.

CHAIR COUCH: Right and you know because Lanai and Molokai are very unique and they have their own planning commissions as opposed to the Maui Planning Commission, it might be wise to have one more meeting either I'm guessing with the Lanai Planning Commission, Commission. I'm not sure, one of those two groups probably the Planning Commission 'cause they're the last ones to send us the Plan. It might be a wise idea because of the uniqueness of those areas but that you know of course there's funding and all those other considerations but that I'm guessing that would be up to the Planning Department. I would also think there is going to be a Lanai Planning Commission meeting between now and April 18th. I don't know if the Department knows that or not. I don't see...

COUNCILMEMBER VICTORINO: Anyhow Mr. Chair I don't want to hold up the meeting but again that is my request and concern. I think both Lanai and Molokai again like you said are very unique and they have the ability to do this whereas Maui's a little more generic, I mean you know you got districts but it's touched by everybody's _____.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: So I'd like to move on but I mean I just want that concern made known and I would like to see that somehow completed before we get there so that when we get there, we're ready to really act on what they're requesting, I mean kinda like --

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: --the plan is together and here is what we need to do and let's get it done, because I don't know if I want to keep, keep these people waiting and waiting, I'm tired of the waiting game. Thank you, Mr. Chair.

CHAIR COUCH: Okay. So, Mr. Spence, just a thought there.

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MR. SPENCE: Okay. Mr. Chairman once this Plan and the package and everything has been transmitted to the County Council, this is now your kuleana and we're basically here to tell you what happened during the thing. I'm not I mean it's difficult to commit staff to two days and to go over just you know if we had if you look at the recommendations we've made they're primarily nonsubstantive, I mean and the substantive recommendations we're discussing here in Committee, it's gonna be difficult to send anybody over for an additional meeting.

COUNCILMEMBER VICTORINO: Okay, Mr. Spence, you know I just want to be made it known that the people of Lanai are requesting that, and so I just wanted to see that done. If it can't be done well fine, but Mr. Couch did mention that we'd probably have a Planning Commission meeting between now and then or maybe there should be one and this be incorporated in that, but I'll leave it in you guys' hands I mean you know better than I do. Thank you very much.

CHAIR COUCH: Thank you. Alright Members, the first thing on the list of revisits if you will is Plan wide there was a request for consistent spelling of place names and use of the Hawaiian language which of course we will do that, but there was also concern that the names that were used were not the names that the folks on Lanai use for some of the places. There are Departments of State, of the State that are required to use names and spellings approved by the Hawaii Board on Geographic Names and there's an HRS 4E-3(c). The Staff recommended that place names in the document adhere to the HBGN, that's the Hawaii Board on Geographic Names. There is a process for amending the HBGN list should the Committee or the community feel the HBGN list is inaccurate. Policy 16 and Action 7.37 of the transportation section in Chapter 7 addresses pursuing such amendments if needed, if and when needed, so I know there was a huge concern on Mr. Hokama's part saying you know this is the "official name" but this is the name that, the old Hawaiian name put probably is what everybody's referring it to a certain area, so they're caught between a rock and a hard spot, there's a State official place names but there is a process to change those. Mr. Hokama, do you have any comment on that just because that was a big concern when we first came to Lanai?

COUNCILMEMBER HOKAMA: Yeah. Thank you, Chairman. With all due respect, I would trust my kupunas on Lanai before one State Board.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: How many of them know Lanai? How many of them have lived on Lanai? Understand why the term is used on Lanai? I don't need someone who to tell me about Lanai who doesn't live on Lanai.

CHAIR COUCH: Understood. My concern I guess and maybe this already to Corp. Counsel who I, who's new to the group, thank you for joining us, Jennifer. If we use names that are the traditional Hawaiian names of a place --

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COUNCILMEMBER HOKAMA: Chairman, let me just put it this way then.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: There's no such thing as Manele Mauka.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: Okay.

CHAIR COUCH: Right.

COUNCILMEMBER Hokama: No such thing but it's in the document as a proposal. Okay, no such thing so it's interesting what we gonna allow and what we not gonna allow.

CHAIR COUCH: Right and that's why we want to make sure that we will make sure that everybody is on the same page if at all possible. So...

COUNCILMEMBER HOKAMA: And that is why, Chairman, I think Mr. Maly from our museum component has offered, he has been taught by, for many of us you know we revere the late Reverend Kaopuiki, he was affectionately known as the tutu man and we regard him as "the" kahuna of knowledge and information of our cultural practices that was passed on to his I believe 13 children and now his many, many, many great and great - great grandchildren. You know I learned from that family, I take advice from my neighbor, one of his sisters the kahu Lei Kanipae at 96 years old who grew up in Keomoku town and so for me, Chairman, it's sensitive.

CHAIR COUCH: And absolutely, my concern is the legality...

COUNCILMEMBER HOKAMA: It can get personal.

CHAIR COUCH: Yeah. My concern is the legalities.

COUNCILMEMBER HOKAMA: Understood, Chairman, and that's why I think we have a good balance, we have people who understand the right names that it should be called for various parts of our island, and I think letting them give our input you know we have a new person I'm gonna be recommending for the Cultural Resource Commission that represents Lanai. And I think those people can assist us with making sure that we use the more appropriate name. If we need to have it put before a State agency for review and approval I don't have a problem with that. But I will not continue to use the wrong terms or the wrong names for places on our island.

CHAIR COUCH: How about this? If you have a, if you were to have a list because I'm sure not all of us would know, if you would have a list and then we put the official name and on the same map in parenthesis put the name that should be the official name,

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that way both names are on the map and we'd get away from any of the legality issues, legal issues.

COUNCILMEMBER HOKAMA: I'm open to that, Chairman, and I think that is one of the good things about going back in a final draft version and let our community members give their thoughts on what they think is appropriate for Lanai. And it would be good to hear from the Lanaians --

CHAIR COUCH: Sure.

COUNCILMEMBER HOKAMA: --especially those families that have built this community. Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR COUCH: Hang on, Mr. Spence wanted to say something, then Mr. Victorino.

MR. SPENCE: Just as a suggestion, I don't know how long the State Board takes to review names, or I looked on their website briefly and I see they meet approximately monthly. I like the idea of coming up with a list of what local Lanaians believe are incorrect names, I think that local knowledge is imperative, and I do believe local people know better than, you know, what a State Board would meet. All the same because these are official State names, what I would like to do is adopt maps right now with the official State names and then go through the process of changing those officially with the State. And then we can go back and change the maps, and we can process, we can reprocess those maps with different names.

COUNCILMEMBER HOKAMA: I can be very supportive, thank you, Director.

CHAIR COUCH: Mr. Victorino.

COUNCILMEMBER VICTORINO: Excellent idea but remember, this is number one of nine and this is gonna happen across the board because not only in his community --

CHAIR COUCH: Uh huh.

COUNCILMEMBER VICTORINO: --in my community, in every community we know places as this --

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: --and then there's some official name that has never been used. I'm in the process now of helping Mr. Duey change what everybody has called Iao Stream for many years which is actually incorrect and is called Wailuku River, it was the official name but changed back in the day when the plantation diverted water and changed it to Iao. This is one example --

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CHAIR COUCH: Uh huh.

COUNCILMEMBER VICTORINO: --because the maps don't reflect Wailuku River, it says Iao and I know I'm getting ahead of it, but this whatever precedent we set today or what we set with this first plan is going to carry forward, and that's in your area, Ms. Baisa, and yours too, Ms. Cochran, there are names we know of that there's an official name that we've never used, and that's gonna come up time and time again.

CHAIR COUCH: Yep.

COUNCILMEMBER VICTORINO: So whatever process we do, it better be with a streamlined process that we can you know accomplish--

CHAIR COUCH: Yep.

COUNCILMEMBER VICTORINO: --you know to make the maps and then come back and then go back to each one that might be cumbersome, so Mr. Spence, I think I like the suggestion made earlier putting the official name and then the name underneath of the name that we always remembered it at or we were told was called that particular area, that particular region, whatever. But up to you, Mr. Chair, but whatever we do now is gonna hold true to the rest of the community plans.

CHAIR COUCH: It for the most part will, doesn't necessarily if we do something that can be tweaked from this process we, I'm certainly open to tweaking that. Ms. Jorgensen.

MS. JORGENSEN: Just as an example during the CPAC meetings, we had many people say that Keomuku was Keomoku and so we changed it on the maps, and then to be consistent we went back to what was in the maps and looking through the Board of Geographic Names, they, their process which is a very extensive process for each name is to go first to the Hawaiian families that live in that area and the Hawaiian families that lived in that area said that it's Keomuku, and they take each name, I've looked at some of their minutes and they will spend meetings, several meetings on an akina, there're very extremely thorough discussions of the history, and if they cannot resolve it with consensus among this board which includes experts from the University of Hawaii and then they will send to the USGS that it is not resolved. So they are trying to find consensus for everyone on what the name is, and so they did review since the late 1990 over 10,000 names trying to update the maps and for each area we hope to be a little proactive in getting the community to send their names into this board so that over time all the names will be as the community would like to see them.

COUNCILMEMBER VICTORINO: Thank you. Thank you for that clarification. Thank you, Mr. Chair.

CHAIR COUCH: And, Mr. Spence, just as a heads-up you might want to incorporate that in your Molokai meetings, I know you're having your first meeting on March 12th I

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believe, so you might want to consider that, and I think doing the maps with the "official name" and then in parenthesis the common or ancestral name might be a good compromise.

MR. SPENCE: Mr. Chairman, one of the consistent comments we got throughout this process from the CPAC through the Planning Commission, even internal reviews, is some of these maps are extremely busy, they're difficult to read at times. If we put in the alternative place names it, they're gonna be even harder to read, and yet everybody was, had consensus that the names are very important and that's why we're discussing this now. If we put in parenthesis corrected, what we believe are corrected names that's gonna make the maps more difficult to read and in my opinion is they're gonna be more confusing. Like I, I would like to go back and reiterate what I've previously said is I would gladly support a project to correct the place names on a State level and then it's official throughout the State and it'll be sent to the USGS in Washington, and we can and I'm happy to present this Council with corrected maps with the corrected names.

CHAIR COUCH: I guess I'd leave it up to the Member from that island if that is sufficient for now or is there something else we can work on, 'cause another thought I had was maybe in the book have an appendix that has this is the name on the map and this is the name that people know it by, I don't know.

COUNCILMEMBER HOKAMA: Well, Chairman, I think the Director gives a good option for us to follow at this time.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: I can be supportive, I don't need to maintain incorrect Western idea of what the name should be when it's not the right name.

MR. SPENCE: Yeah.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: Okay. I mean we've seen many documents where they reference the same thing and depending how the person chose to spell it, we've got variations --

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: --you know and so I understand that, but in '70 we made a decision Hawaiian is an official language of the State --

CHAIR COUCH: Yep.

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COUNCILMEMBER HOKAMA: --and so we should adhere to the constitutional declaration and as best as possible utilize that language for all our documents because that is our basis of our culture. And so I have no problem being one adamant person on this issue, because I think it's fulfilling the intent of what the people chose in '78 in the recognition of the language.

CHAIR COUCH: And here's my question on if we go that route, this gets into touching I guess we'll try Ms. Oana this time is if we decide to, okay, now we have a list of names that we've officially got changed in the USGS all the way down, then we try to change the community plan, does that mean we have to do an EA and all that?

MR. SPENCE: Mr. Chairman, there's no EA requirement for a government-initiated change to a community plan.

CHAIR COUCH: Okay. I just want to make sure that it's not gonna be a huge ordeal to change these names.

COUNCILMEMBER HOKAMA: Chairman, I think the community just wants to see us as the government sector to do our utmost attempt to get this completed and done.

CHAIR COUCH: Absolutely.

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . We making strides, we recognizing the error, the importance, we're gonna make those adjustments. I think we can show our communities we are serious about implementing what the people have chosen us by constitutional decisions.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So I have no problem and again we're gonna go back, we're gonna ask the people what they think, and I await their comments on our work.

