

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**M I N U T E S**

**Council Chamber**

**December 16, 2015**

**CONVENE: 9:15 a.m.**

**PRESENT: VOTING MEMBERS:**

Councilmember Don Couch, Chair  
Councilmember Robert Carroll, Vice-Chair  
Councilmember Elle Cochran  
Councilmember Don S. Guzman  
Councilmember Michael P. Victorino  
Councilmember Mike White

NON-VOTING MEMBERS

Councilmember Riki Hokama

**EXCUSED:** Councilmember Gladys C. Baisa

**STAFF:**

Steve Selee, Legislative Analyst  
Greg Garneau, Legislative Attorney  
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:**

Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

Michele McLean, Deputy Director, Department of Planning

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

Pamela Ann Mayer Eaton, Planning Program Administrator, Long Range Planning Division, Department of Planning

**OTHERS:**

Gwen Hiraga, Senior Advisor, Munekiyo & Hiraga

Lynn McCrory, Senior Vice President of Government Affairs, Pulama Lanai

Ron McOmber

Butch Gima

Jacob Kane

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

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Ryan Jackson  
Bobbie Patnode  
Gerry Ross  
Gretchen Leisenring  
Rob Parsons  
Albert Perez, Maui Tomorrow  
Dick Mayer  
Plus (6) other people

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

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CHAIR COUCH: . . .*(gavel)*. . . Will the Planning Committee meeting of December 16, 2015 please come back to, come in to order? My name is Don Couch; I'm the Chairman of the Committee. Before we get started let's make sure everybody turns off all their cell phones and noise-making devices. And I want to introduce the voting Members of the Committee and non-voting Members of the Committee that are here today. First is the Committee Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Excused is Gladys Baisa. And we have Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR COUCH: Good morning. And Councilmember, Vice-Chair Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair. Thank you.

CHAIR COUCH: Good morning. Council Pro Tem Michael Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR COUCH: Good morning. Council Chair Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: And then we have non-voting Member Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR COUCH: Thank you for joining us today, Mr. Hokama. From the Department, the Administration we have Planning, Deputy Director of Planning Michele McLean. Good morning.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MS. McLEAN: Good morning, Chair and Committee Members.

CHAIR COUCH: And Planner Mary Jorgensen.

MS. JORGENSEN: Good morning, Chair and Committee Members.

CHAIR COUCH: Good morning. And with Deputy Corporation Counsel today is Jennifer Oana. Nice to have you back.

MS. OANA: Good morning, Chair.

CHAIR COUCH: Good morning. And our Legislative Attorney is Greg Garneau. Good morning.

MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: And also Legislative Analyst kind of looking in to see how meetings go is Steve Selee. Good morning. And we have our Committee Secretary Pauline Martins who's been copying away today and yesterday and a few other days. So, good morning, Pauline. We have the District Offices out there. We'll get to them in just a minute. Members, we have two items on the agenda today, PC-11, Lanai Community Plan Update, and PC-12, Composting as a Permitted Use in the Agricultural District. Members, today we're going to...we're getting ready to do testimony and we have the video conferencing. We've all received a memo and have been asked to start using the video conferencing before or around the beginning of the year so I figured we'd give it a shot in the committee's now. It's nothing new. We are at Council and we have it and it works really well. So that's what we're going to be using. And we're about ready to start public testimony. For individuals testifying in the Chamber, please sign up at the desk outside the Chamber door. If testifying from a remote testimony site please sign up with the District Office Staff. Testimony will be limited to the items listed on the agenda today. Pursuant to the Rules of the Council each testifier will be allowed to testify for up to three minutes per item. At this time, we have enough testifiers that we're only going to do three minutes per item so we'll be using the clock system. It will go for 2 minutes and 30 seconds on green, 30 seconds on yellow, and then when it turns red please wrap up your comments. Okay and also when testifying please state your name and any organization you may be representing. Members, without objection, we'll start public testimony.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Since, the big item on the agenda today is the Lanai Community Center Plan update, if the Members don't mind I'm going to start with Lanai for testimony. Any objections to that?

COUNCILMEMBERS: No objections.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Okay so with us at the Lanai District Office is Denise Fernandez. Denise, do you have any testifiers today?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and our first testifier is Ron McOmber testifying on Item PC-11.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. McOMBER: Good morning.

CHAIR COUCH: Good morning.

MR. McOMBER: My name is Ron McOmber. I'm a Member of the CPAC on Lanai, a longtime resident, as you know. I'm here to ask the Committee not to pass this community plan forward. It is not complete. We're finding out that the Supreme Court has said that our community plan is sanctioned by them saying that the community plan should be recognized by the citizens of the island that it represents. What they're trying to do and what you're trying to push forward we've had Don Couch here, the Chair, last week he never mentioned anything about changing the community plan this drastically. Changing it from a committee to make the plan to an advisory. We're not an advisory board. We are the committee that put the community plan together and it took us nine months of work. To have it just thrown away because something that the Council wants is ludicrous. I mean why would we go to...we'll never get anybody to stand up and speak for the community if they're going to put this work forward and then have the County Council Chair of the Planning Department just take it apart. It doesn't make any sense to me. And so I'm asking that this does not go forward until we get this straightened out. It's got to come back to Lanai. When Mr. Couch was here last week, he never showed us what they were going to do with this 9.2 and how bad it was going to change everything. So I'm asking that this Committee refrain from going any further with this community plan until we get this straightened out. This is really important to us and especially all the time that we put in. Thank you.

CHAIR COUCH: Members, any questions to the testifier? Seeing none, thank you, Mr. McOmber. Next testifier please.

MS. FERNANDEZ: Okay. Our next testifier is Butch Gima testifying on PC-11.

MR. GIMA: Good morning. My name is Butch Gima. I sent my written testimony to you, Chair, yesterday. I just wanted to highlight a couple things since I won't be able to cover all of the items in three minutes. There were several references in my testimony about governance both on the Water Use and Development Plan and governance of the community plan. I have advocated for a Lanai-based implementation position because I don't believe a Maui-based implementation person can meet the needs for our

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

community. One, they're going to be off island and they just don't have the passion to ensure that the 150 or so action items, you know, will be taken care of. There will be no accountability because it will be out of sight, out of mind. I added some information about updating the numbers for the water use on the island and it's reflected in my testimony. I beefed up the language in the water section and primarily talking about governance issues in the sense that Lanai's water is different from the rest of the Hawaiian Islands in that the only water purveyor is a private affiliate of the major landowner. The County Board and Department of Water Supply has no jurisdiction over our water except for helping us with the development of our community, excuse me, our Water Use and Development Plan. There are no County, State, or Federal regulatory entities on island so for the last 25 years an advisory committee of Lanai residents have pretty much assumed this role. I made some references to action items that are really not County jurisdiction so I suggest you remove that from the action item lead agency page. And most importantly --

MR. GARNEAU: Thirty seconds.

MR. GIMA: --it's somewhat frustrating that this 9.2 County plan designation versus zoning, County zoning change or apparent change, I don't believe came before the CPAC nor the Lanai Planning Commission. So we're still trying to understand this process, but based on the limited knowledge I have my understanding is County zoning --

MR. GARNEAU: Three minutes.

MR. GIMA: --follows community plan designation and not the other way around. And --

CHAIR COUCH: Okay, Mr. Gima, your time is up.

MR. GIMA: --County community plan designation is a macro, County zoning is the micro and that the County zoning should be consistent with the community plan designation. It should be a subset of the community plan designation, not the other way around. Because --

CHAIR COUCH: Okay, Ms. Fernandez?

MR. GIMA: --If it's not then basically you're going to be micromanaging.

CHAIR COUCH: Can they hear us over there?

MR. GIMA: And so Chapter 9 and then Appendix 9.2 --

CHAIR COUCH: Mr. Gima?

MR. GIMA: --should reflect this to be consistent.

CHAIR COUCH: Mr. Gima, your time is up.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MR. GIMA: So from a transparency point of view I don't think you can move forward on this latest draft because I don't think this has been vetted out thoroughly, especially hasn't been vetted out with our community.

CHAIR COUCH: Mr. Gima? Mr. Gima?

MR. GIMA: I think the rest of the things that I was going to testify on are included in my written testimony and I believe it's self-explanatory. Thank you.

CHAIR COUCH: Okay. Ms. Fernandez?

MS. FERNANDEZ: Yes, hello.

CHAIR COUCH: Are you guys not hearing us? Mr. Gima went way over his time and we've asked him to end his remarks. Is there an issue with you guys not hearing us over there?

MS. FERNANDEZ: I was unable to hear you.

CHAIR COUCH: Okay.

MS. FERNANDEZ: We didn't hear you.

CHAIR COUCH: Okay. Do you have a timer over there?

MS. FERNANDEZ: No I don't.

CHAIR COUCH: Okay. Alright we're going to have to work that issue out. Okay if there's any way you can kind of listen. I know it might be...if it starts giving feed...echoing then you can't but keep an eye on the clock and after three minutes we have to have the folks wrap up their comments.

MS. FERNANDEZ: Okay. Well, Mr. Gima was the last person to testify.

CHAIR COUCH: Okay. Alright, thank you. And we'll come back to the Lanai Office at the end of the testimony. Hana District Office, is anybody there to testify?

MS. LONO: The Hana Office has no one waiting to testify.

CHAIR COUCH: Thank you. Molokai Office, anybody there waiting to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Great. Thank you. We'll get back to you at the end of this testimony period. Members, we have five people signed up to testify here so we'll start with Jacob Kane, followed by Ryan Jackson.

MR. KANE: Just go for it?

CHAIR COUCH: Yeah.

MR. KANE: Hello, my name is Jacob Kane representing...

CHAIR COUCH: Kane?

MR. KANE: Yeah, Kane. I represent West Maui Green Post. It's a startup commercial green waste recycling site.

COUNCILMEMBER VICTORINO: Chair, if he could raise the mic closer to him.

CHAIR COUCH: Get it a little bit closer, yeah. Thanks.

COUNCILMEMBER VICTORINO: There you go then you don't have to bend down so much.

MR. KANE: Right.

COUNCILMEMBER VICTORINO: There you go.

MR. KANE: Okay.

COUNCILMEMBER VICTORINO: Thank you.

MR. KANE: I support PC-12, it will make it a lot easier for us to start this green waste recycling site on the West Side which is absolutely needed. So that's it, I support it

CHAIR COUCH: Thank you. Members, any questions to the testifier? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Kane. Is it Kane?

MS. KANE: Yes, ma'am.

COUNCILMEMBER COCHRAN: Thank you for being here. And whereabouts are you folks wanting to start up your composting? Do you have a place in mind?

MR. KANE: We don't have a place in mind.

COUNCILMEMBER COCHRAN: Okay.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MR. KANE: Specifically in between Lahaina and Honokowai would be optimal I think but right now we're open to anything, still looking.

COUNCILMEMBER COCHRAN: Okay. So no discussions have been had with any landowners at this point?

MR. KANE: Not yet.

COUNCILMEMBER COCHRAN: Okay. Well thank you for being here and showing your support. Thank you, Chair.

CHAIR COUCH: Thank you. Members, any further questions? Seeing none, thank you, Mr. Kane. Next to testify is Ryan Jackson, followed by Bobby Patnode.

MR. JACKSON: Good morning, Council. Ryan Jackson representing West Maui Green Post.

CHAIR COUCH: Again, can you bring that closer to you. There you go.