CHAIR COUCH: Okay, thank you Mr. Hokama. Alright, Members, so that was the first Plan wide issue. The other Plan wide issue, first of all, does anybody else have any comment on this? Seeing none, we'll go to the next Plan wide issue which is the word "support" versus "encourage" in the policies and action tables. This Committee requested clarification on the practical difference between support and encourage and suggested including language to indicate the difference. Right now, we have support relates to actions performed by County agencies, and encourage relates to actions not performed by County agencies. So encourage the use. Corp. Counsel, the question would be what obligation is implied by the word encourage, if any?

MS. OANA: I would venture to say that the word encourage basically is to provide any kind of assistance maybe not so much monetary or support because we have to consider whether it was budgeted but more offer any other additional assistance to these outside agencies.

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CHAIR COUCH: Okay. Members, any questions on that? I know that, that was an issue that people had concern on, Members had a concern on. Seeing none, we'll go on to the next item which is on the emphasis on water availability Page 2-4 of the Plan. The Committee expressed concern that stronger language is in need, is needed to emphasize the importance of expanding water resource before additional development can occur, and we discussed that at length and the staff recommended and we've got some pretty aced staff here that has looked into this. Recommended splitting it into two problems to highlight the water resource concern. Part (A) is declining forest ecosystems would retain the current language, and then (B) limited water resources could state: the capacity of existing water resources is insufficient to support new growth. Projects that already have entitlements will consume most of the remaining capacity of Lanai's single aquifer. Growth and new development cannot be supported until the capacity of water resources are increased. Actions that can increase water resources include reforestation, water conservation, water reuse, and alternative methods of water production including desalination. I think that's a nice strong enough language. Department, do you have any comments on that?

MR. SPENCE: Mr. Chairman, I haven't seen that language, not in front of me.

CHAIR COUCH: Okay. It was my understanding that you guys got this list and were to make comments on it. Can I have a short recess?

RECESS: 9:43 a.m.

RECONVENE: 9:55 a.m.

CHAIR COUCH: Will the meeting of the Planning Committee of Thursday, March 5th please come back to order. Alright, Members, I gave you, I got you a copy of that language, and the Department has had a chance to take a look at it, I'd like to hear from them first.

MR. SPENCE: Thank you, Mr. Chairman, I look at the statement, the capacity of existing water resources is insufficient to support new growth. Projects that already have entitlements will consume most of the remaining capacity of Lanai's single--if we're gonna talk about spelling --

CHAIR COUCH: Right.

MR. SPENCE: --single aquifer. Growth of [sic] new development cannot support, et cetera, et cetera. I'm, this is a really conclusory statement that I'm not sure is supported by the Lanai Water Use and Development Plan. I would be extremely cautious putting something like this in the Plan because I do not know that this is fact.

CHAIR COUCH: Okay. Mr. Hokama any comments? I'd like to by the way recognize the presence of Council Chair Mike White and Council Vice-Chair Don Guzman.

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COUNCILMEMBER WHITE: Good morning Chair.

COUNCILMEMBER GUZMAN: Good morning.

CHAIR COUCH: Good morning.

COUNCILMEMBER HOKAMA: Chairman, thank you. Regarding the proposed language under (B) limited water resources. You know, I have some issues with the way the language is and I appreciate Director Spence's comments. You know with the just the way the island was, we grew 13,000 acres of pineapple, we pumped Maunalei Gulch for Dole and residential use for decades, and we don't grow pineapple anymore, we don't irrigate 13,000 acres anymore. So for me I would say I wouldn't really agree with insufficient to support new growth, it's, you know that's why we have a Water Use Development Plan now that Council approved for the island. I think the current water capacity can handle certain growth on the island, I understand the communities' concern about the availability of potable water, but I think before we put certain type of statements in the document, I would say regarding limited water, I would maybe recommend that the appropriate agency or water company go and update the sustainable yield of the island through the Commission of Water, State, Water Resource Management. This \$6 million dollars [sic]that we've relied on is something decades old. And so I think if we want to say certain things that growth cannot be supported until the capacity of water is increased then I think we should know what is the current capacity of water and have that reconfirmed, because it may have gone up, I don't know, I don't think so, but hey, let me see where my, say 7 million or see where my, say you know the drought has impacted the island over 20 years and the capacity now sustainable is 4.5 million. But I think those are important things that we need to have confirmation of for us to make the best decisions if we're gonna be specific about water in this Plan. I don't want to be that specific, I would like to give the land ownership some flexibility but still yet have enough parameters to ensure the community's concern of this potable water availability and how we have designated by priority who gets water under certain situations through the Water Use Plan, Chairman, so I got problems with this proposal right now. Thank you.

COUNCILMEMBER GUZMAN: Chair.

CHAIR COUCH: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. I would propose if you wanted a little bit more flexibility in the language it could possibly read as follows: the capacity of existing water resources may be insufficient to support new growth and then delete the second sentence which starts with projects. Moving forward with the first word would be the capacity of water resources may be necessary for new development, period. I believe that would give you enough flexibility to go either way.

CHAIR COUCH: Okay. Can you read that in with the changes made how it would sound?

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COUNCILMEMBER GUZMAN: Okay, how it would sound. The capacity of the existing water resources may be insufficient to support new growth. The capacity of water resources may be necessary--what did I say--the capacity of water resources, oh, may be necessary to be increased for new development. Actions that can increase water resources include forestation [sic], water conservation, et cetera, et cetera. Does that make sense?

CHAIR COUCH: Yeah.

COUNCILMEMBER GUZMAN: Okay.

CHAIR COUCH: Members, any comments on that?

COUNCILMEMBER VICTORINO: I think, Mr. Chair.

CHAIR COUCH: Mr. Victorino.

COUNCILMEMBER VICTORINO: The only challenge I have with that is the second sentence on the original one says projects that have already have, that already have entitlements, you know it's kinda saying that there are commitments made already. So I'm kinda concerned because I understand new development, but commitments and in other words something that's entitled and I, maybe Mr. Hokama can address that a little more thoroughly, but it says projects that already have entitlements will consume, okay, so how many entitlements are there? 'Cause he's saying just new and that's fine but in the word new that opens it up for anybody else coming in behind, so if somebody's entitled I don't know, you know, I'm just questioning that statement versus Mr. Guzman's statement is good but how do you incorporate entitled with the word new.

CHAIR COUCH: Currently entitled projects.

COUNCILMEMBER GUZMAN: Well...

COUNCILMEMBER VICTORINO: Yeah.

CHAIR COUCH: Mr. Guzman.

COUNCILMEMBER VICTORINO: Currently entitled

COUNCILMEMBER GUZMAN: Well, let me explain why my rationale for deleting that second sentence is because the projects that are existing currently we don't know for sure, it's indefinite whether they will consume the remaining capacity of the Lanai single aquifer, it's...

CHAIR COUCH: How about if we change that will to could?

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COUNCILMEMBER GUZMAN: Yeah, you could, yeah.

CHAIR COUCH: Leave that in there to...

COUNCILMEMBER GUZMAN: Yeah. Projects that already have entitlements could, I would be more agreeable to that.

COUNCILMEMBER VICTORINO: Okay. Then I can agree with that also. Yeah, I think that's a fair change, yeah.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR COUCH: Okay. Mr. Spence.

MR. SPENCE: Mr. Chairman, actually I like Mr. Guzman's original language. But the I mean just as a practical matter the way that it's going to come down if there are additional entitlements requested, the company is going to have to justify, I mean this is probably the number one issue on that island is the capacity of water to for all different kinds of uses. They're gonna have to do modeling, they're gonna have to do all kinds of things, they're gonna have to convince the decision makers that there is adequate water to accommodate this. Whether its farming or whether it's development or whatever the case may be, this is what's going to, this is going to be the driving force, so just as a practical matter no matter what language gets put in here, I mean just I mean I don't want to restrict it too much as we've discussed and as Mr. Hokama has also said we need to provide the flexibility but at the same time no matter what goes on, no matter what language is ultimately adopted, they're gonna have to justify that there's enough water. So we all know how when we get into Planning Commission meetings and we get into Council Committee meetings, we discuss these things and we examine the documentation and everything thoroughly before a decision is made.

COUNCILMEMBER VICTORINO: Okay.

CHAIR COUCH: Okay. So the current suggestion is the capacity of the existing water resources may be insufficient to support new growth. Projects that already have entitlements could consume most of the remaining capacity of Lanai's single aquifer. Then I don't have quite what Mr. Guzman's language was 'cause I didn't quite get it down for the next sentence.

COUNCILMEMBER GUZMAN: Did Staff get it down?

CHAIR COUCH: Staff? Did you get that?

COUNCILMEMBER GUZMAN: The capacity, I believe it would be the capacity of water resources --

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CHAIR COUCH: Into the microphone please

COUNCILMEMBER GUZMAN: --oh...

COUNCILMEMBER VICTORINO: It's not on.

CHAIR COUCH: It's not on.

UNIDENTIFIED SPEAKER: The capacity of water resources may be necessary to be increased for new development.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR COUCH: Okay. And then actions that can increase water resources can include reforestation, water conservation, water use and alternative methods of water production including desalination.

COUNCILMEMBER VICTORINO: I can live with that.

CHAIR COUCH: Members, any concerns about that one?

COUNCILMEMBER VICTORINO: Riki?

CHAIR COUCH: Riki?

COUNCILMEMBER HOKAMA: I just don't want it to --

CHAIR COUCH: Mr. Hokama I'm sorry.

COUNCILMEMBER HOKAMA: --be inconsistent with what we've approved for the island for under its Water Use Development Plan.

CHAIR COUCH: So you're suggesting take a look and see what the Water Use Development Plan...

COUNCILMEMBER HOKAMA: We should be consistent.

CHAIR COUCH: Which we don't have in front of us unfortunately.

COUNCILMEMBER HOKAMA: Yeah, maybe...

COUNCILMEMBER BAISA: Refer to. Yeah refer to.

COUNCILMEMBER VICTORINO: What if we added, what if we put something in here that says based upon the Water Use and Development Plan? Now I don't know where

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exactly would you place it, but again is that the governing board when it comes, governing entity that we using for water use on Lanai? I know you gonna vent it all out and all that, but that's already been done, we've done the Water Use and Development Plan for Lanai and so somehow that should be incorporated here somewhere. That, that should be overarching I don't know if you agree or not, Riki, but that should be the overarching determination as far as any development based upon the Water Use and Development Plan.

CHAIR COUCH: Mr. Hokama?

COUNCILMEMBER HOKAMA: I don't have a problem that it be considered as maybe a potential reference or attachment of part of an appendix. And again we've, Council passed it by official action.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER HOKAMA: So already the allocation of how water is gonna be distributed under certain conditions, drought, what have you, natural disasters, it's already set priority one, priority two who gets water who doesn't get water under those situations. So for me, I just want us to be able to be consistent on that document which the community takes confidence in that should a, the situation arise we'd all know who gets water first and that's the resident and on down by priority. So that's just my thought and I think that it should be done on all community plans, it be consistent with their, whatever is the current water use policy we have, Chairman.

CHAIR COUCH: Okay, Mr. Spence.

MR. SPENCE: Maybe just a couple of comments on this is that this was original, what we're talking about is Problem A in Chapter 2 and what it was is it summarized, the original statement just summarized and this is a required part of 280B that described the problems and opportunities, and the number one problem was declining forest ecosystems and water resources, and so the discussion was well, let's split this into two things, ecosystems and resources. The so this is just a descriptive paragraph, it shouldn't be, I don't think it should be inclusory, this isn't a policy, this is just saying this is an issue on our island and this is Problem A, this is the number one.

CHAIR COUCH: Uh huh.

MR. SPENCE: This is the first one that appears so we're just basic what we're doing here is not creating policy, we're just describing this is the issue for this island is water resources. The Water Use and Development Plan is referenced elsewhere in the document so and that and I think it's good to reference it, but that document also stands alone and you know like I said, if there are going to be new developments, if there's going to be new entitlements that's going to be one of the primary documents that we go back and check on, you know, does any future entitlements are gonna be are going to be weighed, it's a requirement within 19.510 for say zoning that you have

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to go look at your water resources as well as "Show Me the Water", et cetera. So those things if we could just leave this part as a description, this is the problem, and whatever language the Committee comes up with, you know, we'll keep that in that context, this is the problem for the island, this is the major concern. So however we adopt language, you know, that's up to the Committee but this is not a policy.

CHAIR COUCH: Okay. So Members, just to point you to Page 2-4, Problem A the existing language for those that are watching says declining, first problem is declining forest ecosystems and water resources. Much of Lanai's forest ecosystems and water resources have been declining over the last century. Water and other natural resources on the island are vulnerable due to historic loss of forest ecosystem functions and the anticipated future effects of climate change. Lanai's forest systems are vitally important, a vitally important resource because the island's main aquifer relies, in part, on the 'cloud forest' (clouds retained by barrier of tree tops) for water recharge. Over the past 150 years ungulates (sheep, goats, and deer) have decimated and denuded the forests and, more recently, invasive species have taken over and crowded out native species. The planting of the Cook Pines in the early 20th Century helped to create a cloud forest but now the cloud forest trees (on Lanai hale) are needed, in need of replanting. That language was suggested to be Problem A, and then a new Problem B was limited water resources with the language that we're discussing now. I like Mr. Spence's comments about kinda leaving it there and then looking at where in the policies and in the actions where we refer to the Lanai Water Use and Development Plan. Mr. Hokama.

COUNCILMEMBER HOKAMA: I think that's part of the confusion, Chairman, 'cause it's part of language of B you have an action --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --component --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --which we don't have in A.

CHAIR COUCH: So we can even take that out.

COUNCILMEMBER HOKAMA: I think it's --

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER HOKAMA: --if we gonna be consistent eliminate that last sentence.

UNIDENTIFIED SPEAKER: Yes.

CHAIR COUCH: Yep, I agree.

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COUNCILMEMBER BAISA: Yes, I agree.

CHAIR COUCH: So we can still split it out with the first thing being declining forest ecosystems and then B limited water resources, actually I would flip those make A limited water resources with new language and B be declining forest ecosystems with the existing language, and then we do a combination of all the things we've worked on. So it would say the capacity of existing water resources may be insufficient to support new growth. Projects that already have entitlements could consume, okay, so that whole language that we talked about removing the actions, I think is sufficient and it isn't restrictive at this point, it's sufficient to warn everybody that we need to look at the water and then further on in the document we talk about the Lanai Water Use and Development Plan. Is that uh...yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I would say maybe it's part of the problems of, under limited water resources, also a large land mass that services a very small amount of people and the amount of limited financial capability a system of this type of situation can actually afford.

CHAIR COUCH: You wanted to add that to...

COUNCILMEMBER HOKAMA: That's part of the problem. The situation of the system.

CHAIR COUCH: Well, we do have that broken down somewhat, limited economic diversity, limited housing options, aging infrastructure, is that, I mean there is a long list of the problems on Page 2-4 and 2-5, not that long but a list of problems that kind of incorporate what you were talking about but we can pinpoint if necessary.

COUNCILMEMBER HOKAMA: If I may just take the comments of one of our resource people, Ms. dela Cruz.

CHAIR COUCH: Uh huh. Yeah.

COUNCILMEMBER HOKAMA: One water system for potentially 50 units in north Lanai?

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: I'm not gonna ask the Maui tax base to pay for that.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: Well, the issue is size and cost.

CHAIR COUCH: So what I would suggest then first of all for Staff's purposes and if everybody's okay with on the handout I handed you, swapping A and B so that limited water resources is number one priority. Okay?

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UNIDENTIFIED SPEAKER: Yes.

CHAIR COUCH: That's the first suggestion.

COUNCILMEMBER VICTORINO: Okay.

CHAIR COUCH: So we get consensus on that?

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER VICTORINO: Yeah. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Then in B, we have the language that we were talking about removing actions that can increase water resources, adding that language there and, Mr. Hokama, if you feel more language is necessary either after the recess or prior to the final passage, we can tack another sentence in there that if you can craft it.

COUNCILMEMBER HOKAMA: Well, I'm sure like people like Mr. McOmbler and others that are either watching or listening, Mr. Chairman, that has a very long history of following water use on the island --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --will more than likely give us some recommendations of language.

CHAIR COUCH: Okay. So Members, if that's okay we can set that as our Problem A and B and then move on from there without objection. Okay.

COUNCILMEMBER COCHRAN: Chair. Real quick.

CHAIR COUCH: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: In regards to the declining forest explanation, I think, I personally note, not to talk against Mr. Hokama's comments but the Cook Pines are a big landmark you know and historical reference on that island. Coming, looking over from Lahaina towards Lanai, that row of pines, the black coral divers would also measure up their dive spots with certain pines up on that trail and what have you but yes, they are in decline. So I mean I think it's notable to keep that in there somehow that they why they were put there, to create a cloud forest but yet today the cloud forest is in decline.

CHAIR COUCH: Right.

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COUNCILMEMBER COCHRAN: So that's a problem --

CHAIR COUCH: That language --

COUNCILMEMBER COCHRAN: --but there's no action to that --

CHAIR COUCH: --right that language would stay there but it'd be--

COUNCILMEMBER COCHRAN: --but take out the need of replanting --

CHAIR COUCH: Nope.

COUNCILMEMBER COCHRAN: --that ending action item is that what I thought I heard.

CHAIR COUCH: No, that's kinda of a stating of the problem, it's not really an action, eventually we'll get into an action elsewhere. The suggestion is to leave that language all the same without...

COUNCILMEMBER COCHRAN: Intact?

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Okay. Completely. Okay.

CHAIR COUCH: But it would just be Problem B.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: And Problem A would be the limited water resources.

COUNCILMEMBER COCHRAN: Okay. Very good, thank you.

CHAIR COUCH: Okay, Members, if that's okay we'll go onto the next item. Alright. Well, we know the water's the tough one, that's the really tough one. Members, we did have a break when we passed all this out, but we didn't have our official mid-morning break. Are you okay with moving on or do, does, do people need a mid-morning break?

COUNCILMEMBER VICTORINO: No we have enough knowledge on--

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: --have just bare quorum so --

CHAIR COUCH: Okay.

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COUNCILMEMBER VICTORINO: --not a problem, Mr. Chair, let's move on.

CHAIR COUCH: Okay. Alright so the next thing is on Page 2-12 The Economy and we expressed concern that the discussions relating to sustainability was absent consideration for the financial sustainability of the County. And that there is no guidance on how to provide long-term funding for the increased public services called for in the plan, and is Lanai's plan to become self-supporting or continue receiving public services subsidized by the rest of the County? And I think that was a comment Mr. Hokama made just looking to see if anybody has any language that they are comfortable with, because it was an issue brought up I think by Mr. Hokama. So Mr. Hokama, do you have any, again that's Page 2-12.

COUNCILMEMBER HOKAMA: Well, that is why, you know, my thing has always been that the Department needs to find ways of having some financial, you know this needs to be a financial analysis. I mean it's easy to ask for things when you don't have to think about how much it cost and how to pay for things.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: The nine of us have a responsibility by Charter to be aware and to make those types of decisions, Chairman, so you know there's a lot things in this Plan unless Maui buys into it, it's not going happen 'cause we cannot pay for it ourselves.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER HOKAMA: Okay. Fire protection, police protection...

CHAIR COUCH: You know. mister...

COUNCILMEMBER HOKAMA: I would just say we should, you know that's why we should as part of the planning we had one financial analysis component of what this potentially means. You know projections --

CHAIR COUCH: Right, we kinda do in the...

COUNCILMEMBER HOKAMA: --that occur in tax rate for maybe Lanai, your taxes might have to go up 500 percent. --

CHAIR COUCH: Oh that kind, okay.

COUNCILMEMBER HOKAMA: If you want to be sustainable and only revenues from Lanai pays for Lanai services. This is what it would take, this is what would happen to your sewer fees, this is what going happen to your refuse fees, this is what gonna happen to your property tax. I think once people understand cost assorted to the request, I think they make reasonable adjustments and they make reasonable decisions.

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CHAIR COUCH: I kinda like that idea. I mean for moving forward but I don't know that we would have to change 280B

COUNCILMEMBER HOKAMA: I not thinking of thinking of . . .(inaudible) . . .

CHAIR COUCH: No, no.

COUNCILMEMBER HOKAMA: That is one of my issues with Charter commissions.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: We tend to end up after legislation or something to deal with the costs and everybody grumbles why am I paying more when they already mandated us to provide more?

CHAIR COUCH: Yep.

COUNCILMEMBER HOKAMA: You know it's a...

CHAIR COUCH: Maybe a run of these plans through the Department of Finance.

COUNCILMEMBER HOKAMA: I don't know if they would be even able to be able to project it but I'm sure there is a formula, there is calculations because if they can come up with projected populations, we should be able to come up with projected costs.

CHAIR COUCH: Yeah. Good point. How about some language in under the economy saying that keep in mind that all the infrastructure and whatnot is highly dependent on State and County of Maui taxes just to remind people that taxes is what pays for this.

COUNCILMEMBER HOKAMA: Well, we're gonna be doing that in Budget, Chairman, you know.

CHAIR COUCH: Well, I understand that but...

COUNCILMEMBER HOKAMA: ...(inaudible)...we taking up the ag bill soon.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER HOKAMA: This is gonna be about informing the community who is paying for what --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --who is receiving what and who is actually paying for those things. I think the community is gonna be better informed on how we utilize, where

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we collect the money and how we gonna use the money, because you know for me this is a Countywide issue, it's not a district issue.

CHAIR COUCH: Correct.

COUNCILMEMBER HOKAMA: It's a County issue. So that's how I plan to approach it, and Lanai should be part of that districts that get the appropriate updated information to be also as educated at us regarding how we need to make those financial adjustments on plans such as these, Chairman.

CHAIR COUCH: Okay. Do you since you brought the, you were the one that brought this up, are you interested in having some sort of language in there or you just want that on record to know? I know it's tough, I mean that's a huge...

COUNCILMEMBER HOKAMA: I wish I had that silver bullet, Chairman.

CHAIR COUCH: I know.

COUNCILMEMBER HOKAMA: You know, I look forward to eight other perspectives to join minds so we can come up with hopefully a consensus position that makes sense for the whole County ...(inaudible)...

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: It'll be in another venue on another day, Chair.

CHAIR COUCH: Right, so you're okay with leaving the language as it is on Page 2-12 and -13, well 2-12 and then just keep in mind that where we get the money from. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. You know this is goes way, way back to the GPAC days.

CHAIR COUCH: Yes.

COUNCILMEMBER BAISA: And I think we all remember when we were doing the General Plan, that was their angst, they kept asking, they wanted more financial information they wanted to say well, you know you want to do all these things how you gonna pay for them? So I think this discussion that we're having right now is very relevant but as you say very difficult, and I agree it's a whole other effort to sit here and it's not just money, it's philosophy.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER BAISA: How do people feel about how much taxes they want to pay and where they want to see it going? You know we're seeing it in a lot of the work we're

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doing, we're seeing it in the Budget Committee when we're gonna talk about taxes, we see it in the Water Committee, we see it everywhere. It's always the question of who pays and how much do they want to pay? You know it's very easy to come to your friendly Councilmember and say I want a new park in my area, but when you ask them are you willing to pay more taxes, we all know the answer. So you know we have a situation here and money's really important and where it comes from and how we spend it. I think sometime we need to spend more time on our financial philosophy, we don't, we spend more time arguing about a project but there's a bigger thing behind it. Where does the money come from, how do you prioritize, what do we see as County roles and you know nice to have and all these things? Anyway, I, it's complicated. Thank you.

CHAIR COUCH: Right and we have that both in our implementation of this Plan as well as the General Plan implementation, all those dollars and there's a lot of them have to be taken into account so it's just a matter of priorities and when. So I'm fine with leaving it as it is and then just using that philosophy, but I'm also open to a sentence or two that might express those concerns. Mr. Hokama, it's your island's Plan so I'll follow your lead on this one.