MR. JACKSON: I'm going to support PC-12. I'm just like my business partner expressed that it would open up so much more opportunity for us to launch our company. In realizing a vision for the island to be self-sustaining. We're going to have so many abilities by having the process of green waste recycling from offsite material being processed in a way that would reduce the size of the landfill. I know that's a huge issue that we're really trying to secure. So if we can reduce the size of the landfill that would be a win. We can have a operation where we're being responsible and giving back to the community I think is a win. And ultimately if we have a retail product that would spur on farming where we'd have a retail compost product that could be affordable in West Maui that would spur on more growth of food crops so that we'd have more food for our people, which I think is also another win. So, I'm in support of PC-12. It would open up the possibilities for us to have a long-standing company and we could be giving back to the community. Thank you, guys.

CHAIR COUCH: Okay. Thank you. Members, any questions to the testifier? Ms. Cochran and then Mr. Guzman.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, gentlemen, for being here. Have you folks...have you been approached or gone out into the community to see that there is a need for this?

MR. JACKSON: Yes. Yes. We've put together a pretty sizable business plan. We've looked at our competitors. Primarily it's going to be illegal dumping so that's a huge issue. So ultimately we would like to save time, save gas, our fuel, make the air cleaner. So we've talked to a number of landscaping companies there that would support us. We've got letters of intent to support our business. Yes.

COUNCILMEMBER COCHRAN: Okay. Excellent. Thank you very much. Thank you, Chair.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Thank you, Ms. Cochran. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Thank you for being here. I have a question on this. I know that we are, you know, we're facing a threat of the spread of the fire ants and the transportation of green waste across this island from, you know, east to west, north to south is, you know, quite concerning for me.

MR. JACKSON: Sure.

COUNCILMEMBER GUZMAN: Do you plan on just keeping your business regional in the sense of just keeping it within your district or do you plan to receive green waste from other districts?

MR. JACKSON: So the business plan speaks specifically for West Side. So our envision from the tunnel to Kahakuloa. The alternative options to what our business would offer would be the Olowalu Transfer Station as well as Central Maui Landfill. So I don't see it very feasible from someone to Kihei that could go easily to Kahului coming out to Lahaina. But we'd cater to all of the businesses and...all the businesses in Lahaina. We would not...we would have regionally in Lahaina.

COUNCILMEMBER GUZMAN: Okay.

MR. JACKSON: Ultimately we have Aloha Waste Management that would be taking all material from West Side instead of trucking it all the way to Central Maui it would have a site where we could take it in West Maui.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR COUCH: Thank you, Mr. Guzman. Members, any further questions to the testifier? Seeing none, thank you.

MR. JACKSON: Thank you, Council.

CHAIR COUCH: Next testifier is Bobby Patnode, followed by Gerry Ross.

MS. PATNODE: Good morning, my name is Bobby Patnode and I'm here today speaking for myself. Compost is a very personal issue for me and my family. My family is Patnode Family Farm. We're up on Crater Road, and by the way we are dedicated and we pay market value on our home site. We grow organic vegetables and we spend a lot of time making compost at our house, probably at least 20 hours a week. We are a small site and we don't have enough green waste all the time at our place to make the compost that we need for our vegetables. So we will frequently go get wood chips from Central Maui. The head guy at the Hawaii Ant Lab told us we should not do that anymore because of the risk of spreading little fire ant. So I have to find other ways to get what I need for my compost. So I really need to have this go through as an allowed activity

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

on ag land. We need a place up in Kula where we can go and get what we need. I hope that this doesn't become too complicated. It's, to me it's very simple. Just get composting added as an allowed activity and then, you know, I work with the Ag Working Group. We're going to work with the State and the Department of Health to make sure that the Department of Health regulations will allow us to do what we need. So that's all I have. Just here speaking for myself today. Thank you very much.

CHAIR COUCH: Thank you, Ms. Patnode. Members, any questions to the testifier? I have one or two. You mentioned that you can't...you want to be able to get green waste or compost or I'm not quite sure why this bill would help you since composting is allowed and you are allowed to accept green waste from somebody else, you just can't sell your compost to anybody else.

MS. PATNODE: Well as I understand it composting isn't a listed...isn't listed as an allowed activity. So there's lots of times when I can't make enough compost for us and I...it would be great if I could go get it from somewhere else and so that's mainly it. And I, you know, I don't want to have to get it from someplace that's been polluted basically with fire ant or something else. Does that answer your question?

CHAIR COUCH: A little bit. I know you can...how will this bill help you in your situation?

MS. PATNODE: It would make it so I could potentially go get compost from somebody else when I can't make enough of my own. So like what these guys want to do in West Maui I would love to have somebody doing that up in Kula.

CHAIR COUCH: Gotcha. Okay. Thank you. Members, any questions? Seeing none, thank you. Next to testify is Gretchen, I'm sorry, Gerry Ross, followed by Gretchen Leisenring...Leisenring? It should be Leisenring I think.

MR. ROSS: Aloha, Chairman Couch and Members of the Planning Committee. I submitted the full written testimony so you've got all the gory details there. So I'll just try to hit a few salient points in the next three minutes. My name is Gerry Ross. I'm with Kupa'a Farms, an organic farm up in Kula and I'm also representing and speaking on behalf of the Agricultural Working Group who is fully supportive of PC-12. The issue of compost, local food production, sustainability is absolutely paramount to our island community. And in order to get there we need to have compost as an allowable activity on Agriculturally-zoned land. So for example if I wanted to lease 20-acres from the Ag Park for a compost operation I would not be allowed to and yet that's a really ideal place to make compost. The benefits of high-quality compost as exemplified on our farm are multifold. You make amazing soil. You use way less fertilizer. Some of you might have seen me in here testifying with huge kalo plants. We use 1/30<sup>th</sup> of the recommended rates of fertilizer and we grow great food using that. Our soil has the ability to hold an amazing amount of water. Our erosion rates have decreased by 95 percent according to the Natural Resources Conservation Service. And like Bobby we spend a lot of time making compost every week because we use a lot of compost. We produce 60 yards of wood chips on our farm. We grow

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

trees specifically to use them as a wood chip source because of some of the issues that Bobby talked about. You never know what you get when you've got a truck pulling up to your farm from somewhere else with a load of wood chips in it. It could have weed seeds. It could have fire ants. It could have all kinds of critters in it. So we grow a lot of our own. We collect 25 tons of food waste a year. My next stop after the Council Chambers here is over to a couple of the commercial kitchens and restaurants that we work with and we collect the food waste from that. So the local implications are profound I think. We can produce a lot of our own food, a lot of our own compost, local food waste, local green waste, and if you want to even use the rock powder which is considered a waste by the Ameron quarries which we do, add that to your compost then you really get a super charged product that really makes your plants jump out of the ground. The Maui County Landfill...let's see, so Maui County is part of the Aloha Plus Challenge to double local food production by 2030. We're not going to do that by bringing in more bags of fertilizer from the mainland. We will do that by allowing people to produce a lot more compost here locally and close the circle using waste as a resource to grow a lot more of our own food. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Mr. Guzman and then Ms. Cochran.

COUNCILMEMBER GUZMAN: Thank you, Chair. Thank you, Gerry, for being here today.

MR. ROSS: Thank you.

COUNCILMEMBER GUZMAN: I have a couple questions. I know the previous testifier Bobby had mentioned about Department of Health and whether you guys were going to...

CHAIR COUCH: Mr. Guzman, can you get a little closer to your mic?

COUNCILMEMBER GUZMAN: Oh, sorry.

CHAIR COUCH: Thanks.

COUNCILMEMBER GUZMAN: Whether you guys were going to research some of the requirements or limitations that may or may not be imposed by the Department of Health or the EPA or Department of Agriculture. One of my questions would be is there a size restriction or? You know 20 acres as you mentioned is quite large for compost I mean and then you put in the factor of nuisance. You know is it going to be a nuisance, is it going to be a health hazard? You know these are questions that are in my mind. I think it's...composting I agree with you it's sustainability. It's all of the above but then on the other hand we have to look at are there limitations to it? Is there environmental hazards? Are there things like that? Health hazards that if it gets too big or too numerous in one area, you know, thick density, you know, a lot of these composting commercial farming going on in one specific area. Is that going to be hazardous? I don't know. So that's the question I have, have you done any research on that?

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MR. ROSS: We've done quite a bit of research. I work with people who are the compost gurus and consultants for the company that handles all the food waste and organic waste from the City of San Francisco. So we're a fair bit smaller than that. So I don't see us becoming something that's overflowing with health issues. There's a lot of research that's been done on the mainland to develop safe ways to compost not only green waste but also food waste. And so we wouldn't be rediscovering the wheel. We would like to work with the Department of Health to try to come up with regulations that keep the community safe but also allow us to work with food waste in a safe manner. Right now some of those regulations are a little bit intimidating as a startup company like we saw right here with the young men that were talking about that. Although they're talking about strictly green waste. But there's a very unique and interesting convergence that we're starting to see now. The farmers union is working with CTAHR, the Department of Agriculture, and the Department of Health to come up with a pilot project here on Maui to look at food waste, green waste for compost. The comprehensive economic development strategy session that I attended as an organic farmer but it was mostly people from HC&S and the Farm Bureau, and we went through that whole process for a couple of hours at the pool center up in Pukalani. And the conclusion was that the number one priority, bricks and mortar, get it in the ground, was a food waste composting facility. So we're seeing both the demand plus interest from all across the agricultural sectors and so, you know, we want to do this safely and it's absolutely imperative to have high-quality compost. I mean if you have poor-quality compost seedlings don't start, you contaminate your soil, and we just don't want to see that.

COUNCILMEMBER GUZMAN: And a couple more questions.

CHAIR COUCH: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: So, Gerry, do you believe that we should put in some provisions in this bill to limit the type of composting or...the type of composting and the ingredients that may be used in the compost itself?

MR. ROSS: I think at this point that would probably be over regulation at the County level but I'm just farmer. So what we would like to do is to get the County Code amended and a parallel strand that we're working on through the Ag Working Group and with some of the other pertinent organizations is to work with the Department of Health to come up with some alternative composting strategies and regulations that protect people and result in high-quality compost. And the language in the latter part of our testimony which I didn't read at all today, offers a different definition of compost and it also states that any composting done in Maui County must be done in accordance with regulations from the Department of Health. So that pretty well sets the standards for how you can do it, what you can use for feed stock, et cetera.

COUNCILMEMBER GUZMAN: Okay. One last question, Chair. How do you feel about placing in the bill a regional type limitation that you could not transport green waste

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

from one district to the other? But just if you're going to have a commercial composting farm then the green waste must come from that district, not be transported...

MR. ROSS: I would be totally supportive of that. I mean in my mind the ideal way would be that we would have a central, let's see, you would have regional facilities...this is a really interesting issue 'cause on the one hand if I want really high-quality compost I want one place that's going to have minimum impact and I'm going to have a set of experts that love their job and they know what they're doing and they're going to make killer compost and Bobby can drive down and pick up a couple of pickup truck loads of it when she needs it. So that's a centralized option. But on the other hand I don't see us moving green waste from the West Side to the central valley or especially not from Hana or Haiku to the central valley. So we need to kind of balance that in terms of the sources of green waste. So a more regional way of doing it would be better but that's compost facility sites times four or five and that's a lot more expensive. It's going to cost a bit of dough to get a...some of these compost sites up. The Department of Agriculture is looking at about 500k State funds, maybe 600k for a pilot project on Maui island. That locale has not been determined yet. This is still under negotiations, as I understand it.

COUNCILMEMBER GUZMAN: Chair, can we ask Gerry if he would like to serve as a resource person if we have any further questions? His background in composting is very extensive.

CHAIR COUCH: Are you available for the meeting? It might be a little bit later this morning.