COUNCILMEMBER HOKAMA: Well, I'm happy we going take this back to the island, Chairman, because it's gonna be important what our community has a say. The landowner has a big, you know, big investment they have a financial stake so I'm sure they'll make us aware of their thoughts, but as they promote certain types of sustainability, I think it needs to be clear what is the sustainability, is it from what perspective, because I don't see us being sustainable from a government service revenue generation standpoint. So you know it's gonna be things that we're gonna need to discuss, because Lanai is 3,000 people, we are not gonna have a Queen's Hospital on Lanai.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: You know we are not gonna have a Police Department master station like Kihei, you know, I understand that we not gonna have a Mayo Clinic on Lanai, I understand that. But Lanai wasn't geared and isn't intended to be that with 3,000 people.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: We gotta do what fits our island with our population base and that what makes sense. So refer Mr. Matsumoto, you know they not committed to a target number 6,000 12,000, you know, and I hope they're sincere on that, because you know we've gone through major population shifts whether you go through pre-territorial days or monarchy days, you go territory, early Jim Dole days when we had maybe what 6,000 employees on island but most of them were individual bachelor men and that's how the community was built with the various types of housing. So I think we for those of us that know the history, have seen the cycles, know the

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patterns, have lived and died our family members on that island, I think we understand where we want to go and what we need to do but still to retain what makes our island special as part of this County.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: That's my intent, Chairman.

CHAIR COUCH: Okay. Thank you. Alright, so Members, next item up is Chapter 3, Page 3-2, Lines 27 to 29 which is watershed partnerships, and the Department, Planning Department has revised some language on there so turn to Page 3-2, and Department.

MS. JORGENSEN: Thank you, Chair. We have handed out today the revision to this section that's on Page 3-2, Lines 24 through 37, and we clarified the relationship between the Nature Conservancy for the one area the Kanepu'u Preserve, it is still in existence and so there is a partnership for those 590 acres, and there's a perpetual conservation easement that was originally with the Nature Conservancy, then transferred to the landowner, to Castle and Cooke, so it's and that's where conservation easements are generally with the landowner but it originated with the Nature Conservancy. We also took out the language of the forest, the Lana'i Forest and Watershed Partnership, and we have checked both with the lead of the Nature Conservancy and with DLNR. We received an e-mail from Lisa Ferentinos from the Watershed Partnerships Program that conveys that they will taking the, that area off their maps. That's the on your maps you see is a red line that encompasses approximately 20,000 acres, and so it's no longer as it was testified by Kurt Matsumoto at one of the earlier meetings that it's not in existence, and then DLNR and the Nature Conservancy are also saying that it is no longer in existence for that larger partnership. So that's where the revisions that you see in front of you have reflected that, those changes.

CHAIR COUCH: Okay. Members, you all have the handout from the Department, does that language look good to you? Mr. Hokama, your choice first.

COUNCILMEMBER HOKAMA: Chairman, I understand what the Department shared, all I can tell the Committee is that you will get comments once we take this back to Lanai.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: You will definitely get testimony on this.

CHAIR COUCH: Okay. But right now you're fine with the language, we pulled out the Lana'i Forest and Watershed...

COUNCILMEMBER HOKAMA: I'm fine with half of it, you know, I've seen copies of executed documents, so I'll let our community be very detailed in their comments about this proposal.

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CHAIR COUCH: Okay. And I'll read it for the folks on Lanai who haven't see this, it says: Chapter 3 Environment and Natural Resources Page 3-2, Line 24 to 37: it says that the Kanepu`u Reserve, a Pulama Lana`i, DLNR and Nature Conservancy Natural Area Partnership, is 590 acres within seven units that contain lowland olopua/lama (native trees with cultural importance) dryland forest and rare native plant species. Early fencing in 1911 saved this forest from destruction by goats. Recently the Nature Conservancy replaced the fence and developed a management plan for the 48 native plant species. Many of these plants are being out-planted to establish new restoration areas. Pulama Lana`i oversees 20,000 acres of lowland mesic, which is moderate, and dry communities, which include the Kanepu`u Preserve and the Lana`i Hale acreage. Plans call for additional fencing, feral animal removal and native plant restoration as well as keeping conservation action ongoing through the support of programs and volunteer groups. The Lana`i Native Species Recovery Program performs invasive weed control, fence upgrading, and fence maintenance. So that's the language that we're looking for, any comments? Consensus will take that.

COUNCILMEMBER BAISA: Consensus.

COUNCILMEMBERS: Consensus.

CHAIR COUCH: Okay. Alright, now on to Chapter 5, Page 5-6. Action 5.10 Registering Historic Sites to the National Registry. The Committee requested additional community input relating to community control over historic sites and whether or not to register sites in the National Registry. The concern was that the community would lose local control if historic sites are registered. Members, Mr. Hokama, that was a concern of yours as well.

COUNCILMEMBER HOKAMA: Yes it was, Chairman. It's kinda interesting you know we hear plans and excitement about moving the island forward, and yet there's a component that wants us to live backwards in time of the 1950s for somebody not on Lanai's pleasure. I get some issues with that especially if that's not what Lanaians want, I think we should have a respect and a preservation of where we came from. But I don't want to be stuck in time.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: So for me I think we need some balance, I think one of the things is we really need to have the community understand because most of what is Lanai City is over 50 years old and more than likely then goes through historic preservation review just by age of the structures. My house on Lanai on Fifth Street would go through a review. I don't need my house to be on one national historic registry. I don't need to go jump through ridiculous hoops to just renovate my house for my personal convenience, it's none of their business. And I think people should be aware that if they have certain designations it's gonna take a lot more difficulty to get certain type of permits and will add costs to those permitting procedures, and I don't

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know, I just want the community to be aware that sometimes these designations may take double amount of time for get an approval, it may cost you triple the amount that you had intended to spend on--

UNIDENTIFIED SPEAKER: Oh yeah.

COUNCILMEMBER HOKAMA: --the process.

CHAIR COUCH: Oh yeah.

COUNCILMEMBER HOKAMA: So you know my thing is let's be very upfront and fully inform the community of the consequences of certain actions both good and bad. Thank you, Chairman.

CHAIR COUCH: And Department, do you have any comments on this one?

MR. SPENCE: Mr. Chairman, the in when I first heard of the community was concerned about losing local control of historic sites, I took it as a concern that well, there's only one other landowner, may just you know just demolish sites without community input, so I was thinking well, of course you want things on the register because that adds an additional layer of review if you modify historic structures. But after hearing Mr. Hokama's concern that you know I don't want the Feds telling me what I can and cannot do with my house. That's a different viewpoint and I hadn't considered that viewpoint right now. I think there's certainly a place for putting structures in places on National Register and I think that's very important for their preservation.

CHAIR COUCH: And Members, since this has some impact on the community as well, do you mind if we discuss with the resource personnel on Lanai?

COUNCILMEMBER HOKAMA: Yeah, I think we should ask Ms. dela Cruz and Mr. McOmber their thought. I understand and the community understands too, we want certain things preserved.

MR. SPENCE: Yeah.

COUNCILMEMBER HOKAMA: Because they're major components of our culture and history. But I think we need to be fair too that certain things not just what the company owns, this may be what some of us as private owners own too that might be under it you know. So this is not just about the company's requirements to preserve historical important buildings, records, what other artifacts that the island feels is critical to, for histories preservation, but it also impacts other property owners including those of us who own our own house and lots.

CHAIR COUCH: Right.

MR. SPENCE: Yeah. Mr. ...

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CHAIR COUCH: Yes Mr. Spence.

MR. SPENCE: I'm looking specifically at the action out of Table 5.1 and I know...

CHAIR COUCH: 5.10 or 5.1?

MR. SPENCE: The specific action is 5.10.

CHAIR COUCH: Okay.

MR. SPENCE: And I understand there at once upon a time there was an effort to nominate the entire Lanai City to the National Register. This proposed action is really just specific to the jail and the courthouse.

CHAIR COUCH: The jail and the courthouse, right. But it goes to an overall, yes, that action is there but it goes to an overall what do we do about historic places. I think there was concern about making those historic by Mr. Hokama because I forgot what you said but I think that's why it's in here.

MR. SPENCE: Yeah and I share Mr. Hokama's concern.

COUNCILMEMBER HOKAMA: I would agree for 5.10 the community would agree that the old district station for Police, district courthouse for Judiciary and our unique type of housing jail inmates is a special thing for us so I would say we should, it was a great deterrent, physical deterrent.

CHAIR COUCH: ...*(laughs)*... How many nights did you spend in there sir?

COUNCILMEMBER HOKAMA: ...I spent half an hour as part of a class excursion and everybody should have that experience of what it is to be behind bars because then you don't want to be behind bars.

CHAIR COUCH: Okay. So just in the subject in general, I'd like to hear from the resource folks on Lanai if there's any objection? No objection. Okay. Lanai folks, you heard the discussion on this is specifically for the jail and the courthouse but in general allowing the community to have a little bit of control over historic sites and whether or not to register sites on the National Registry.

MR. McOMBER: Mr. Chair?

CHAIR COUCH: Yes.

MR. McOMBER: This is Ron McOmber.

CHAIR COUCH: Okay.

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MR. McOMBER: Yeah, we strive really, really desperately strive to keep Lanai City, the B-CT in particular intact as much as we can. As far as the historic sites, they gotta be looked at item by item. Riki's right if I owned a plantation house I wouldn't want somebody to come over and tear it down.

CHAIR COUCH: Or tell you how, well, the other thing is if you wanted to make it a remodel or something if it was an historic site, you would have to go through tons of red tape to get even a remodel done.

MR. McOMBER: Well yeah, you do have to go, fortunately you do have to go through a ton of red tape to do that because then you get all the answers. What may be ugly to me is not ugly to local people who've been here for 50 years or 60 years, it's in the eyes of the beholder I believe. This is a unique place over here and there's lots of places here that we just don't want Pulama or whoever the landowner is to come in and bulldoze a bunch of houses down without any consideration of the atmosphere that has been created in Lanai City.

CHAIR COUCH: Okay. Understood. Ms. dela Cruz, any comments?

MS. dela CRUZ: I really would like to have the jail and the courthouse preserved, but I don't think we realize, as I recall Riki was bringing up that it affects people in the immediate area near the courthouse, and if that's so I think maybe that should be brought up to the community to see if there is still support to register it, if there is gonna be that effect on the community.

CHAIR COUCH: Okay. Thank you. So Members, we heard their concerns, there isn't much we can add to that because it says provide assistance to landowner to nominate the jail and courthouse to National Register of Historic Places, if they, I mean and I'm adding the if they so choose and if the community...yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Maybe one thing that would help all of us including our people on Lanai is, is there any difference between a State historical designation and a national designation?

CHAIR COUCH: Mr. Spence.

COUNCILMEMBER HOKAMA: And if there isn't then okay, at least we understand there isn't but if there is then at least the community can maybe decide whether one is better than the other.

MR. SPENCE: Yeah. I'm not, I'm certainly not an expert on 6E versus the national register, but there are two registers, one is State, one is Federal, I'm not sure if one offers flexibility more than another. I know Hawaii Revised Statutes 6E largely mirrors the Federal statute, but past that I really couldn't tell you, I'd have to consult with our historic person in staff.

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COUNCILMEMBER HOKAMA: So you wouldn't know right now that if this let's say our old County jail, district courthouse facility was on the State registry it would automatically be considered for National registry?

MR. SPENCE: I would say it would certainly be eligible for the National Register. I mean eligibility is a matter of you know as you had previously commented about being 50 years old, et cetera. I know there's a number of sites that are on the State register that are not on the National but I mean so it's not automatic.

COUNCILMEMBER HOKAMA: Okay.

MR. SPENCE: But that but being placed on the register would go through CRC review, the CRC would travel to Lanai and gain community input, et cetera so there's a public process involved.

COUNCILMEMBER HOKAMA: Okay. Thank you very much, Director.

MR. SPENCE: And...

CHAIR COUCH: Ms. ...go ahead.

MR. SPENCE: I would also comment, just because this particular action names two specific structures that would not exclude the eligibility of other structures, you know within the city so within the city or on the island. So just for the it's not necessary to name every single eligible location should there be a drive with the community or with the company to place locations on the State or National Register.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: Okay.

MS. JORGENSEN: You mentioned adding a clause of saying if they choose so...

CHAIR COUCH: Oh no I didn't, I didn't mention adding that, I just was saying if they choose that then we would provide that.

MS. JORGENSEN: Yes, but that is a important component of this, it is a volunteer process, they have to elect to apply for the nomination, so it, we could propose having that in here as well as what Director Spence just said about other structures. So it'd read provide assistance to landowner if they choose to nominate the jail and courthouse or other structures to the National Register of Historic Places. So it broadens it.

CHAIR COUCH: Any comments on that, Members? I'm fine with adding that. Seeing, hearing no objection, we'll add that. So provide assistance to the landowner if they

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choose to nominate the jail and courthouse to the National Register of Historic Places, and you said and other or other locations?

MS. JORGENSEN: Yes, after courthouse, you could add or other structures.

CHAIR COUCH: Okay. Members, no objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Good. Alright same page, Action 5.16 which says coordinate with State to conduct a feasibility study to establish a State Cultural Park on Lanai. Now CPAC, we requested some additional community input relating to the "cultural park", CPAC members didn't recall any discussion about a cultural park, we deleted cultural park references in both policy and actions, and the Department, Planning Department noted that the cultural park is in the existing Community Plan. So, Mr. Hokama, I think you brought this up as well what cultural park and...

COUNCILMEMBER HOKAMA: You know, I participated on the review of the current Plan and gosh, I cannot recall discussions about this State cultural park.

CHAIR COUCH: On the current plan you're talking about? The, not the one we're working on but the one that is in existing.

COUNCILMEMBER HOKAMA: Yes, yes, yes. I sat on that advisory panel. You know I don't have that strong a feeling with this, I think the community has moved forward you know we have a cultural museum now on the island. We have people like Mr. Albert Morita and others who volunteer and support this effort, so I'm not sure if that was what the community had intended to move towards this museum cultural facility, or you're looking something as what we have done in Iao Valley with various cultural pavilions for different groups. I'm not too sure what it is, Chairman.

CHAIR COUCH: Okay. And I'm not sure who put that, that was obviously in there in the initial draft it appears, and it's made, it's all the, it's way all the way through so I'd like to ask, I know we asked several folks last time on Lanai and over the phone, but CPAC members say they didn't recall any discussion about the cultural park and everything's been removed, is it okay to remove that 5.16? I mean what are the thoughts of Ms. dela Cruz, Mr. McOmbler on that?

MR. McOMBER: Mr. Chair, can you hear me?

CHAIR COUCH: Yeah.

MR. McOMBER: That cultural center that you're referring to in the original or the 1998 Community Plan basically took in the edge of the labor yard out towards which is now Hale Kupuna. They were going to turn that into a cultural center, have halau platforms, we we're gonna have machinery and everything, but that went by the

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wayside when we started talking about the new CPAC, but that cultural park that we talked about was a divide between the town now and where Hale Kupuna is now located. We thought that would be a perfect place to set up a cultural center activities with little shops and stuff like that in that area.

CHAIR COUCH: Okay. This says a feasibility study to establish a State Cultural Park on Lanai. So is that, would that be a State Cultural Park that you're talking about?

MR. McOMBER: I think that's what we were heading for alright but of course now that has a lot to do with what Pulama is gonna to do with it, 'cause at the time we thought maybe they'd just move the labor yard out of there and --

CHAIR COUCH: Well...

MR. McOMBER: --they're utilizing that whole area.

CHAIR COUCH: Well that's fine, this is just a feasibility study. Okay?

MR. McOMBER: Okay. Yeah.

CHAIR COUCH: Okay. So...

MR. McOMBER: Just so you know that that the cultural center wasn't had nothing to do with anything other than right there at that in the labor yard area.

CHAIR COUCH: Okay. Mr. Hokama, comments?

COUNCILMEMBER HOKAMA: I'm, I appreciate that people like Mr. McOmber have elephant memories.

CHAIR COUCH: ...(Laughs)... I thought you had.

COUNCILMEMBER HOKAMA: I have, I got a lot of trivia stuck in there, that's for sure. I can agree yeah, the old Dole, the old oceanic properties at that point on that ownership did consider using what was so-called the labor yard, and again as part of what Mr. McOmber said, as part of an ability to maybe do some small businesses, retain some of the flavor of the plantation era. I thought that was a pretty logical as a gathering place, that's why it was called the labor yard and that's why it's in the middle of the community 'cause in the '20s, '30s nobody had cars, you had to walk to where you gonna go to work and that's why we had the whistle 'cause that was to provide community-wide notification whether work was offered or not, and you'd go and walk to the labor yard where you would then be transported to your assigned areas throughout the island. And that was based on pedestrian community, okay, not a vehicular community. So yeah, I can see what Mr. McOmber has recalled rightly and...

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CHAIR COUCH: So okay to leave that in then?

COUNCILMEMBER HOKAMA: I got a problem asking having the State review this --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --if they want to move forward with it.

CHAIR COUCH: Alright. That was just a concern that was brought up at the last one of the meetings. Okay, moving on, I know Member Cochran has asked to recommend references where the CRC would be appropriate. Did you have a chance to look at that or do you just want to --

COUNCILMEMBER COCHRAN: Well...

CHAIR COUCH: --throw them in there where it's in the partner areas where anything it mentions is culture.

COUNCILMEMBER COCHRAN: Right. Yeah. Thank you, Chair, and yeah, I was hoping to compile a list but basically one, two, three, there's six areas for insertion pretty much for CRC, Cultural Resource Commission and the Burial Council.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: And so it's not a huge thing and I just felt it appropriate to have those entities being consulted with via Planning or whomever the case may be in the action.

CHAIR COUCH: Do you have which actions on Page 5-5 and 5-6?

COUNCILMEMBER COCHRAN: So yeah, so I don't, did you want this in writing or you want --

CHAIR COUCH: No, just go ahead.

COUNCILMEMBER COCHRAN: --me to tell you right now?

CHAIR COUCH: Yeah, go through it.

COUNCILMEMBER COCHRAN: Okay real quickly then on 5-5, number 5.02 this is, the action is develop --

CHAIR COUCH: Oh yeah.

COUNCILMEMBER COCHRAN: --a cultural resource protection plan, and under lead or County or other, CRC and Burial.

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CHAIR COUCH: As the lead?

COUNCILMEMBER COCHRAN: I felt...no, under that section, Planning Department would be in consultation with CRC and or Burial Council if needed I suppose or...

CHAIR COUCH: Or as a partner? Because the Planning Department I guess is the staffing for the CRC and Burial Council I believe.

COUNCILMEMBER COCHRAN: Right. Wherever it would be appropriate to insert those entities in relation to at least having some type of consultation with that.

CHAIR COUCH: Absolutely.

COUNCILMEMBER COCHRAN: You know I'd just like them to be notated to be there for some sort of --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --feedback, recommendation, what have you.

CHAIR COUCH: Mr. Spence.

COUNCILMEMBER COCHRAN: So whichever list they'd be most appropriate under.

MR. SPENCE: I think, Mr. Chairman, I think that kinda goes without saying, but the inclusion is you know certainly makes the list more complete.

CHAIR COUCH: Well, would it be under lead agency or partners?

MR. SPENCE: Partners. I mean the CRC is, they're, that's part of their function is resource management plans, and we'd staff them so we would come up with a draft and work with them, and you know we would consult with other people of course.

COUNCILMEMBER COCHRAN: Right.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Okay. Very good yeah and not to say that it would be neglected or over--

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --it would be an oversight just for me personally and I think others just to have it --

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CHAIR COUCH: It's good to see.

COUNCILMEMBER COCHRAN: --printed in black and white

CHAIR COUCH: See it in print.

COUNCILMEMBER COCHRAN: --and it says hey look it, these are the other entities that we consult with or--

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --work with or partner with, so if that's okay with my fellow Members.

CHAIR COUCH: Members, any?

COUNCILMEMBER BAISA: No objections.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Next one.

COUNCILMEMBER COCHRAN: Thank you and then next one down 5.03 same entities CRC and Burial--

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --in relation to this cultural resource protection plan for these, this eastern coastline --

CHAIR COUCH: Makes sense.

COUNCILMEMBER COCHRAN: --areas.

CHAIR COUCH: Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Next.

COUNCILMEMBER COCHRAN: Thank you very much, Members, and then jumping over to Page 5-6, item 5.09 again CRC and Burial added in there.

CHAIR COUCH: Okay. Members, any comments? 5.09 it is. Okay.

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COUNCILMEMBER COCHRAN: Thank you. And then 5.11 under action though it says collaborate in State with community groups such as `Aha Moku Council, in that listing to add CRC and Burial Council.

CHAIR COUCH: We took out...

COUNCILMEMBER COCHRAN: Oh, is that deleted?

CHAIR COUCH: Yeah, deleted was such as the `Aha Moku Council or similar Hawaiian advisory council. It just said community groups and then we put them, we listed some of them over in the other side, so I would think that would be under partners --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --as well.

COUNCILMEMBER COCHRAN: Okay, that's fine

CHAIR COUCH: Okay?

COUNCILMEMBER COCHRAN: As long as they're yeah somewhere listed. Okay. Thank you. Is that...

CHAIR COUCH: Members, okay, no objections?

COUNCILMEMBERS: No objections.

COUNCILMEMBER COCHRAN: Thank you very much.

CHAIR COUCH: Okay. Next.

COUNCILMEMBER COCHRAN: And jumping down, so is 5.14 deleted?

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: Okay so skip that. 5.16 last item --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --add in CRC and Burial there.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: And that's it.

CHAIR COUCH: Members any objection to that?

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COUNCILMEMBERS: No objections.

CHAIR COUCH: Seeing none --

COUNCILMEMBER COCHRAN: Thank you.

CHAIR COUCH: --moving right along. Alright here's the fun stuff, more fun stuff, it's all fun. Page 7-3 updates on sustainable yields Member Hokama requested the Committee consider obtaining updated figures from CWRM on the aquifers current sustainable yield and you talked about that earlier. I don't know how we're gonna, we would get that. Would we have staff look that up? I would think or...

MS. OANA: Mr. Chair.

CHAIR COUCH: Ms. Oana.

MS. OANA: I think somebody can call CWRM and then CWRM could ...(inaudible)...

CHAIR COUCH: You gonna take that on? Or...

MS. OANA: I could.

CHAIR COUCH: Okay. Alright. Okay, so Corp. Counsel is gonna take that on. Okay. Page 7-5, let me read new Policy Number 4, support the revisions 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. I wanted to get comments from Corp. Counsel on this policy's effect.

MS. OANA: We think it'd be, have the similar effect as the "Show Me the Water" bill where the developer would have to show the long term reliable supply of water before the permit or the development.

CHAIR COUCH: And I think this adds to the concerns that Mr. Hokama and the members of the CPAC had is if the desalination plant goes away this will have, this is the teeth right here that will make sure that the, there is adequate water. So the request was for legal comment, we got our legal comment, so we'll move right along. Page 7-5 we added a new Policy Number 11, it says support development, adoption, and implementation of a wellhead protection strategy and ordinance for County water distribution systems. We requested comments from legal counsel on the policy and its effect on private water companies.

MS. OANA: Currently there is the wellhead protection ordinance going through the Water Resources Committee right now, it was there yesterday on the agenda, but in that the

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draft of that ordinance it only applies to the Maui County public well and it won't apply to private wells.

CHAIR COUCH: Okay. Member Hokama, any comments?

COUNCILMEMBER HOKAMA: ...(sneezes)...

CHAIR COUCH: Oh, bless you.

COUNCILMEMBER HOKAMA: Excuse me.

CHAIR COUCH: See, I call your name and you sneeze. ...(laughs)...

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: So any comments on that? That and we discussed that a little bit yesterday in the Water Resources meeting, I wasn't sure if you were there or not.

COUNCILMEMBER HOKAMA: No, I was not in attendance, Chairman.

CHAIR COUCH: And they said that it was only for County wells.

COUNCILMEMBER HOKAMA: Well, you know it's interesting, Chairman, if that's the case then why does Lanai have a Water Use Development Plan?

CHAIR COUCH: This is wellhead protection.

COUNCILMEMBER HOKAMA: No, no, my point is, you know, when it's convenient for the County, we say only County water systems, other things we say it applies to everybody. So Lanai, we apply it under Water Use Development Plans, our system is under that, we have to have a plan, we have to get Council approval. Wellhead protection for me is I mean I don't see it being divided with one ___ for hold a line, this is the public guys' one and this is the private guys' one, okay, it is all one resource for the people regardless of ownership in my perspective. So for me wellhead protection should be for everything, any operation, they gonna be a purveyor for the public regarding potable water then they all should be under the same roof.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR COUCH: Mr. Victorino.