MR. ROSS: I've set myself aside for this.

CHAIR COUCH: Okay.

MR. ROSS: Yeah.

CHAIR COUCH: Great.

COUNCILMEMBER COCHRAN: No objections.

CHAIR COUCH: Without any objections from the Members?

COUNCILMEMBER COCHRAN: No objections.

CHAIR COUCH: Okay.

MR. ROSS: Okay.

COUNCILMEMBER COCHRAN: So, Chair, since we will be having Mr. Ross hopefully here, please, I can withhold my questioning now and do it during Committee time, so.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: But thank you for your testimony, I've been going through it.

MR. ROSS: Okay, great.

COUNCILMEMBER COCHRAN: Very helpful. Thank you, Chair.

CHAIR COUCH: Okay. Any other Members...any other questions, Members? Seeing none, thank you, Mr. Ross --

MR. ROSS: Okay, thank you very much.

CHAIR COUCH: --we look forward to discussing with you further. Next to testify is Gretchen Leisenring...Leisenring, sorry, followed by Rob Parsons.

MS. LEISENRING: Aloha, I'm so glad that you have brought this issue to Committee. It is...it's actually a great opportunity to both support the Aloha+ Challenge goals, several of them...

CHAIR COUCH: Excuse me, can you identify yourself for us please --

MS. LEISENRING: Oh, I'm sorry.

CHAIR COUCH: --and who you represent. Thank you.

MS. LEISENRING: I'm Gretchen Leisenring.

CHAIR COUCH: Thank you.

MS. LEISENRING: I'm speaking as a private citizen. But so both the Maui Island Plan and the Aloha+ Challenge are very specifically supportive of source reduction. Composting can include food waste, obviously green waste. It can include biosolids. It can include a lot of things, food service ware. There has been a huge change over the last maybe four or five years. A lot of the companies and restaurants on the West Side for instance have switched to using compostable food service products. So having a commercial composter...and I actually support the regional composting concept. I really do support the concept of not, you know, transporting fire ants from one side of the island to the other and it just makes it a lot easier. Last year I was...I got really excited about parts of the Anaergia Project and I was talking to Mr. Bossert about having regional composting facilities be part of their Integrated Solid Waste Management Plan. And, you know, we were just kind of talking about it a lot and he was saying okay come up with a business plan. I'm not really sure what's happening with the Anaergia Project but regardless, source reduction is...it's huge. In both San Francisco and Seattle they have actually banned...they've banned food waste from

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

going to the landfill. Our goals specifically are to reduce food waste by 50 percent, that's through the Aloha+ Challenge and we are actually about more than 15 years behind in our island plan goals. We're at about 30 percent, we're at a 30 percent recycling rate and source reduction rate and we're supposed to be at I believe it was 50 percent by 2000. So food waste composting included in this new bill is...it's integral and the opportunities for source reduction are great.

CHAIR COUCH: Okay. Thank you. Members, any questions to the testifier? Seeing none, thank you, Ms. Leisenring. Leisenring?

MS. LEISENRING: Leisenring.

CHAIR COUCH: Leisenring. Okay, thank you. Next to testify is Rob Parsons, followed by Albert Perez.

MR. PARSONS: Good morning, Chair and Members, my name is Rob Parsons. I'm testifying today as an individual, as a backyard gardener, as someone who has a great interest in seeing many of the points that the previous testifiers made move forward and having Maui address a more holistic way of looking at the way we use our resources. I don't want to use the word waste because that's something that we're phasing out. We're recycling the word waste; we're now using resources. So I think Mr. Ross said that we could clearly offset a lot of imported fertilizer by allowing composting as a permitted use on ag land. I agree with Ms. Patnode, I don't think this has to be very complicated. Councilmember Guzman asked the question of what level of State Department of Health regulations are in place and that's all captured in Hawaii Administrative Rules 11-58.1-41, it's a whole subchapter on solid waste reclamation. So larger operations such as the two gentlemen from the West Side are proposing would need to comply with Department of Health regulations and those are very stringent. And I've worked with each of the previous testifiers and I intend to keep working with them. I think we do need to work with our State Department of Health to help streamline some of these hurdles to help create this resource here locally. I think it's, you know, the matter of regional compost sites has been mentioned. I'm not certain that we need to include that in the draft ordinance itself. I think it's common sense that would say that, you know, as Kelly and Bob King have often said all sustainability is local, the more local the more sustainable. So, you know, if we can...if we can capture the resources in one region and use them there rather than, you know, driving halfway across the island that just makes sense. And to me something that clearly doesn't make sense is that we're currently hauling green waste from East Maui in Hana to the Central Maui Landfill to be composted. And I think that part of that speaks to the difficulty in finding a suitable place for a composting facility. So I think PC-12 addresses that and that people with Ag-zoned land should have the right to do what farmers do which is create compost. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? I have one. Just and I know, I think you started your testimony with the fact that this is allowing commercial composting. 'Cause everybody is allowed to do composting on ag land as

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

we speak and can accept waste, green waste from...or any kind of waste to compost from other farms; they just can't charge to accept it and they can't charge to give away their compost. That's what this bill is about is allowing --

MR. PARSONS: Right.

CHAIR COUCH: --the commercial entity.

MR. PARSONS: That's my understanding as well.

CHAIR COUCH: Okay.

MR. PARSONS: Yeah.

CHAIR COUCH: Alright. Thank you.

MR. PARSONS: Thank you.

CHAIR COUCH: Members, any other further questions to the testifier? Seeing none, up next is Albert Perez, followed by Dick Mayer.

MR. PEREZ: Good morning, Councilmembers, Chair Couch. Albert Perez, Maui Tomorrow. After consultation with citizens on Lanai we are opposed to the current version of the Lanai Community Plan. Changes added on Pages 9-2 and 9-3 are not...as well as the Appendix 9-2 are not well thought out and have not been seen by either the Community Plan Advisory Committee or the Lanai Planning Commission. In particular it says unless specifically prohibited, the uses permitted by zoning and the standards applicable to the zoning district apply to the corresponding community plan designations. So once again as happened in June these changes were not included and so we're wondering why it's being brought up now on Maui without the knowledge or input of those people on Lanai. These changes are part of a continuing effort to turn the community plan and zoning relationship on its head. There are three problems that need to be solved but the current proposed solution is inappropriate and would violate State law. So there are...problem number one is that there are conflicts between the community plan and the zoning, that needs to be fixed but it needs to be done correctly and not just from the bottom up. Basically, the next page, if you have my testimony yet, it shows the County planning hierarchy, that's a chart that's included in almost all the previous versions of the community plans and it shows zoning on the bottom right as an implementation mechanism. So it's supposed to be done consistent with everything above it. Problem number two is a misapplication of the Light Industrial zoning. It's supposed to be mostly warehousing and distribution types of activity but that's not the way that the Planning Department has been implementing it and that's created problems. The third problem is that stack zoning itself violates the purpose of zoning which includes protection of property values by segregating land uses that are incompatible and also protection of essential uses from rising property values that would cause them to have to move. Anyway,

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

Councilmembers, I think this is all about respect, respect for the time, energy, and thought that's been put in to developing all the community plans throughout Maui County. Hundreds of citizens, County staff, commissioners, Councilmembers, all of that would be rendered meaningless if this attempt to turn everything on its head is successful, and it would be contrary to State and County law. So instead of these quick fixes we need to go back, follow the State law and resolve the community plan zoning conflicts in favor of the community plans at the community plan level with the full involvement of each community. Thank you.

CHAIR COUCH: Thank you, Mr. Perez. Members, any questions of the testifier? I have some.

MR. PEREZ: Yes. Yes.

CHAIR COUCH: Mr. Perez, were you at a Kihei Community Association meeting that you suggested that a table exactly like what is in the Lanai Community Plan be part of your solution?

MR. PEREZ: Yes, I saw you there.

CHAIR COUCH: Thank you. Thank you.

MR. PEREZ: Well, can I finish answering?

CHAIR COUCH: No. The answer, you answered the question. Thank you.

MR. PEREZ: It's out of context. Thank you, Don.

CHAIR COUCH: I don't think so. Members, any further questions to the testifier? Seeing none, next testifier is Dick Mayer and he's the last person signed up to testify. If anybody else wants to testify please come to the desk in the back and sign up. Thank you.

MR. MAYER: Good morning, my name is Dick Mayer. I'm speaking on my own behalf. I'm talking about the Lanai Community Plan that's before you. A couple of procedural problems and I think the process is...

CHAIR COUCH: Can you get a little bit closer to the microphone?

MR. MAYER: I will do that.

CHAIR COUCH: Thank you.

MR. MAYER: My name is Dick Mayer, and the Lanai Community Plan, first of all the website that you reference in your agenda was down so that people both on Lanai and here on Maui could not read the item. Then it was put back up again yesterday late in the day

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

with apparently some changes made but it's very tough to compare what they were because the old item that was up there had been changed apparently. I'm concerned about the process of the Planning Director making the changes because your ordinance, County ordinance is very specific as to what the role of the Planning Director should be. The Planning Director according to the County ordinance has the responsibility to make the initial draft of the community plan and if you look at 2.80B.090 it says the Planning Director shall transmit his version, then it says that the Community Plan Advisory Committee should make its version. And then it says that the Planning Commission on the island of Lanai should make its recommendation, and then it goes to the Council. It does not say that the Planning Director should come back and make more changes into the process. It very simply does not have him in there at all or any planning director. This was something that was a big problem with the GPAC and the Planning Commissions' recommendations with regard to the Maui Island Plan. It's now being followed again and I think the process is being violated, and particularly what he has inserted in here has not gone to the Lanai Community Plan Advisory Committee or to the Planning Commission and that is what Mr. Perez was referring to was the table that has now been inserted in there and the wording on 9.2, in Appendix 9.2, 9.3 is faulty, it should not be in there. And I would urge you to go back to the Planning Commission on Lanai, to the Citizen's Advisory Committee and ask them for their recommendation 'cause it's a very substantial change. The references to the various districts in there is something that should be in the community plan but it should not be done the way it's being done here with the stacking of zoning. That's not being done to the benefit of the people who are making the plan which says it should be warehousing. And the Planning Director has not enforced that provision of zoning properly by allowing many non-commercial, excuse me, a majority of commercial places to go into the Light Industrial area. It's an issue you've had before and you've sent it to the Planning Commission. You did not take it up here at the Council. You've sent it to Planning. They are all now wrestling, all three planning commissions. I would wait until the planning commissions on each island have made their recommendations before taking this item up here. Thank you very much.

CHAIR COUCH: Thank you, Mr. Mayer. Members, any questions to the testifier? Seeing none, thank you.

MR. MAYER: And thank the people on Lanai for speaking up on their behalf, their own behalf.

CHAIR COUCH: Okay. Is anybody in the Chambers wanting to testify? Going once, going twice. Okay let's go to the District Offices. First let's go to Hana District Office, anybody there to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR COUCH: Thank you. Molokai District Office, anybody there?

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COUCH: And Lanai District Office, anybody there?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR COUCH: Okay. Members, seeing that there's no one in any of the District Offices and no one in the Chambers coming down, without objections, we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay.

**. . . END OF PUBLIC TESTIMONY . . .**

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

CHAIR COUCH: Alright, Members, we are on...first item up is PC-11. And PC-11 is the Lanai Community Plan. I would first like to have the Planning Department make some comments as far as the process for the community plan. It's been talked about in testimony. So go ahead.