COUNCILMEMBER VICTORINO: If you remember yesterday's meeting, that was stated by the State. That even private will then fall under PUC but they'll have to, and CWRM, they still have to report, they still have to have a plan of action. So it's not like it's only for the County...

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UNIDENTIFIED SPEAKER: Okay good, good. Thank you.

COUNCILMEMBER VICTORINO: So to just to add to that, Mr. Hokama, yes, at the meeting it was discussed Ms. Seto from the Department of Health, Clean Water Division, did state that we do our own, each County is doing their own --

UNIDENTIFIED SPEAKER: Right

COUNCILMEMBER VICTORINO: --but all the private entities still have to comply also. They also have to have wellhead protection programs. So I think that's something that's gonna be done and you mention about the Water Use and Development Plan, the entire State had to do a Water Use and Development Plan, many of us was supposed to have handed this in five years ago, this is not just now, five years ago when I first started this track we were supposed to have gotten it completed five years ago, and I'm sorry to get off the subject, Mr. Chair.

CHAIR COUCH: That's fine.

COUNCILMEMBER VICTORINO: But I mean this is something relevant to what we're supposed to be doing and the Water Use and Development Plan encompasses all users of water throughout the County, not, the private and public entities, we still have no control of them, we cannot tell them what to do, but we still have the fact that it has to be part of the Water Use and Development Plan, because we draw from the same straw, in other words the same aquifers, the same water system, so that was what the Water Use and Development Plan was intended to do. So thank you, Mr. Chair, I'm sorry.

CHAIR COUCH: 'Kay. No worries. Members, that was the comment, we got statements from Corp. Counsel and yesterday from the State Department of Health so we're pretty good on that. On the next item is on Page 7-6, the lead agency in the Water Action Table, the whole table we requested, we want to get comments from legal counsel on designating a private entity as the lead other for implementing action in the Community Plan, and in this Plan we changed the heading to lead other and Pulama Lana'i was listed all the way down as the lead on that whole table, the concern is what's the legality of that, are there any concerns from the Department?

MS. OANA: Well, we discussed that, that would be a statement that a private entity should take the lead according to the Plan, it wouldn't necessarily create any legal responsibility on behalf of that entity, it would serve primarily as a statement that the County would not be prioritizing that action which would be performed by the private entity.

CHAIR COUCH: Okay. Members, any concerns with that? Alright moving right along, here's our fun one. Page 7-6, Table 7.2, we retained the LWAC references and included a footnote to read hereinafter references to LWAC in the action tables will include other relevant community groups sanctioned by the County. Just wanted to remind you

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that, that's the language we're gonna put in there. Hereinafter references to LWAC in the action tables will include other relevant community groups sanctioned by the County. Any comments on that? Okay. Moving right along. Again Page 7-6, Table 7.2, since we added LWACs on there, or actually there was a concern to put or by the Department to put NGOs in there as well, but with that language I think we're okay. That includes you know 'cause we say other relevant community groups sanctioned by the County, that's pretty much including NGOs as a partner I would say unless anybody else has any other comment on that. Mr. Hokama.

COUNCILMEMBER HOKAMA: No.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: You know, we've had just quickly Chair. We've had our meetings Mr. Victorino brought the Committee to Lanai and we had Mr. Kushi representing Corp. Counsel so LWAC as I understand is still in existence --

CHAIR COUCH: Uh huh.

COUNCILMEMBER HOKAMA: --it's still a component for the County to use as resource, so I have no issues --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --giving that recognition and recognizing NGOs.

CHAIR COUCH: So for those watching on Lanai we added LWAC, actually we left it in there -

COUNCILMEMBER VICTORINO: Left it in there.

CHAIR COUCH: --the Department wanted to take it out and replace it with NGOs and we kinda did a combination thereof in by adding that footnote. Okay. Now we may need Ms. McCrory for this next one, Page 7-6, Action 7.09, we requested a follow-up with the company to confirm the feasibility of June 2015 deadline to cover the brackish reservoir. The Department noted Pulama Lana'i indicated the date should June of 2017. If we can have, Ms. McCrory, without objection come up and just explain why that date.

COUNCILMEMBER VICTORINO: No objections.

CHAIR COUCH: Okay. Yeah sure.

MS. McCRORY: Lynn McCrory Pulama Lana'i. The reason for the 2017 is that when the Pulama Lana'i purchased the assets of Castle and Cooke and went in front of the PUC in order to confirm that the water company could also be purchased. There is a

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five-year period by which we must come back to them and complete a list of items that are valued at \$10 million, one of the items on that list is the covering of that reservoir. So putting it at 2017 would be correct.

CHAIR COUCH: Okay. Members, any concerns on that?

COUNCILMEMBERS: No.

CHAIR COUCH: Okay. Thank you. Okay Page 7-15, Action 7.26, that was the steel poles for primary transmission lines, give you a chance to turn to that page, and that was we requested additional community input on the concern of steel poles affecting scenic or historic character of Lanai. I know I got a couple comments from some folks there saying they were okay with the steel poles but it was the shorter version of the steel poles. Mr. Hokama, did you get any comments?

COUNCILMEMBER HOKAMA: I would say I have had both regarding wooden versus steel.

CHAIR COUCH: I mean the big preference would be underground but that's expensive.

COUNCILMEMBER HOKAMA: And again, Chairman, my thing is you know all communities want underground, it's part of the Subdivision Code, basically we get exemptions. I think part of it is again making the community aware that if you want this type of amenities if we could call it that in the subdivision there is a cost.

CHAIR COUCH: Yep.

COUNCILMEMBER HOKAMA: And you can have it if you're willing to pay and maybe for certain components or districts of the County, I'm not, I'm lukewarm to it, I'm not a key component 'cause I don't want only affluent communities to have --

CHAIR COUCH: Underground.

COUNCILMEMBER HOKAMA: --benefits --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --but maybe it's time we might want to see if we want to consider incremental financing tools for first for certain districts. Again though I just don't want it to be the only certain type of economic --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --subdivisions get this type of benefits, that goes against my grain.

CHAIR COUCH: I agree. But if the steel poles versus --

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COUNCILMEMBER HOKAMA: Wood.

CHAIR COUCH: --wood, you're mixed on that? I mean it's an item in there now, the Department suggested removing it, and I think we supported removing it, but it was put in there by the CPAC or the I can't remember if it was CPAC or the Planning Commission, and like I said I heard from a couple people saying yeah that's fine, the steel poles because they don't want them blown down in hurricanes. Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes, Chair, and you know I spoke to some people when I was there, and there's, just like Mr. Hokama, a mixed feeling.

CHAIR COUCH: Mixed.

COUNCILMEMBER VICTORINO: Yeah, very mixed and in that sense. I think the consensus that I was hearing is they don't mind the main lines coming from the power station up and of course they don't want those tall steel poles, they'd rather have the medium size or, I don't know --

CHAIR COUCH: Right yes, the shorter ones.

COUNCILMEMBER VICTORINO: --you know what I'm saying. You got those humongous ones like the ones we have around --

CHAIR COUCH: No.

COUNCILMEMBER VICTORINO: --our community and then you get those that are more reasonably sized, and I think for Lanai that's what they seem to have wanted, and of course they're still looking at wood in town and other areas. They feel that's the ambiance and correct me if I'm wrong, Mr. Hokama, I think they felt that, that was the ambiance of Lanai City, you know, and not to have steel poles in the city itself. So and if I'm incorrect that's what I was told by people who live there, the residents.

CHAIR COUCH: Okay. Members, without objection, I'd like to ask the two folks that are at resource there, okay.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Mr. McOmer or Ms. dela Cruz or both, any comments on that?

MR. McOMBER: The only comment I have one of my partners Stanley that works for MECO was pushing that, because it's the reliability of the poles, they don't have to be those monsters that you got going into Kahului there, but it could be a few poles. Actually most of us were really pushing for underground utility is the right way to go.

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CHAIR COUCH: Right, but the action that was submitted via CPAC I believe said install steel poles for primary utility transmission lines during new or replacement projects.

MR. McOMBER: Right.

CHAIR COUCH: You guys still okay with that being, I know we pulled it out at the request of the, you know, at the suggestion of the Planning Department. But you know that one's a double edge sword, they're ugly as heck but they're sturdy as heck.

MR. McOMBER: Debbie.

MS. dela CRUZ: Yeah I think we all were in agreement with Stan that you know the steel poles are fine, and I don't think we said that we had any objection to it being, to having those in the city. And of course we are talking the shorter poles.

CHAIR COUCH: Sure, sure. Well, Members, I'm fine with putting that back in, I just find it interesting that you know that's a tough one, that's a tough choice, but if they have a smaller steel pole I guess that's a good compromise, so without objection we can throw that back in, that action item, it is in the original copy but we had voted to move it out so we're okay with putting it back in?

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

CHAIR COUCH: It says install steel poles for primary utility transmission lines during new or replacement projects and that the lead County agency would be Planning Department/Mayor's Office, and then obviously Pulama Lana`i and MECO would be the partners. Okay. So we'll put that back in. You got that, Staff? Okay good.

UNIDENTIFIED SPEAKER: I don't know if we can, can we?

MR. McOMBER: Mr. Chairman, this is Ron, you know the primary thing that we're shooting for is we would love to have underground utilities, that's the most, probably the most efficient to do.

CHAIR COUCH: Right and that's, I don't know if you heard Mr. Hokama, that's very expensive and that's already in the Subdivision Code and...

MR. McOMBER: I understand that it's expensive and he understands it but when we went to Lalakoa III it wasn't that much difference in the payment for the houses if you included that in your total payment, it was only a couple hundred bucks.

CHAIR COUCH: Right, well, that's again in the Subdivision Code already that if at all possible to underground so that's not the issue. The issue is more of the transmission lines coming in to town.

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MR. McOMBER: Right that was what Stanley was concerned about was the transmission lines coming in that they didn't get blown down.

CHAIR COUCH: Okay.

MR. McOMBER: Thank you.

CHAIR COUCH: Alright, Members, onto Chapter 8, Page 8-6, and that says performance of the LARC, that's the Lana'i Animal Rescue Center. We needed some community input on how the LARC has been performing. Mr. Hokama, you have any comments on that?

COUNCILMEMBER HOKAMA: Not at this time.

CHAIR COUCH: Okay. Next Page 8-13, Strategy 2C, if you can all flip to that page. We kinda had this discussion at the very beginning of this meeting, but I just want to reiterate you know we had some concerns on supporting functions that are State functions, this is all on the health care if you look at Page 8-13, Strategy 2C and it says support the development of palliative care services and hospice facilities to allow terminally ill patients to remain on the island in facilities or at home in their last days. And all through those issues and strategies, the concern is the definition of support does that imply or does that first of all imply or definitely say that we need to financially support, or is this just should we say encourage efforts or encourage the establishment, encourage the development? Ms. Oana.

MS. OANA: Based on how the Plan has been written, this whole Plan where the word encourage is used in some places and support is used in other places, and I think we established that support does have a connotation of monetary help.

CHAIR COUCH: Okay.

MS. OANA: We should keep it consistent and if you want to just encourage or just assist or without any . . . *(inaudible)* . . . monetary...

CHAIR COUCH: I believe we did change it to encourage, et cetera, but I just wanted to make sure that the Members are okay with changing all that from "support" to "encourage", 'cause I'm not sure that we have the financial wherewithal to help financially support some of that stuff. So Members, are we okay with changing all the supports to encourage in that, those issues? Okay. Now on Page 8-15, Table 8.5, it talks about we need to clarify whether Office on Aging or Council on Aging is appropriate agency to list as a partner. Action 8.25 identifies the Office on Aging, I'm thinking Office on Aging is more towards the right entity and if they want to involve the Council on Aging that's their kuleana. Okay, any comments on that, any concerns, Members?

COUNCILMEMBERS: No.

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CHAIR COUCH: Okay moving right along, Chapter 9, under existing conditions Page 9-2, Lines 11 to 14, we want to revisit to address Planning Department's proposed deletion of the last sentence in the first paragraph on 9-2, and that says, the deletion is in addition the project districts have required agreements and conditions that may need to fulfill Maui County Code Chapter 19-70 and 19-71 requirements or subsequent ordinances. The Department I think has some language that might help with that, I know there's some concerns with the legality of some of this stuff of putting ordinances in the Plan itself. Department, did you have some language that you're looking for on that?

MS. JORGENSEN: Okay, to replace Lines 12 through 14 starting with in addition, it'd read in addition, the project districts have zoning conditions in MCC Chapters 19.70 and 19.71 that have to be complied with prior to or concurrent with development.

CHAIR COUCH: Okay. Members, okay with that language?

COUNCILMEMBER HOKAMA: So what is the main difference, Chairman, between current and the Department's proposal?

CHAIR COUCH: Mr. Spence.

MR. SPENCE: It's, Mr. Chairman.

CHAIR COUCH: Yes.

MR. SPENCE: As I recall, we had, I mean it's substantively not that much different. The but I would just, you know we originally proposed to remove this language just because you know it's, you have, those project district ordinances are law and they have to be complied with regardless of, you know, putting them in the community plan saying that you have to comply with them. You know I, the example I used for myself anyway is I don't need a special law passed for me to obey the speed limits, I already have to do that by virtue of County ordinances. So--

CHAIR COUCH: Yeah, but do you? ...(chuckles)...

MR. SPENCE: --you know they stand by themselves and I had previously volunteered Ms. McCrory to do a compliance report and report back to the Council. I just don't think this is necessary to be put in the Plan but the other language is, it's just a little softer I think.

CHAIR COUCH: Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm reading the current language, Chairman.

CHAIR COUCH: Uh-huh.

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COUNCILMEMBER HOKAMA: And I listened to the Director, for me I would state it differently, I would just, my version would have been the project districts have required agreements and conditions that shall be fulfilled. Not may need action, shall be fulfilled, that's how they got approved. There was no conditions, they wouldn't be approved, so to me it's not may need action to fulfill, they shall be fulfilled, it's a requirement of zoning. So I don't have a problem with strong language just so not there may not be projects there today if they didn't agree to the conditions of the rule.

CHAIR COUCH: Right.

MR. SPENCE: And Mr. Chairman, I'm, I think my question is, is why do we need this anyway because those requirements are already a matter of law.

COUNCILMEMBER HOKAMA: I don't have a problem reminding ownership every single time what they are required to perform. I've gone through enough owners.

CHAIR COUCH: Ms. Oana, having heard Mr. Hokama's proposed language, what are the legal ramifications of that being in a community plan?

MS. OANA: Well, I would off the top of my head just say that if something gets, if the chapter number gets changed or amended then referring to this Community Plan will cause some confusion.

CHAIR COUCH: Well no, I'm talking more about Mr. Hokama's language, he doesn't refer to that appendix, he just says there are conditions out there that shall be fulfilled. Did you, can you, does Staff have what Mr. Hokama said? Yep.

MS. BROOKS: Yes, he changed it to that shall be fulfilled.

CHAIR COUCH: Well, what was the whole, his whole...

MS. BROOKS: So that sentence would have been in addition the project districts have required agreements and conditions that shall be fulfilled.

CHAIR COUCH: Period.

UNIDENTIFIED SPEAKER: To fulfill MCC Chapter 19, et cetera.

CHAIR COUCH: Well, I don't know, Mr. Hokama, did you include the chapter numbers? I don't think that's necessary because the conditions aren't in those chapters.

COUNCILMEMBER HOKAMA: Well, those two chapters that are being cited currently is the specific project districts for Koele and Manele.

CHAIR COUCH: Right those are, that's the Zoning Code for those districts, but the conditions aren't included in those chapters, they're in the ordinances.

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COUNCILMEMBER HOKAMA: Yeah.

MS. OANA: I would tend to agree with Director Spence that, that sentence is not really needed, because those project districts have to abide by the Maui County Code anyway, but I understand Member Hokama's comment about reminding the landowner.

CHAIR COUCH: So but if we use Mr. Hokama's language that and my thought is that it says in addition the project districts have required agreements and conditions that shall be fulfilled, period, and leaving it at that will help alleviate some concerns and bolster Mr. Hokama's concerns as well. Mr. Hokama?

COUNCILMEMBER HOKAMA: I'm happy to move this along, Chairman, so that's fine with me, and we'll let the community chime in with what they feel. Thank you.

CHAIR COUCH: Okay. Members, any concerns with that? And I just want to note that and for the record as well, Member Hokama requested for the Committee report to emphasize that the Council holds authority to change ordinances and that the community plan is not intended to influence or prompt ordinance changes or encourage non-compliance relating to existing conditions of development approvals. I just want that to be reflected in the Committee report. Okay. Next big one is the Halepalaoa area. Did I pronounce that right, Ms. Cochran? Mr. Hokama?

COUNCILMEMBER HOKAMA: Uh-huh.

CHAIR COUCH: Okay. We elected to delete Map 9.6 and all references to the Halepalaoa projects. There's been some testimony about an agreement that the Manele development was a concession for no future development in the Halepalaoa area. Haven't seen an agreement, I'm not sure that there's one in writing but there certainly is in minutes, et cetera of meetings. I still stand by our action of taking that out, and I think the Committee agrees with that, so the Department wants to talk about the issue is that if we do take it out, we have to change map 9.5, I believe, because it says see the detailed Map 9.6 so we can certainly change that. They also, the Department wants remind us that in that case, the land use designation pretty much stays as is in the 1998 Community Plan unless we request a different land use designation. Mr. Spence.

MR. SPENCE: Thank you, Mr. Chairman. The current and I'm double checking with the, the current designation for this area is Open Space, and so I'm, I guess I'm asking for concurrence with the Committee that, that's what that would return to, also the, it wouldn't just be the resort area or the rural but also the buffer would disappear and the little park designations on either end. It would just return to the existing Community Plan designations.

CHAIR COUCH: Mr. Hokama.

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COUNCILMEMBER HOKAMA: I'm fine with that, Chairman.

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

COUNCILMEMBER HOKAMA: Chairman, just one quick, short comment. If and when the property owner feels to move it forward then I think in a more complete application we can figure out and get their financial analysis --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --because at this point in time I don't see it viable at all.

CHAIR COUCH: Right and that's what we discussed that why we pulled out, and when they're ready, it can certainly come in for a Community Plan change at the time. Okay great. Alright now Mr. Hokama's favorite spot Page 9-7 and 9-8 and Map 9.8. We requested some additional community input on the mixed use residential project that is labeled as Manele Mauka but I understand that's not the actual name of the place. Did anybody approach you, Mr. Hokama, on that one? I know we left it in there.

COUNCILMEMBER HOKAMA: I can say community comment to me when I'm home during the weekends it's more about expanding the existing Lanai City. It is where most of the focus has been when they've chatted with me, they ask me why I had my druthers or you know I wasn't that passionate about it, and I shared with them you know my desire to see the island stay as unified as possible. I mean you know for the island now to go through a different, difficult situations where there may be some commercial lease or rent holidays for certain businesses tells me that we're not ready to have more areas with more commercial to create more potentially unviable entrepreneur businesses on the island.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: You know and for me I would like those entrepreneur businesses and families who stuck it out during the various last 50 years to be the beneficiaries. I have a hard time when corporate America comes in and starts competing against my local families. Okay, because they weren't around when this our island had to go through its difficulties of the '70s, '80s, '90s okay so I just share my thoughts on from who's been there forever. Thank you.

CHAIR COUCH: Okay. Mr. Spence.

MR. SPENCE: Thank you, Mr. Chairman. And I have no doubt of Mr. Hokama's conversations with members of the community, I just, I'll just note that throughout the CPAC I think this is just important for the record the throughout the CPAC process, throughout the Planning Commission process, and even during the workshops that you know we're required to hold a couple of workshops in 280B that

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are not just open to the general public, and I attended one and it was remarkably well attended, it drew a lot of interest and there was support for some development in this area, at least that's in our experience there was support for it, the like I said the CPAC and the Planning Commission, it was for local residents that was the intent to provide an alternative place for local residents to live, and the small amount of commercial was for you know for the convenience of those residents in that area, and as well as the, there was some discussion of senior housing in that area. The air is a little bit warmer and I think that just that should just be noted for the discussion, and but I'm sure as we go back to the island there'll be additional discussion on it.

CHAIR COUCH: Okay. Alright, that was a concern. Alright Page 9-12, Action Table, Mr. Hokama at least on my notes had requested to come up with some language, he said he was going to come up with some language on 9.09. 9.09 says work with landowners to review projects districts in Maui County Code Chapter 19.70 and 19.71 and subsequent ordinances to determine if actions are needed to meet requirements. Mr. Hokama wanted stronger language there, did you come up with any?

COUNCILMEMBER HOKAMA: To be honest with you, Chairman, no I didn't.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: And so...

CHAIR COUCH: But we have that language further, earlier in the chapter...

COUNCILMEMBER HOKAMA: Well you know on that 9.09, Chairman, listening to the Director working with the Pulama Lana'i, I'd be interested in before I will make my recommendation what is that status report on compliance?

CHAIR COUCH: Right. That makes sense to wait for the status report and then do that action. Okay. You okay with that then?

COUNCILMEMBER HOKAMA: Yes.

CHAIR COUCH: Alright. Members, any concerns?

COUNCILMEMBERS: No.

CHAIR COUCH: Alright, thank you. Chapter 12 Action Table on Page 12-3. We talked about this a little bit, we were gonna, I think we recommended referral to PIA Committee in the matter relating to publishing agendas and public notices in multiple languages. I think that's a broader issue and I think, I believe we have sent or about or going to send something to the PIA Committee. Make sure the Staff sends something about that. Does anybody have any concerns with that, 'cause that was something that was brought up?

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COUNCILMEMBERS: No.

CHAIR COUCH: Okay. Chapter 13, that's the implementation and we just wanted to have clarification I think from the Department on how the changes to the action tables have affected the priorities in the implementation actions. I'm not sure that they've been affected too much, but I just wanted to double check with the Department. We're almost done, Members, bear with me we can get through this fairly quickly. Anything, Mr. Spence?

MR. SPENCE: Oh on the Chapter 13 we're just I think we're just gonna have to evaluate that --

CHAIR COUCH: Okay.

MR. SPENCE: --to get closer to a final draft.

CHAIR COUCH: Okay. And then map 3.1 which is in Chapter 14, Members, we wanted clarification of the effects of the US Fish and Wildlife overlay. It's a Federal designation and initiated and administered by the US Fish and Wildlife, do we have any say on that? I guess that's to the Department.

MR. SPENCE: Mr. Chairman, we don't really have a whole lot of say over that, I have with me Mr. Michael Napier, one of our GIS analysts, and he may wish to comment on the status of that particular designation.

MR. NAPIER: Thank you, Chair. Thank you, Director. I don't think we have much jurisdiction over that layer, it is Federal law, basically the critical habitat designations affect only Federal agency actions or Federally funded or permitted activities.

CHAIR COUCH: Okay.

MR. NAPIER: Critical habitat designations do not affect activities by private landowners if there is no Federal nexus, that means funding or authorization.

CHAIR COUCH: Okay. Members, any concerns with that? We were concerned about what that effect was, and then we also in that we discussed this earlier about the Lana'i Hale Forest and Watershed Partnership, that's all gone, right? Mr. Hokama.

COUNCILMEMBER HOKAMA: So with our Police Department's projects on the Hale regarding our communication systems, would that kick in under the USFW's area of jurisdiction or impact on us or the Lanai community?

MR. NAPIER: My understanding is if its Federally funded we're somehow connected with that, maybe FCC towers, I'm not sure, Councilmember.

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COUNCILMEMBER HOKAMA: I can't, you know it's hard for people like me to explain to when I go home what this layer that the Feds have put on the island means --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER HOKAMA: --to the island.

CHAIR COUCH: Yep.

COUNCILMEMBER HOKAMA: And so what do I tell the community? You know the Federal government chose to put a blob on this island, and we have no clue what it means, yet now it has under some Federal jurisdictional control from a bureaucrat that has no clue what Lanai is or where it is.

UNIDENTIFIED SPEAKER: I agree.

COUNCILMEMBER HOKAMA: That's all we need is another uninformed decision maker, Chairman.

CHAIR COUCH: Yeah. Under, I understand completely on that one. Yes.