MS. McLEAN: Thank you, Chair. Outlining the process in general, there are three different bodies that are involved with the development of any community plan. First there's the Community Plan Advisory Committee and based on some of the testimony I'd emphasize the term "advisory." The CPAC as we call them consist of 13 members; 9 are appointed by the Council, 4 are appointed by the Mayor. The Planning Department prepares a draft and takes it to the CPAC. They have a prescribed amount of time to make their recommended revisions, then the document goes to the Lanai Planning Commission which as you know is a nine-member body whose members are ultimately approved by the Council. The Lanai Planning Commission also has a prescribed amount of time to work on the plan and then the document is forwarded to the Council. All along that way...all along through that process the Planning Department put updated drafts on the Planning Department's website and once the document got handed off to the Council then it became the Council's document. And so the Planning Department did not make any changes to the plan once it was given to the Council. It would be the Council and the Council Staff that would make any changes to that document. And like the Department did the Council has also put its drafts up on the website as they got to different stages in the process. We've heard in this round and going back more than a decade, the last time community plans were updated the different bodies that participate in that process really devote a lot of their time and their energy into those plans and they tend to call them our plan. But it's not a CPAC plan; it's not a Planning Commission plan; it's not a Council plan, it is a community plan. And each of those bodies has a very important role to play with the Council making the final policy calls on that document. So the

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

plans wouldn't be as revered as they are without the participation of all of those groups but they are a community plan. They are not a CPAC plan or a commission plan or a Council plan. It's a community plan. And we are hopeful that the Council is ready to move this out of Committee today. It's been a very long process. I think everyone has been very diligent and very forthright. There's always going to be criticism but we're proud of the work we've done and we applaud the work that the Council has done. Thank you, Chair.

CHAIR COUCH: Thank you. Members, any questions to the Department about this process? Ms. Cochran and then Chair White.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so one of the testifiers mentioned something about a Supreme Court ruling I think in the process and it should be stopped and we shouldn't go any further. What is that about? I'm not clear. Is that a true statement or?

CHAIR COUCH: Department?

MS. McLEAN: I don't know what the testifier was referring to.

COUNCILMEMBER COCHRAN: Okay. Does our Corporation Counsel have a...

MS. OANA: Similarly here I don't know what court decision they're referring to.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Mr. Hokama might have a comment.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair.

COUNCILMEMBER HOKAMA: Chairman, all I can share with you is that as a committee clerk representing one of the House committees that were in conference for the State plan act, Act 100, in the '70s. The issue of whether this would be a plan of guidance or a plan of like law that would be inflexible, that was part of that basic discussion at the Legislature. The Senate under Senator Wong that led the charge there looked...at that time was looking at it as more regulatory. The House under Chairman Ken Kiyabu I think Mr. White can remember his colleagues there, looked at it as more of a guidance document. And at the end of the day, the State took State plan and functional plans as guidance documents, guidance documents to help the State. Because you look at what they've got in place, those plans have been sitting on shelves for decades, especially those functional plans. Have you ever heard of an update on a State functional plan? Thirteen plans they have, Chairman, tourism, agriculture, education, you want to go down it, transportation. Does the State ever refer to State plans and functional plans? I don't hear it in their vocabulary. I don't even...I'm sure most of the legislators are not sure of those documents. But I can tell you that in my experience, Chairman, since the GATRI decision by the courts on a case of Maui and

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

as I understand it from the Planning Department, it is more specific toward an SMA application which is in a Special Management District according to public law under Coastal Zone Management, there was a requirement of conformity regarding zoning and community plan. I don't think the court made a decision on what was the lead document. I believe the court's decision was basically it needs to be the same, both documents. And so, if there's an issue and it's not unclear, I think Council ever since that decision has gone on the premise that both documents need to be consistent. I don't think we've seen...we actually viewed it as it's only for SMA areas versus not. I think this County needs to make a decision and a simplified fair policy across all categories. And if we're going to require conformity now let's do it for everything and I don't have a problem with that, Chairman, for consideration by your Committee. I can just recommend and, you know, I cannot vote on this Committee but I would recommend that you folks think about making it a Council or a Maui County Code requirement that from now on everything, zoning and community must be in compliance and we just follow the court's decision, Chairman.

CHAIR COUCH: And, Ms. Oana, you had comment on that? This goes to answer your question.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR COUCH: I'm sorry, Mr. White, this kind of goes to answer the question. Go ahead.

MS. OANA: I just wanted to point out Councilmember Hokama is correct when he discusses GATRI. And GATRI submitted an SMA Permit application to develop a restaurant commercial project property. The property was zoned B-R Resort Commercial and this would have been allowable under the zoning, this use would have been allowable under the zoning but the community plan designation for the property was Single-Family Residential. So the court did hold that the development within the SMA must be consistent with the General Plan and the proposed development must be consistent with both the General Plan and zoning. So a property development which is inconsistent with the community plan may not be awarded an SMA Permit without a plan amendment. So that was the court's holding.

CHAIR COUCH: Okay. Members, any questions? Did that help answer your question?

COUNCILMEMBER COCHRAN: Yes. Yes. Thank you very much, Mr. Hokama and Ms. Oana.

CHAIR COUCH: Okay. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. The question I have is for the Department, what is the effect of the wording, unless specifically prohibited, use of prohibited, permitted by zoning and the standards applicable to the zoning district apply to the corresponding community plan designations? Was that a recommendation by the Department or did that come from you, Chair?

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: That kind of...that came from --

COUNCILMEMBER WHITE: Or Staff?

CHAIR COUCH: --Staff and me.

COUNCILMEMBER WHITE: Okay.

CHAIR COUCH: At the...we discussed it in this Department I mean in this Committee as well saying okay you can put whatever the zoning is and if you want a specific...if you want to prohibit certain activities in that zoning category then put it in the community plan.

COUNCILMEMBER WHITE: So how does that affect the Lanai Community Plan?

MS. McLEAN: We actually...we would like to discuss this language 'cause it isn't quite clear to me what is intended by it. I think it is important in the community plan document to state...I'll just give an example...

CHAIR COUCH: Get closer to the microphone.

MS. McLEAN: In the community plan update let's say that a property's community plan designation is changed from Agriculture to Single-Family. The property is zoned Agriculture, the community plan designation changes from Agriculture to Single-Family so that creates a mismatch. In the community plan if it's just designated Single-Family and that property comes in for a Change in Zoning then you could apply any of the residential zoning districts, theoretically you could apply any of them. You know lots as small as R-1 or as large as R-3. In the community plan text though if at that time what was envisioned were...was lower density Single-Family so you wanted large lots and no ohanas, you could say that in the community plan text. So that when that property came in for a Change in Zoning then you would know, oh, you need to apply for R-3 and we'll put a condition on saying no ohanas and then that implements the community plan. So I think that might be what this is trying to say that unless the community plan makes some sort of statement that any of the zonings could be established to match up with the community plan. And that's typically how it has been administered.

COUNCILMEMBER WHITE: Yeah, and it's my understanding that there's no intent or no way that this is providing automatic zoning just because of the community plan, right?

MS. McLEAN: Correct.

COUNCILMEMBER WHITE: The zoning still has to come back to Council --

MS. McLEAN: Correct.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER WHITE: --for approval --

MS. McLEAN: That's one of the ways --

COUNCILMEMBER WHITE: --and review.

MS. McLEAN: --that community plans get implemented --

COUNCILMEMBER WHITE: Right.

MS. McLEAN: --is in the Change in Zoning process.

COUNCILMEMBER WHITE: Yeah. Okay. Thank you. Thank you, Chair.

CHAIR COUCH: Thank you. Members, any other questions to the process at this point? And we will get...we'll discuss that table further on. Alright, seeing none, I'm going to take the midmorning break. Let's go to 10:25 and we'll get ready...be ready to discuss the changes that have been made that we've all agreed to both in Lanai and here and some potential changes that the Department wants to see. So we'll be back at 10:25. This meeting is in recess. . . .*(gavel)*. . .

**RECESS: 10:13 a.m.**

**RECONVENE: 10:28 a.m.**

CHAIR COUCH: . . .*(gavel)*. . . Will the Planning Committee meeting of December 16, 2015 please come back to order. Okay, Members, thank you for being back quickly. That was quicker than I expected. A couple things, there was some stuff mentioned in testimony both written and verbal today. One I think Ms. McLean did talk about and I just want to reiterate. There was an informal meeting that I went over to Lanai and discussed the existing plan and there was some concerns that we discussed and talked about and we'll get to that in a little bit. The community had since November 17, 2011 or '15 to look at this plan. Now, we just heard some testimony that the link was down for a little while. I'm not sure because pretty much everybody there said that they got the e-mail and was able to at least pull up the link. So and I know I've been able to pull up the link several times so I'm not sure what happened there. So, the community has had about a month, a little bit under a month, I think one day under a month to look at this plan. Mr. Hokama has had a chance to talk to some of the folks. I've had a chance to talk to some of the folks. And at no time did we change anything from being other than what the Community Plan Advisory Committee is and that is advisory. I believe Mr. Hokama or I, I don't remember which one of us kind of reiterated that at the meeting that they are the Community Plan Advisory Committee. Let's see, we did talk about some stuff so I want to go over that and both what's happened here and what's happened at that meeting. We met a total of nine times this term to consider the community plan, the Lanai Community Plan

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

update. Our last meeting was on June 23<sup>rd</sup> over on Lanai and we did a real interesting thing. We broke the formality a little bit and we had a good talk story session with the members who were there. A lot of members of the CPAC and several members of the Lanai Planning Commission, and I think they were appreciative of the changes that we made as a result of that session. So I just want to reiterate that that meeting was a very unusual meeting and I think a very productive meeting. Since that time a revised proposed bill was prepared which incorporates the Committee's recommendations and a number of formatting and nonsubstantive revisions. The most up-to-date version is the one attached to the request for legal services dated December 7, 2015. It was posted maybe...no that's not the thing...it was posted to the Council's website for the past 30 days. So the one that was on this request for legal services was the one we posted November 17<sup>th</sup>. The revised plan also includes updated maps with needed revisions. I recommend that any of those little nonsubstantive changes be adopted by the community...by the Committee. Some of the suggestions we've received from the residents include revising the plan to incorporate photographs and artwork that were used in the earlier version of the plan, Lanai Community Plan Commission file draft dated October 31, 2014. They're referring to this picture in the front. I believe that was, I'm not sure how that got there but there was another nice artwork. They wanted the better artwork 'cause this looks like any generic island in the world. So we said, you know, I'm fine with that and we'll just leave it up to the Members to decide. They also want to change the order of names on the acknowledgment page to include the Advisory Committee names first and I'm fine with that if the Members have no objections to that.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay. And also listing the names of the Lanai Planning Commission Members as they were in 2014 and not the current members. I think that might have been an oversight. Department, do you have any issues with that?

MS. McLEAN: No, we would agree that it should be the makeup of the commission that reviewed the plan.

CHAIR COUCH: Okay. And the big thing that they...one of the big things that they wanted is on Page 7-6 of the plan, if you take a look at Page 7-6 there's a double asterisk where it says "hereinafter references to LWAC in the Action tables will include other relevant community groups sanctioned by the County." They asked that that be removed. Mr. Hokama and I discussed that a little bit. We have no issues with that. If the Members don't have any issues with that we're fine with removing that. Essentially, we put that in there in case the LWAC went away but all other relevant community groups sanctioned by the County are okay under NGOs or anything so that's the Chair's contention that that's not that necessary. And if the folks would like that removed we're fine with that. Any Members have any concerns about that one? Okay. So those quick changes that I talked about are the ones that we...the Staff and I feel will be okay just by consensus that we can make those changes, the picture, the

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

names, and the Planning Commission Members and the double asterisk. Any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR COUCH: Okay, so we'll adopt those changes. We also received some proposed revisions from the Planning Department which include some minor changes and some major changes. We'll go through the minor changes first. One Page 8-12 Issue 1: hospice facilities are being built in a converted plantation home so we may want to remove it from issue 1. I'm okay with leaving Issue 1 in. Planning Department, do you have a concern with that?