MS. JORGENSEN: I'd just like to note that in 2012, we did a review of the overlay of this new critical habitat, and all County facilities including those on Lanai the cell towers, water holding tanks, anything was not included within the habitat areas.

COUNCILMEMBER HOKAMA: So even those programs that deal with the Hawaiian petrel, the hoary bats and all those things on the endangered species has no impact on this area? 'Cause if it is then that would make me happy.

MS. JORGENSEN: The areas where the critical habitat, if there was a County facility there was no critical habitat where that existing County facility is. I'm sorry if I haven't if I'm not answering the question.

COUNCILMEMBER HOKAMA: Well, I thought one of our tower sites had issues with the petrel?

MS. JORGENSEN: That would be an endangered species, this is, we're talking about critical habitat for plants, the US Fish and Wildlife Service layer that's on the map shows plant habitats, and so endangered species would be, is a separate issue, and so if they have, if there is, it'd be a different determination and it wasn't what we had mapped on the Map 3.1.

CHAIR COUCH: 'Kay. Mr. Spence.

MR. SPENCE: Yeah.

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UNIDENTIFIED SPEAKER: Yes, Director.

MR. SPENCE: Just I'm following where Ms. Jorgenson was going with that, the you can put up a FCC tower in any location and there may be petrel issues regardless of whether it's critical habitat or not, or hoary bat or you know nene flying into whatever. The, so that, that's somewhat independent, the critical habitat does, is for endangered species however, but that saying this is where they're going to breed or you know endangered plants or that's their habitat and so that habitat needs to be protected. The but just as far as putting this designation on the, within the Community Plan, that's for information only. That's if we don't put it in the plan, it doesn't mean it goes away, it's apparently already there, placed there by the US Fish and Wildlife Service, we're for, this is just for information on our maps so everybody knows it's there.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chair, thank you, Director.

CHAIR COUCH: Thank you. Alright, Members, on Map 7.4, we requested an explanation what the "lane" classification means. It came from the KIVA database and we need to check with the Real Property Tax and our Public Works how that classification was determined so we'll do that off line. Same with why Fifth Street is not a collector road. So we'll check with the Departments and say what's this about and...

COUNCILMEMBER HOKAMA: I'd prefer it not be one collector road.

COUNCILMEMBERS: ...(laughs)...

MR. SPENCE: State highway.

CHAIR COUCH: Okay. That was a couple of the concerns we had on those maps.

COUNCILMEMBER HOKAMA: Okay.

CHAIR COUCH: Alright, we're almost done, Members, bear with me. Map 8.1, again we requested clarification that Third Street is not owned by the County. It's in the database that way, we will check off line to make sure that that's, we'll get an explanation on that. And the same, we requested clarification that the Hotel Lanai road is not owned by the company, and it's in the KIVA database that way and we'll check with them as well. On Map 9.1 we requested --

MR. SPENCE: Mr. Chairman.

CHAIR COUCH: Yes.

MR. SPENCE: We do have a confirmation on a couple of these questions of ownership.

CHAIR COUCH: Okay.

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MR. SPENCE: Third Street is owned by the County and, but the arch shape road fronting Hotel Lana`i is a private road.

CHAIR COUCH: Okay.

MR. SPENCE: Also, there was a question on Keomoku Beach Trail, we confirmed with the State that, that has been conveyed to the County.

CHAIR COUCH: Yeah but...

MR. SPENCE: And that was in 1990.

CHAIR COUCH: Yeah but did the County accept it? That's the...

MR. SPENCE: That I can't say.

CHAIR COUCH: That's the issue.

COUNCILMEMBER HOKAMA: Then I would say that's a road in limbo.

CHAIR COUCH: That's one of the limbo roads.

MR. SPENCE: It's a government road.

COUNCILMEMBER HOKAMA: That we would agree.

CHAIR COUCH: But what government?

COUNCILMEMBER HOKAMA: Well, I would say there is a government road not necessarily where the road is today.

CHAIR COUCH: Yep. Understood. Okay. Alright, Map 9.1, we just requested that the accuracy of the place names spellings be verified. Has that been done? Okay, great, thank you. Map 9.8, again that's the Manele Mauka project, we will hear from the community when we come on the 18th. And Lana`i Forest and Watershed Partnership we determined that's not in existence anymore, that's Appendix 3.2. Appendix 9.1, it says we're recommending referral of the matter relating to the review of outstanding compliance with condition of codes relating to Chapters 19.70 and 19.71 of the Maui County Code and other outstanding conditions of entitlement, approvals to the appropriate standing committee, which would be this one I believe. So can we make that an item? And I think you're requesting, Mr. Spence, a compliance report, is that right?

MR. SPENCE: I'm, no, that was, Mr. Chairman, I was largely tongue and cheek saying that I mean the question was okay, are they complying with the conditions of approval? I forget how the discussion kinda generated, but the suggestion was that perhaps the

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company should provide a compliance report and just tell the members of the Council how the conditions of approval for these, for their project districts are being complied with.

CHAIR COUCH: Okay. Well, we can certainly bring that up in this, the, when we will as an item here. I know that Appendix 9.1, it was suggested by I think Corp. Counsel that, that be removed because it's not complete. Go ahead Corp. Counsel.

MS. OANA: Thank you. Chair. Our opinion would be that the community plan does not require this for one, and it may not list all of the ordinances, if ordinances get updated then there could be an accuracy problem, and additionally these ordinances exist separately from the community plan so removing it doesn't affect anything. It could create confusion because I don't think anyone's sure that all of the ordinances are listed. Further, I'm not quite sure but I don't, but these agreements may or not or may not be with just the landowner, the landowner with various or one community group. So I'm not sure but if they are not agreements with the County then they cannot be enforced by the County so we're not sure if this is something that should be delved into the community plan.

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

COUNCILMEMBER HOKAMA: I appreciate Ms. Oana's comments. If this County doesn't know all the ordinances that impact Lanai, we in deep shit, okay. This County better know the ordinances that impact certain areas in this County, there's no excuses, we are the keeper of the people's records, there's no excuse we cannot verify all the ordinances or agreements that pertain to certain requirements specifically for entitlement purposes. So I have a hard time with that general position, Chairman.

CHAIR COUCH: I, I, as...

COUNCILMEMBER HOKAMA: For me yeah, Chairman, just so that we can move this along. I don't have a problem with us making, the Committee making this revisions now and take it back to Lanai, but you know maybe Mr. Spence gonna need to have us have make a consideration for budget but we better be up to speed on making sure compliance for any entitlement is where it needs to be for this County. 'Cause there's no excuses we don't have affordable units by all this entitled conditions of approval.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: Okay. There's no excuses why certain water projects hasn't gone through by conditions of approval. Okay. So if we have to be enforcement, we have to be more Draconian so be it, but let's go find out exactly why we don't have compliance, but we supposed to know this..

CHAIR COUCH: Right and that's like I said, we'll definitely bring that up as a separate item in this Committee to go through completely.

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COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: Okay. That was the second to last item. It's the Chair's recommendation at least on Appendix 9.1 to delete all of the actual ordinances but leave in the table on Page A-23, 'cause that lists ordinances and talks about it's the history on the Koele project at this point. I'd sure love to have one on the Manele as well, and then we'll pick that up all those ordinances and conditions up and this item that we're gonna talk about and if necessary since it's a government change it's not a big deal, we'll make those changes back to the Community Plan. Any objections to that? Okay, great, thank you. And the last item and I'm going to move this to the...

COUNCILMEMBER COCHRAN: Chair.

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: Chair, real quick. Sorry before we move on, but just in reference I think Mr. --

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: --Victorino brought up --

CHAIR COUCH: Go ahead.

COUNCILMEMBER COCHRAN: --Mr. Victorino brought up when we were talking about Water Use and Development Plans --

CHAIR COUCH: Uh huh.

COUNCILMEMBER COCHRAN: --and how that's gonna be definitely across the board as we move through all the plans.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: This project district I mean there's others in West Maui also and areas perhaps that still have open, you know, open projects still, so perhaps we could get a breakdown of this for others in the future as we move through different --

CHAIR COUCH: Oh, okay.

COUNCILMEMBER COCHRAN: --____ maybe.

CHAIR COUCH: That's good.

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COUNCILMEMBER COCHRAN: I mean if we're gonna be consistent across the board I would like to see it done not just for Lanai --

CHAIR COUCH: Understood.

COUNCILMEMBER COCHRAN: --but in other districts too. So if there's a way to incorporate it, if it applies, you know, it may not apply everywhere.

MR. SPENCE: I guess I'm asking for clarification what exactly do you want a list of?

COUNCILMEMBER COCHRAN: Well, I guess I like having the ordinances like originally but I guess there's a little controversy going on here in reference to that, but this A-23 year to year it just sort of breaks it down and gives it I guess a more --

CHAIR COUCH: The project district history --

COUNCILMEMBER COCHRAN: --yeah the history

CHAIR COUCH: --table. She would like that.

COUNCILMEMBER COCHRAN: --just for a historical documentation and as to why a certain community was built out or is going to be built out the way it was planned, designated.

MR. SPENCE: I think that and maybe this is overreaching the discussion for this particular Plan but you have two primary developments on the island of Lanai and those happen to be project districts. When we get to West Maui, we have hotel, apartment we've had numbers of in addition to project districts, we have numbers of changes in zoning, there's little ones, there's big ones there's hotels, there's industrial, I mean it's, I'm not sure that, that's going to be a useful list for the other community plan areas to show the history of, and the reason I'm including the other zoning districts is because those have major effect on an area too.. You know just if we just list the project districts that's not a complete picture of all the Changes in Zoning and all the developments that would occur on the West Side. There's a lot more things that, you know, a, if you want to talk about history of development, there's a lot more things that go on, on the West Side than you know the island of Lanai. It's much more complicated on West Maui, South Maui, Central, et cetera than it is on Lanai.

CHAIR COUCH: And I understand what you're saying, Mr. Spence, and maybe that's something since we're coming up on West Maui in about a year or so, maybe we can have that discussion beforehand to see, have a discussion with that if that's alright, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah that's fine.

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CHAIR COUCH: We can make that an item as well is to discuss elements that we would like to see or discuss. I want to do a, post after action report discussion on this to see what things would help us better for the next ones, next community plans and what not, so when we have that item we'll pull that up.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: We'll discuss that.

COUNCILMEMBER COCHRAN: That's fine. Yeah, just to toss it out there. Thank you, Chair.

CHAIR COUCH: Okay. Members, the last thing on the item, on the list is I'm gonna wait until March, my March 25th meeting and thank you folks for that, 'cause this one could be a long one and it could be in executive session, it probably will be an executive session item. It's Appendix 9.4 so I will move that over to the March 25th meeting, that's our next meeting. We'll bring, we'll put this as an item on this meeting and then we will continue on with my other stuff that we're planning to do on the 25th of March, so without objections we'll move that to, defer that to the next meeting.

COUNCILMEMBERS: No objections.

ACTION: DEFER.

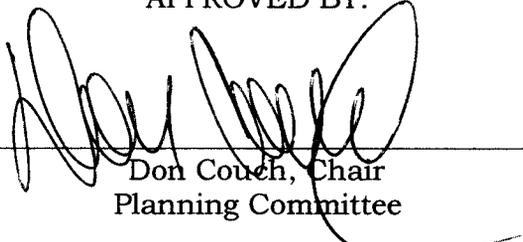
CHAIR COUCH: Okay. I want to thank you folks very much, Members, for all your endurance here. We're done except for the 9.4 and we will have for hopefully around the 1st of April, a completed draft from this Committee to present to the Lanai community, and they'll have a chance, they'll have about 18, about 15 days to review it and take a look at it. And when we go over there, it's my intent unless there's huge major changes which I don't foresee, to pass that out on Lanai for Lanai to be there for that. So any questions or comments for logistics on that? Alright, so thank you very much, Staff, for being here as well, and Members, we will see you on the 25th of March. This meeting is adjourned. . . . *(gavel)* . . .

RECESS: 12:02 p.m.

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APPROVED BY:



Don Couch, Chair
Planning Committee

pc:min:150305:cvk

Transcribed by: Cheryl von Kugler

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CERTIFICATE

I, Cheryl von Kugler, 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 24th day of March, 2015, in Kihei, Hawaii



Cheryl von Kugler