MS. JORGENSEN: No that's fine, Chair.

CHAIR COUCH: Even though they're building it we still want to incorporate it in the community plan to let the community know at some time we were doing that. Any, Members, have a concern with that? Seeing none, okay.

COUNCILMEMBER COCHRAN: Chair? Chair?

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, I'm trying to find...my pages aren't in a binder so I'm trying to keep up with you. Eight dash what?

CHAIR COUCH: Eight dash twelve.

COUNCILMEMBER COCHRAN: Twelve. Okay.

CHAIR COUCH: Issue 1.

COUNCILMEMBER COCHRAN: Issue 1.

CHAIR COUCH: It says some important health services are not available such as maternity and neonatal care, palliative care, psychiatric care, and hospice facilities. And the strategy, State and County agencies should collaborate with HHSC, Straub, LCHC, and Pulama Lanai to develop and support improved health services and facilities on the island. One is in the process of being built so I'm fine with leaving it in here. If the Members have any concerns with that we can discuss. Mr. Hokama?

COUNCILMEMBER HOKAMA: I understand your comments, Chairman, and again I don't know how accurate we want to be 'cause the Committee has made efforts moving forward with the hospice facility.

CHAIR COUCH: Yes.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER HOKAMA: There is now a pharmacy doing business on Lanai that at one time was part of the Straub operations and I think what the Community Health Center is trying to do. So we have made improvements in some areas of medical service or health care services on the island, Chairman. So I just saying depend again this is a plan and I understand it and the point it's trying to make and so again, Chairman, it depends what part of the snapshot in time you want reflected in the document.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: So, if you want it to be current we're going to need, I would say we need to revise it.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: And again what snapshot of time you want? Do you want it at the point when the Advisory reviewed it, when the Commission reviewed it, or when Council adopts it? You know, that's part of the decision we gotta make: what snapshot of time is this going to be based on?

CHAIR COUCH: Okay. Mr. White?

COUNCILMEMBER WHITE: I would just leave it in in case --

CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: --the current project falls through for some reason.

CHAIR COUCH: That's, that was kind of my thought too. You know and, Members...go ahead.

COUNCILMEMBER WHITE: And if I could just add. I don't think that it's a substantive enough change to require Staff time or any --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --of our time to, I mean if, you know, it's a snapshot in time but this is what the community wanted --

CHAIR COUCH: Sure.

COUNCILMEMBER WHITE: --and if something falls through they're going to still want it.

CHAIR COUCH: Right. And we're already spent more time than...

COUNCILMEMBER WHITE: And that probably applies to some other stuff as well.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: And, Members, if you don't mind if I refer to non-voting Member Hokama because it's the island he represents and comments first and I know it's not usual.

COUNCILMEMBER COCHRAN: Of course.

CHAIR COUCH: Okay. And also, Members, it was also brought up in some testimony that hey these changes have not been heard or seen by the community, it should all go back to the CPAC. Is that part of the process, Ms. McLean, or is that...how does that work?

MS. McLEAN: No, that's not part of the process. The CPAC makes its recommendations, then the Lanai Planning Commission makes its recommendations and then the Council makes the final policy calls. The Planning Department does not make its own edits at...during...between those steps. We format and we put in structure and we will do some wordsmithing and so forth but we don't add any substance or remove any substance in each of those steps. So everybody has had the benefit of the input of the ones that came before it.

CHAIR COUCH: And well my question is when we get down to the, for instance the table that Staff put in, that's something that none of the previous folks have seen, sometimes even you.

MS. McLEAN: No that's not, that's not true at all. It was actually a tool that was put together at the CPAC level and they wanted it put in as an appendix.

CHAIR COUCH: Well, but when we added the zoning and whatnot on there.

MS. McLEAN: That was in the CPAC version. That was, again it was a tool that Staff put together for the CPAC that they asked to be put in as an appendix.

CHAIR COUCH: Okay.

MS. McLEAN: And we did not want it to be an appendix. We didn't think it's appropriate to be an appendix, still don't think it's appropriate to be an appendix but we'll talk about that in a minute.

CHAIR COUCH: Yeah, we'll get to that. Okay.

MS. McLEAN: But no that was in...the CPAC saw that and asked that it be included.

CHAIR COUCH: Okay. Yes, Ms. Oana?

MS. OANA: And just to add to that, Chair, both the Charter and the Maui County Code specifically state that the advisory committees are charged with reviewing and recommending revisions to the community plan. The Charter further goes on and says the Council can adopt, modify, or reject it.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Okay. Any questions, comments, Members? Alright, so it seems like we just want to go ahead and leave in the hospice situation. Okay, no objection?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR COUCH: Next on Page 9.5 and Page 9.3A, the third line, change sewage treatment facility to waste...WWTF which stands for Waste Water Treatment Facility. Any concerns with that? Okay. Hearing no objections...

COUNCILMEMBER COCHRAN: Wait, Chair.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Can I just get a real quick brief recess, brief, very brief?

CHAIR COUCH: Okay. Recess, call of the Chair. . . .(gavel). . .

**RECESS: 10:41 a.m.**

**RECONVENE: 10:42 a.m.**

CHAIR COUCH: . . .(gavel). . . Will the Planning Committee meeting of Wednesday December 16, 2015 please come back to order. We had a little technical difficulties there. Alright, next on Page 9-4 last paragraph, the Department says we may want to include references to housing opportunities. Can you explain that a little bit?

MS. McLEAN: Thank you, Chair. At the bottom of Page 9-4 the second sentence reads the general intent of the development proposed for Lanai is to diversify the island's economy. Future development is anticipated to create more business and job opportunities both within and outside the tourism industry. And that was...we just felt that, I believe this was language that we had put forward at some point but it doesn't make any reference to housing opportunities and we just felt that some of the planned growth isn't solely for economic business and job opportunities. Housing, might also want to make a reference to housing.

CHAIR COUCH: Okay. Members, any objections to add language, basically it says to increase housing opportunities in there as well? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, where would you add that, please?

CHAIR COUCH: I would think future development is anticipated to create more business and job opportunities both within and outside the tourism industry and also...let's see, future development is anticipated to create more business and job opportunities both within and outside the tourism industry and allow for more housing opportunities, a variety of housing opportunities.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER HOKAMA: Chairman, I would ask that you also look at the paragraph preceding that. I think we need to make some adjustments. I would say the second sentence can end with Pulama Lanai's plans include development of new residential housing in both urban and rural areas. The development of the currently entitled lands in Lanai City's affordable housing project owned and by the County of Maui. I want it very clear --

CHAIR COUCH: Oh, okay. It's not...

COUNCILMEMBER HOKAMA: --that's it's our project and that we are also doing our part from the government's standpoint to take care some of our community needs. If the landowner won't move at least the County has an option of trying to deal with some of the issues on the island.

CHAIR COUCH: Okay, so we'd move the reference to Koele and Manele project districts up in the same sentence with Pulama Lanai?

COUNCILMEMBER HOKAMA: Yeah, whatever is Pulama's I would say, you know --

CHAIR COUCH: Separate the two.

COUNCILMEMBER HOKAMA: --separate but then the affordable project is our project.

CHAIR COUCH: Yeah. Staff, are you okay with that? Okay?

MR. GARNEAU: Yes, I have it.

CHAIR COUCH: Thank you. Members, any concerns with that?

COUNCILMEMBER COCHRAN: No.

CHAIR COUCH: Chair White?

COUNCILMEMBER WHITE: My only concern is not...does that have any effect on Pulama's requirement to provide affordable housing?

CHAIR COUCH: Well, this talks about Pulama Lanai's plans include development of new residential housing in both urban and residential areas as well as development of currently entitled lands in the Lanai City affordable housing project. I don't believe they are putting anything in that project. It's only the County.

COUNCILMEMBER HOKAMA: They can, Chairman.

COUNCILMEMBER WHITE: Yeah, I was just going to say I wouldn't want to say anything that would preclude them from being involved.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER HOKAMA: Well, Chairman and Members, they still have to comply with zoning conditions. And Planning Department needs to be able to inform this Committee on where they are with compliance of zoning conditions. 'Cause I don't have a problem opening up that ordinance and being more restrictive and more demanding if we need to.

CHAIR COUCH: So if we make that change would that negate their requirements? And I don't think it will if they're in the conditions of zoning.

COUNCILMEMBER HOKAMA: 'Cause there's conditions on the two project districts. There's conditions on the Miki. I mean we've pretty much conditioned every zoning request for community benefit. So my thing is...

CHAIR COUCH: And that would be a Change in Zoning in this project as well so we can condition it when that comes up. I don't think there would be getting off on any...

COUNCILMEMBER WHITE: That's fine.

CHAIR COUCH: Okay. So any objections to those changes?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR COUCH: You got that?

MR. GARNEAU: Yes, I have it.

CHAIR COUCH: Okay. Next on Appendix 9-2, Page A-15 add State to Conservation and separate into a category at the bottom of the column. On maps it is a separate category, Conservation. Can you explain that a little bit real quickly, Department?

COUNCILMEMBER HOKAMA: Reference again please, Chairman?

CHAIR COUCH: Page...Appendix 9-2, Page A-15.

MS. JORGENSEN: Thank you, Chair. Throughout the process we clarified that the State has jurisdiction over Conservation lands, and we even made an effort to show that quite clearly on the maps as a separate category. So there's the listing for the County land use designations and then it's separated by a State of Hawaii and it says Conservation and in parenthesis State jurisdiction. So we just like in a similar manner it reflected in the table to be at the bottom of the table as a separate...where you could still show the Conservation but making it very clear that it is State of Hawaii.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: I understand that but it says Conservation and then indicates lands designated Conservation District by the State Land Use Commission. So you want to say add in there something about under...and are controlled by the State?

MS. JORGENSEN: No, the way it reads right now but if you just had where it says Conservation, if it said State Conservation and move it to the bottom of the table so that it's not part of the County land use designation categories --

CHAIR COUCH: Gotcha.

MS. JORGENSEN: --that would make it even clearer.

CHAIR COUCH: Okay, I want to defer that one because we're going to have a big discussion of Appendix 9-2 anyway. So I understand what you're saying there and we'll come back to that. Okay. Changes to Map 3.2 and Map 8.1 and we have in your binders in this...the changes, the revisions are noted. Staff, can you tell us what those changes are or was it your guys'?

MR. GARNEAU: No these are...can you hear me?

CHAIR COUCH: Yeah, you got to be real close.

MR. GARNEAU: These are additional changes I believe. The, there were some earlier changes between the time when we first put the community plan maps online and those were already loaded up and that's in the...that's in already your most recent version. I think these are additional changes.

CHAIR COUCH: Oh, okay. Department, can you tell us first on --

MS. JORGENSEN: Thank you, Chair.

CHAIR COUCH: --Map 3.2.

MS. JORGENSEN: Yes, on Map 3.2 this is very minor but the star that says agricultural lands of importance to the State of Hawaii was not within the legend and that's all that was changed on that map from the version that you have.

CHAIR COUCH: Okay that's nonsubstantive, that's fine.

MS. JORGENSEN: Right these are minor.

CHAIR COUCH: Members, any comments to that?

MS. JORGENSEN: Map...

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Wait hang on. Let me, Members, any...okay no concerns to that. Alright, next.

MR. JORGENSEN: Okay. On Map 8.1 the public facilities and services, some of the colors did not match in the legend and so you had like for example the harbor which is in pink was not in the inset map even shown or the airport was the wrong, you know, color, it should be gray. And so it was just a minor cleanup to make sure that the legend corresponded to what was on the map.

CHAIR COUCH: Okay, any objections to that, Members?

COUNCILMEMBER WHITE: No objections.

CHAIR COUCH: Okay. Thank you. So those are the minor changes other than the one on Appendix 9-2. Any objections to leaving those, making those changes?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR COUCH: Okay. Now these are changes that we agreed to previously, on Page 7-3 a reference to LWAC explaining what it is or was was discussed at the June 23<sup>rd</sup> meeting. The Committee agreed to add a description and I want to ask Staff to add a description to that. Did you already do that in this?

MR. GARNEAU: No, I did not.

CHAIR COUCH: Okay so you want to...

MR. GARNEAU: I will do that. Planning was pointing out that that was something we'd agreed to.

CHAIR COUCH: Yeah, we did agree to add a description on LWAC so we're going to do that because we had already agreed on the June 23<sup>rd</sup> meeting. Appendix 3.2, Watershed Partnership needs to be deleted. We discussed that a couple times and the final decision was to delete it. I just wanted to let everybody know that that's what's going to happen as we had already agreed to that. It just didn't make it. You know this is a huge, large document and sometimes that slips through the cracks. Okay next is add to the Map section an introduction to provide information on Hawaii Board of Geographic Names and GIS map layer sources. The Planning Department transmitted a draft of the introduction to the Committee. Do you have that on your...

MR. GARNEAU: Yes, I did receive that and I will include that in the...

CHAIR COUCH: Do we have it?

MR. GARNEAU: I do have it. They transmitted it to me, yes.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: And where would that be here?

MR. GARNEAU: It was one of the ones that was printed out I believe.

CHAIR COUCH: Okay, it's on your...it would be on your memo from the Department of Planning dated...it's actually dated December 15<sup>th</sup> and its recommended revisions for December 16<sup>th</sup> meeting and it's on page...where is that?

MS. JORGENSEN: It's a separate section, two pages.

CHAIR COUCH: It's a separate one?

MS. JORGENSEN: It was a file sent along with the e-mail.

CHAIR COUCH: What is...can you read the language for us so we don't have to look for it?

MS. JORGENSEN: It starts out, the heading on it is Maps and it gives an introduction that says the place names on the maps have been corrected to be consistent with the Hawaii Board of Geographic Names. Correction of diacritical marks in Hawaii and names project, Lanai September 30, 2014. Information on the Hawaii Board of Geographic Names and the name review process used can be found at the following website and it gives the website. And then provided below is a list of Geographic Information System layers that are used to produce the various maps included in the document. This list describes the key layers utilized in the mapping process and is not intended to be a comprehensive layers listing. The majority of these layers may be found on the Hawaii Statewide GIS Program website and then it provides the website.

CHAIR COUCH: And then you list all the GIS layers.

MS. JORGENSEN: And then the second section is the Geographic Information System layers with a description as requested by this Committee and this was the GIS staff Mike Napier --

CHAIR COUCH: Okay.

MS. JORGENSEN: --put this together and it would go in front of the Map section.

CHAIR COUCH: Any objections to that, Members?

COUNCILMEMBER WHITE: I don't think so.

CHAIR COUCH: Okay. It's basically a legend...

COUNCILMEMBER WHITE: Is it in one of the big binders or is it in the...

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: It should be in an e-mail or a transmittal sent by the Planning Department. Staff, can you show them where that is please?

UNIDENTIFIED SPEAKER: Everybody got it in their trays.

CHAIR COUCH: Yeah but they need...we've got a ton of stuff so it's hard to. It should be in the binders too at the back. No? Okay next, any concerns with that? This is what we asked them to put in there so it basically tells what each map...what each layer is. Okay. Alright unless there are any objections, I'm going to ask Staff to make those changes. No objections?

COUNCILMEMBER WHITE: No objections.

CHAIR COUCH: Okay, great. Alright here comes the substantive changes. In the revised bill some changes were made to Chapter 9 of the planned land use to clearly state the relationship between community plan designations and County zoning. Former appendices 9.2 and 9.3 were combined and revised for the same reason. The Planning Department asked for some changes. Now, Members, the existing, in the Lanai Community Plan, Table 9.2 which is Page A-17, 16, 15. This was put in by Staff and me to basically say what was requested by folks. You know in Agriculture you have Agriculture District zoning. Airport you have Airport District. Business Commercial you have B-1, B-2, B-3, B-R, B-CT, and SBR Districts. Those are the zonings allowed in these land use designations. And it lists all the ones that basically what we've done is put into words what the practice has been for the last 60 years I believe. So that's what Staff and I did. Now, Planning Department has some concerns with that so, Planning Department, go for it.

MS. McLEAN: Thank you, Chair. The concern is that this table suggests community plan and zoning have to match and if they don't it doesn't state what the status of that property would be. A community plan update creates mismatches, that's just how the process works because you're talking about changes in land use that are going to happen over that planning period.

CHAIR COUCH: For instance?

MS. McLEAN: For instance if you have a property that's community planned Agriculture and that's zoned Agriculture and during the community plan update process it's decided that would be a good area for a residential development to grow over time, and the community plan designation is changed from Agriculture to Single-Family. The zoning for the property remains Agriculture so if you're that person and you look at this chart it's not really clear to you well what does that mean for my property. In that situation if that person wanted to farm, the Planning Department would say well you're zoned Agriculture, yes of course you can farm. If that person wanted to subdivide into residential lots we would say well you are community planned Single-Family but you're still zoned Agriculture so you can't subdivide 'cause your uses have to be consistent in the subdivision process. So on a lot-by-lot basis having those

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

mismatches the person can still use their property in some fashion. It's if they wanted to subdivide, if they wanted to develop then that would be problematic. A similar example is if you're community planned Single-Family and you're zoned Residential and in the community plan update process you're changed to Business because that's the area where we see business expansion possibly happening. So you're Business on the community plan but you're Residentially zoned. Can you build a house? Yes, you can build a house 'cause you're Residentially zoned. Can you open a business? No, you can't. You're community planned Business but you're still Residentially zoned. So the table even though yes in the Change in Zoning process this is what would be followed. This is how the community plan would get implemented during the Change in Zoning process but it just leaves those potential mismatches out and it's just unclear what the status of those properties would be because the community plan inherently creates mismatches. That's part of what it's supposed to do is to envision what changes are going to happen. And unless we get to a system where we immediately follow up with zoning which would make the community plan update process a very, very different animal you're going to have mismatches. So that's our concern with the table is that it doesn't account for those mismatches. Also the...well, I'll just leave it at that for now.

CHAIR COUCH: Okay.

MS. McLEAN: That's the bigger concern is that it suggests that only these matches can take place and if you don't have a match it just leaves those properties in limbo, that's our concern.

CHAIR COUCH: Okay. Members, this table was put in after a lot of discussion. You know we have another item in the Committee that deals with 280B and changes to codify what we've been doing for the last 60 years. I know there's some community concern about that. There's a perception that it will take away the community's voice from the community plans. It's the Chair's, and in discussion with the Departments, thought that that's not true but that's a different item. However, this was put in here to codify the fact that this is what's happening and it's actually been requested by several groups that we have this table in here that says this is what the land use designation is, this is what the zoning is. So that's why this was put in the first...in this first community plan. Ultimately in every community plan, either in every community plan this table should be or 280B needs to be worded such that it reflects this. And it's really hard to word that without leaving loopholes. That's my concern is if we do a change in 280B that still might be a loophole one way or the other. And this is specific. This is really specific. And to the Planning Department's concern it might be too specific. So is there another alternative? We have the other item that's going through your commissions right now or this or is there something in between?

MS. McLEAN: Well, we did transmit a different table that essentially takes it back to what exists in all of our community plans today, which is the designation and then the uses envisioned by that designation. It doesn't tie in the zoning at all.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: But isn't that part of the whole issue that's been going on throughout this whole last six months?

MS. McLEAN: It is. I just don't know that this table listing the zoning districts solves the problem. For the sake of getting through this 'cause I don't know that the Committee is willing to go with a simplified table.

CHAIR COUCH: Well, we can ask. I mean that's...

MS. McLEAN: There is...yeah, I guess that would be the initial thing is, you know, what the Committee's thought on the simplified table is and if not then I would offer some language to add to the table to try to address those mismatch situations.

CHAIR COUCH: Okay. Mr. Hokama, and then Members...Mr. Victorino, did I see you raise your hand?

COUNCILMEMBER HOKAMA: Chairman, thank you as it relates to Lanai, I appreciate the comments from the Planning Department, I think our Director has some very good comments, but for me, Chairman, and it's brought up in testimony I've submitted considerations to Council in the past. I think we can, you know, really make a call but I think we need to come to terms with stacking of permitted uses in zoning categories.

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: I think that needs to have an appropriate discussion and a determination made if this point in time if stacking is still to the advantage as a zoning tool --

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: --'cause I have my doubts about stacking.

CHAIR COUCH: I do understand that one. And we did have that discussion two years ago.

COUNCILMEMBER HOKAMA: Yeah. Yeah. But, you know, the part about the conformity thing, Chairman, again we take our Lanai affordable housing project. Okay. And that's assuming State classifications are already in sync with the changes --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --'cause when she brings up Agriculture if it's still State Ag classified then there's additional limitations or if it's Conservation lands 'cause we have Conservation category within the County but we got classification Conservation, and our authority is only up to 15 acres to make those adjustments. But for me, Chairman, part of it is you take our project, Lanai, the zoning is Ag, the zoning hasn't

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

changed, it's going to be housing. So there's not going to be conformity under the GATRI thing regarding the zoning and the use of the community plan because the zoning hasn't changed to the 201H designation, that's my understanding. Is that correct? The underlining zoning is still Agriculture.

MS. McLEAN: Correct with the 201H the zoning doesn't change.

COUNCILMEMBER HOKAMA: Right. Right. Right. So again, you know --

CHAIR COUCH: Yeah, that's another issue.

COUNCILMEMBER HOKAMA: --we're trying to make sense and yet there's always this bloody exception. Okay so there's confusion 'cause somebody is going to point and say there's no conformity to that and that's allowed, that's legal. And I just bring it up because not everyone has the understanding of the Legislative Branch.

CHAIR COUCH: Right and that is a great point and I'd like to hear how Corp. Counsel and the Department discusses this because you've got a 410 unit, well, it's now 465-unit subdivision here that was affordable housing and it was 201H on Ag. So it's still zoned Ag but it's got 410 houses on 100 acres or whatever it is. So how do handle that if somebody wants to, in that zone wants to add on to their house or add an ohana dwelling if we make changes to that? What happens in a situation like that? And it would happen in Lanai as well.

MS. McLEAN: If someone asks about a use on their property today we would look at their zoning and see what the zoning district allows. In the case of a 201H or whatever version of 201 it was we would have to look at the resolution that approved it to see what standards apply to it 'cause the resolution actually lists...here we go with exceptions again, a resolution lists all the exceptions to various land use and development standards. So we would have to look at, you know, they got a waiver from community plan from zoning and, you know, the number of units allowed, the density, the size, whatever is spelled out in the resolution, that would effectively be its zoning document.

CHAIR COUCH: So technically the zoning doesn't change but Council has given them exceptions to the zoning by State, allowed by State.

COUNCILMEMBER HOKAMA: And, Chairman, my thing is I just feel we need to do it better. We already had claim or litigation with the stick 'em on a map issue in the past. I don't know what Members were here with me, but I tell you that made me very unhappy regarding the stick 'em, and then comes a mapping error, then comes a claim or settlement issue for Council to dole out money. My thing is we've got to do things better, Chairman, and if it makes sense since we're not going to move those houses why don't we just bloody change the zoning to Residential? Why do we keep it Ag? I don't get it. Why, you know, I mean to me this is the time we need to be talking about these issues, Chair, because I don't have a problem...just like when we did the

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

sliding scale for Agriculture I think we tried to do an approach of a comprehensive zoning ordinance where we did it at one time by the class. If I remember correct, Director. And there was a few we actually down zoned. Was rare but we down zoned a few.

CHAIR COUCH: Yes, we did --

COUNCILMEMBER HOKAMA: Okay.

CHAIR COUCH: --and they've come to mister...

COUNCILMEMBER HOKAMA: So my thing is is that something that we need to consider as part of the tools we're going to do to...for implementation? Are we going to do by district or something major rezoning efforts to bring compliance if that makes sense or it doesn't make sense? 'Cause when we did that comprehensive, we had people who complained I didn't want my land rezoned, if the Director remembers that too. People fought the rezoning. So, again, Chairman, I just bring up my experiences that, you know, what the Committee is asking, what we're talking about we need to make a policy decision and to make it better.

CHAIR COUCH: Would you like that brought up as an item at the PIA or this Committee, either one?

COUNCILMEMBER HOKAMA: Well, if it comes to zoning eventually, you know, you're going to need to talk to Mr. Carroll down here 'cause he's the one that handles our zoning requests and I don't know how his calendar and his demands are. But, you know, I think we need to have a...maybe to Chair White through a chair's meeting have a discussion on how we want to approach certain issues and one of it would be comprehensive rezoning from community plans as one of the topics. We might want to consider how to approach the implementation component.

CHAIR COUCH: Okay. I'll send a...I'll have Staff send a request to Chair White to discuss comprehensive zoning via the community plan process. Is that...

COUNCILMEMBER HOKAMA: I just ask for your consideration, Chair.

CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COUCH: Without objections, Members, we'll send that.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay. So back to this then, until that matter is brought up we can't stop the Lanai Community Plan.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER HOKAMA: Correct.

CHAIR COUCH: We do have a deadline March 31<sup>st</sup> and I'm not wanting to change it any more than that. We've already changed it once. So as far as this table is concerned the Department would rather take the zoning out of that. I still think we have an issue and part, stacking is part of the issue but we've discussed that and we can certainly bring that up again. But stacking has been mentioned over and over again and this Council so far has always said we want to keep the stacking in. So that will be discussed maybe in this comprehensive zoning side. I'm willing to go whichever way the Committee wants to go. I like the table. It was brought up other people like the table too but now they don't. I'm not sure what that's all about. Yes, Mr. White?

COUNCILMEMBER WHITE: I guess the question for the Department is and she made the comment that this doesn't eliminate the inconsistencies.

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: But we're going to have the inconsistencies --

CHAIR COUCH: Regardless.

COUNCILMEMBER WHITE: --whether the table is in there or not.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: So maybe you can clarify your concern a little more.

MS. McLEAN: It's not that we're not going to be able to eliminate the inconsistencies but having the table where it indicates how community plans and zonings have to match each other it doesn't give any reference or any explanation to what if you don't have a match. That's what the concern is. It seems that if you don't have the match that the table calls for what does that mean for your property? That's what my concern is with this table.

CHAIR COUCH: And I guess, Members, the example, one of the examples given was it's zoned Business now, well, let's say it's zoned Single-Family now, I mean Residential R-3 and community plan we went to Business. Okay. What is the owner of that house, if they want to add an ohana to their home can they if it is zoned Business?

MS. McLEAN: Zoned Residential.

CHAIR COUCH: I'm sorry zoned Residential but community plan is Business.

MS. McLEAN: Business.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: How would that work right now? Would that person be able to get an ohana?

MS. McLEAN: Generally yes.

CHAIR COUCH: Even though it doesn't match with the community plan?

MS. McLEAN: Correct.

CHAIR COUCH: And why is that?

MS. McLEAN: Because...

CHAIR COUCH: Unless it was in the SMA, right?

MS. McLEAN: If it was in the SMA, zoned Residential, community planned Business, if it was determined to be a development then the GATRI ruling would...as was ruled in GATRI would apply to the...

CHAIR COUCH: Can you get a little closer to the microphone please?

MS. McLEAN: If it is a development in the SMA then the use has to be consistent with the community plan and the zoning. If it's not a development in the SMA then an exemption can be issued. So if you have like in GATRI a proposed business use that will most likely be considered to be a development and so the use would have to be consistent both with zoning and community plan. But if it's something that falls under a statutory exemption in the SMA like a single-family home then an exemption could be issued if it was not a development.

CHAIR COUCH: Is that as clear as mud? Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: And, Chairman, you know not just to make it more confusing and cloudier but I think everyone should be aware of the various options of a property owner, they still can go to Board of Variance for a variance to the Code, as I understand it, right? They can go in, you know, I guess through Planning for a Special Use or Conditional Permit whichever is the more appropriate means to get approval for a non-permitted use to be permitted. So there's more than one way to still make use of the property that the community plan I would say has limited impact on to those other options that a property owner can legally use to get different uses on it. Would you agree with that, Corp. Counsel?

MS. OANA: I believe you're correct. They can go to the Board of Variance Appeal or...and Appeals or...

CHAIR COUCH: Can you get closer I can't, sorry.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

MS. OANA: I believe Councilmember Hokama is correct. There is the Board of Variances and Appeals process as well as the Conditional Permit or Special.

CHAIR COUCH: Okay. Members, this is, obviously, it's going to be a really big discussion. I don't want to push this off much further but if...we do have another item on the agenda. I thought this was going to go a little bit quicker than it did and we do have somebody here as a resource. So I can see that we couldn't finish this today anyway. We got most of it. This is a big discussion on 9.2 and a couple other things that it will take another whole meeting to do. So if there's any...if there's no objections, I would like to...yes, Department?

MS. McLEAN: Before you do that I would really hate to not at least give it a shot to move this out. If the...if you and the Committee feel strongly about keeping this table there are a couple of sentences that I can read. If that language is acceptable then I don't know what else you have to discuss on this but potentially we could move forward today.

CHAIR COUCH: Members, do you want to hear what she has to say about? Go ahead.

MS. McLEAN: Something to the effect of if a property's community plan land use designation and zoning do not correspond as listed in the table below, the property zoning regulates the uses and standards allowed on the property until the zoning is changed to correspond to the community plan land use designation. During the Change in Zoning process the typical zoning districts listed below should be established to correspond with and implement the community plan. And that would be, you know, in the paragraph before the table and rather than using the term corresponding zoning district I would say typical zoning district 'cause that's typically the zoning that's established for that property. By using typical instead of corresponding and using the word typically in that introductory language it would make it clearer to us and I think clearer to the public that this is not absolute, and that if they do not correspond that the zoning still regulates use until such time that the zoning is changed to correspond and implement the community plan.

CHAIR COUCH: Yeah that is awfully big. If you wouldn't mind transmitting that to us? I don't think we can get done today regardless 'cause there's a few other things that, requested changes. And I will commit to putting this item on January 8<sup>th</sup>. That also gives the Lanai community a little bit more time to absorb what's going on and happened. Unfortunately, I thought that we could get through it today. I don't think so, especially if you put that language in there. I'd like to have that at least looked at by Corporation Counsel too to see if they're okay. Not an official written, just work with them to see if that's something that they can do, and I'm sorry we couldn't get it through today but I don't think it's going to happen unfortunately. We have another big meeting this afternoon so and people have to get prepared for that. So, Members, without objection...yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry. Chair, before we close or you make your ruling, I just am curious in reference to HRS 46-4 which says that our zoning needs to conform

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

with our general plans and community plans. So that's a State overarching HRS. So we need to be in line with that, correct?

CHAIR COUCH: Correct.

COUNCILMEMBER COCHRAN: And be aware, so but we can't sway from that one way or the other ever.

MS. McLEAN: Right. It's important to note that zoning has to comply with community plans. Community plans don't have to comply with zoning. So when you do a community plan update you don't have to correspond with the zoning. You can change the community plan designation and create a mismatch. It doesn't work the other way around. You can't change zoning out of conformance with the community plan. So when changes in zoning come to the Council one of the tests, one of the criteria that you look at is conformance with the community plan.

COUNCILMEMBER COCHRAN: Okay, but you have other ways to adjust so it becomes nonconforming but in a sense I guess allowable, an allowable use where you don't need to go and redo, I mean, you know, we do it all day long, your Department. Stacking is one of those things too that sort of disregards that in a sense.

MS. McLEAN: If there's a zoning district that has stacking in it, that zoning was established for that property by the Council. We simply administer what the zoning district allows. We can't allow uses that a zoning district doesn't provide.

COUNCILMEMBER COCHRAN: Yeah, I mean I'm not in favor of the stacking thing. So but anyhow, Chair, I mean yeah please we need to defer.

CHAIR COUCH: Yeah. Yeah. And just out of curiosity when you go to the community plan advisory committees and Planning Commission, both, are they aware of the stacking issues and this whole situation? Are they made aware? I'm sorry, are they made aware in their instructions?

MS. McLEAN: They are given introductions to all the different land use layers and how they relate to each other. I don't know, I simply don't know if much detail is provided on zoning districts that contain stacking, that I don't know.

CHAIR COUCH: Okay maybe that's something that we can...

MS. McLEAN: 'Cause there are maybe, I don't know, just a couple of zoning districts that have stacking.

CHAIR COUCH: Correct.

MS. McLEAN: It's not pervasive throughout the zoning ordinance.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Correct. Okay, Members, with...yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Mr. Chairman, just so it's very clear 'cause or not you and I are going to get the phone calls.

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: What is the date and time for the next review of this item, please?

CHAIR COUCH: I believe it's January 8<sup>th</sup> at 1:30, or I'm sorry we're the 9 o'clock, we're the 9 o'clock meeting.

COUNCILMEMBER HOKAMA: In this Chambers, Chairman?

CHAIR COUCH: I'm sorry, January 7<sup>th</sup> in this Chambers at 9 o'clock. Thursday January 7<sup>th</sup>.

COUNCILMEMBER HOKAMA: Okay, thank you, Chairman.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: I know we had something else planned but we're going to have to bump that. Yes?

COUNCILMEMBER COCHRAN: I didn't want to have oversight on the OHA's submittal in written testimony too. So I wasn't sure if Department or anyone had a chance to go. I just received...

CHAIR COUCH: And that's why I didn't want to pass it out today 'cause that OHA stuff I think we need to really --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --discuss in detail.

COUNCILMEMBER COCHRAN: Okay well very good. I just wanted to make sure that it wasn't an oversight. We're not going to ignore it.

CHAIR COUCH: Yeah it's in there. That was on my list of things to go through --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --and discuss.

COUNCILMEMBER COCHRAN: Alright. Okay, thanks.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Okay. So without objection, Members, we...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR COUCH: Yes?

COUNCILMEMBER HOKAMA: One last quick comment, please, if you will.

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: You know coming from Lanai, being there for about 100 years, I get irked with this last minute submittals from non-Lanaians. Last minute. I mean we've been going through this for a long --

CHAIR COUCH: Yes.

COUNCILMEMBER HOKAMA: --period of time and for even agencies like OHA to come last minute with their ideas I find it very irritating, especially when it's not coming from Lanai, very irritating. We've been very open. Our community has been very active and then now to get outside comments from outsiders I find it irritating to the utmost. Thank you, Chairman.

CHAIR COUCH: Okay, thank you. Members, without objection, we'll defer this and go to our next item.

COUNCILMEMBER COCHRAN: No objections.

CHAIR COUCH: Okay, this item is deferred unfortunately.

**ACTION: DEFER.**

CHAIR COUCH: But we got to do...I'd rather be correct than fast, Members.

**PC-12 COMPOSTING AS A PERMITTED USE IN THE AGRICULTURAL DISTRICT**  
**(CC 14-310)**

CHAIR COUCH: Okay, next item--I'll give you a chance to get your desk moved around a little bit--is PC-12. Okay, Members, this is an item that we've discussed already. We're in receipt of the following: County Communication 14-310, from Councilmember Elle Cochran, transmitting a proposed bill to allow for composting as a permitted use in the County Agricultural District. And then we've gotten a couple other...we got the September 18, 2015, Corporation Counsel transmitting a proposed resolution. The purpose of the resolution is to refer to the Planning Commission the proposed bill entitled A Bill for an Ordinance Amending Title 19, Maui County Code,

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

Relating to Composting. The purpose of the proposed bill is to allow for composting using materials sourced from offsite as a permitted use in the County Agricultural District. So, Members, if you get your information, Ms. Cochran, we had a discussion about this prior to this and we wanted to just get a few things cleared, clarified from you. At our last meeting, the Committee noted that clarification is needed from Member Cochran that the intent of the bill is to allow commercial composting operations in the Agricultural District as a permitted use as opposed to an accessory or a special use. I provided a proposed resolution to transmit the proposed bill to the planning commissions. The proposed bill attached as an exhibit to the resolution clarified the bill's intent by specifying that the material source from offsite may be composted. By a correspondence dated September 18, 2015 the Department of Corporation Counsel transmitted a proposed resolution, please focus your consideration on the resolution and the attached bill. So that's dated September 18, 2015. It's a request for legal services and I believe they came back with the proper item. Okay. So, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yes, thank you, Chair, and thank you for having this heard. And so we're working at the top, it says September 17<sup>th</sup>, right?

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: But dated 9/18 at the bottom. Okay just so we're all on the same page. Yeah, I don't know where originally wanted the biosolid sewage sludge not incorporated and even in line with State definition they have it excluded also. So that's something that just in the very first sentence I would like to see taken out. And but you're correct in the intent of this legislation is to allow commercial composting 'cause as you stated, yes, people can do their own personal composting on their properties, ag properties -but if someone intends to now collect, you know, and disperse, sell to others then it's not allowed in our current uses --

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --under Agricultural zoning districts so that's the intent. But there are other things having had people submit--especially the Agricultural Working Group and I'm sure Mr. Guzman has some stuff to chime in about they have some good additions and deletions from this, just the definition in itself.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Which I would like to be discussed.

CHAIR COUCH: Yeah, and we will discuss that with Mr. Guzman. I have a question for the Department. You know, should we revise the bill specifically to refer to commercial uses or how, you know, how are you planning on interpreting it? Just as comparison, commercial agricultural uses are allowed in the Agricultural District but the term commercial is not spelled out for every ag use permitted in Chapter 19.30A of the

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

Maui County Code. If we were to as is other than the biosolids and we'll get to that, if we were to pass the bill as is would somebody be able to have an ag lot that is used exclusively for the commercial composting? Department?

MS. McLEAN: I think it could be made more clear. The composting activity itself wouldn't be problematic but if an entity came in let's say for a Building Permit for workers or office or something like that, it's not clear enough that by the definition of composting it doesn't make any reference to the support facilities needed for it. So where it's listed as the use it might be helpful just off the top of my head to say something like composting including accessory structures needed for commercial operations or something like that just to make it clear.

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

COUNCILMEMBER COCHRAN: So in the bill under B Accessory Uses would there be like an additional number there that could pertain to that or?

CHAIR COUCH: I would imagine it would be in A --

COUNCILMEMBER COCHRAN: You know what I mean 'cause there's...

CHAIR COUCH: --under A, Principal Uses 9, composting as defined in Section 19.04.040 of this title, including the use of materials sourced from offsite and any accessory, excuse me, buildings. Department?

MS. McLEAN: Yeah, it could go in either location. I mean that's a good point 'cause for example agriculture is listed as a permitted use but then barns and greenhouses are listed as accessory uses. But that's something we can also work with our staff on as we take it through commissions. You know, I don't think we need to come up with exact language today in order to move this out.

COUNCILMEMBER COCHRAN: Okay.

MS. McLEAN: It's understood that that's what the Committee's intent is.

CHAIR COUCH: Oh, yeah, that's right.

MS. McLEAN: So we can work with that.

CHAIR COUCH: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I find this subject intriguing and for Lanai I would say I would be interested in hearing what Environmental Management has to say 'cause we deal with oxidation ponds. We deal with the sludge and I want to know if there's opportunities or certain things makes sense for us to consider regarding composting whether it be from the big landowner or from our own facilities. I would

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

like to see what are some of the opportunities for our island but I'd also like because of the sludge issue ensure that discussion regarding pathogens and other components of what can happen badly if not done right --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --be discussed and view it that way also, Chairman.

CHAIR COUCH: And I think that would happen in the, remember this is a resolution just to send it down to Planning Commission.

COUNCILMEMBER HOKAMA: Yeah, but I think it's important for us to present some of the concerns or issues --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --that we feel they should at least be cognizant of and if possible have that appropriate discussion at Commission level, Chairman.

CHAIR COUCH: Yeah. And, Ms. McLean?

MS. McLEAN: When we receive a resolution from Council we do send it out for agency comment before we put a package together for Commission so I'll be sure that we sent it to Environmental Management so they can comment before the commissions hear it.

COUNCILMEMBER HOKAMA: Okay. Thank you.

CHAIR COUCH: And can you also note that we have some concerns on biosolids, we just wanted to know what the Department of Health and DEM?

MS. McLEAN: And Department of Health, yeah. I had a question when the time is appropriate.

CHAIR COUCH: Okay, well, Ms. Cochran had a question first.

COUNCILMEMBER COCHRAN: Yeah, so I think for, Mr. Hokama, I see your point that you really don't have a lot of options in your biosolids sewage sludge on the island. So you are of course in favor then to have it included in the definition?

COUNCILMEMBER HOKAMA: Well, before I support that position, my colleague, I want to make sure that at least it's a safe option for us to consider on the island. You know we went through the EKO thing with the pathogens in the past and I would like to avoid any repeat of those type of issues.

COUNCILMEMBER COCHRAN: Okay. Okay, no, clearly understood.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

COUNCILMEMBER HOKAMA: If that is going to be one of the allowable sources of composting.

COUNCILMEMBER COCHRAN: Right. So, Chair, my opening comments, you know, and forgive me if I excluded the other parts of Maui County which are our other islands, but just picturing Maui itself and of course having Upcountry come here and we have EKO that takes care of our sewage sludge of this island but not really, sorry, venturing out to Molokai and Lanai and how do they deal with their biosolids.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: So of course for them one-stop shop would be a better solution, but in the definition of...it does say under methods approved by State Department of Health.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: So we want that layer of protection in the proper, you know, managing of this is in here, is in the language, but of course, yes, Environmental Management needs to be consulted and everything.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: But so that's just kind of where I'm now going okay well we don't want to exclude the other islands that could really utilize the biosolids in their composting methods --

CHAIR COUCH: Exactly.

COUNCILMEMBER COCHRAN: --if they so choose so I don't want to hinder that. But anyhow I guess we'll have to discuss that out and planning commissions can --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --hash it out also.

CHAIR COUCH: The other issue Mr. Guzman had brought up was the regional. I think that the Commission should discuss transporting stuff in a region if there is a available facility, it's something that we...Mr. Guzman, you want to talk about that?

COUNCILMEMBER GUZMAN: Well, as stated in previous testimony in previous meetings that we've had on this subject matter, you know, the fire ant issue has always been brought up. And for preventative measures we should really look at, you know, not transporting these green waste across different districts. Once these invasive species take over there's a point of no return and the best thing that we can do is put in preventative measures. I know that the Department was kind of laughing at that type

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

of idea at the last meeting but I really truly believe that we've got to start doing something even if it means limiting the transportation of these green waste and specifically the use of those green waste within that district. I mean if they're going to have an offsite delivery of these green waste then that, those green waste should be from that district and not transported to a different district. So that's the best way that I can see at this point as a preliminary measure to try to stop the invasive species from growing. Thank you.

CHAIR COUCH: Ms. McLean?

MS. McLEAN: I certainly understand the reasoning behind it. It just becomes an enforcement challenge for us. Similarly I had a question about again from the policy perspective I understand references to organic and non-treated materials but that also becomes an enforcement challenge for us. If we get a complaint oh this guy is accepting, this guy on the West Side is accepting stuff from Haiku or, you know, they're not, they're taking treated wood. I don't know how we're or how we would effectively enforce that. It's...from the policy side I understand it, I just, I don't know how effectively we can enforce it, that's my concern with it.

COUNCILMEMBER GUZMAN: Well, you know, I'm going to get on my soapbox --

CHAIR COUCH: Okay.

COUNCILMEMBER GUZMAN: --because if we don't figure out how to stop these invasive species and don't give me an excuse that you can't enforce 'em, we're going to have a huge problem on our hands. That's going to affect our commerce, our way of living. Go take a trip to Big Island and how devastating the fire ant has become to their commerce and their way of living. People cannot even go to have picnics in those areas. So don't talk to me about enforcement. As long as there's measures put in...

CHAIR COUCH: Well hang on. Hang on, mister...hang on. I understand the enforcement if we have the measures but my concern would also be wouldn't that become a Solid Waste facility now or at least under the Department of Environmental Management?

COUNCILMEMBER GUZMAN: Yeah, it could be.

CHAIR COUCH: I'm thinking that that...I think we could do that.

COUNCILMEMBER GUZMAN: Yeah, you're correct, Chair, there could be multiple departments involved in this especially with the, you know, the crossover of different elements or components that are --

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: --applied to this. I mean you could even ask for Federal help for...because it is transportation of commerce too as well, you know.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Correct and that's my concern. I don't know that the Department is setup, its zoning enforcement at this point to...for transportation of goods back and forth. I think that would be either higher up at Department of Health or maybe a DEM situation. So I can see where they're saying that they don't have that capacity to do that but we do...I agree with your passion in that we do have to find a way to enforce it. I think it's another department.

COUNCILMEMBER GUZMAN: Yeah, but we keep on passing the buck. If the State would have stepped up --

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: --and had more clear-cut rules and regulations on the transportation of various flowers and products from the Big Island we wouldn't even be in this situation that we are in right now.

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: But someone is going to have to start stepping it up because we do not want to have a situation like they have in the Big Island.

CHAIR COUCH: That's correct.

COUNCILMEMBER GUZMAN: So...

CHAIR COUCH: So as part of this we have to figure out where we want to put that enforcement --

COUNCILMEMBER GUZMAN: Right.

CHAIR COUCH: --and I'm thinking either DEM. We can't rely on the State.

COUNCILMEMBER GUZMAN: Right. Right.

CHAIR COUCH: That's why I think next time we have this when it comes back from the Commission, hopefully they'll discuss it in the Commission as well but when it comes back we'll have DEM here as well.

COUNCILMEMBER GUZMAN: Thank you very much.

CHAIR COUCH: You're right, somebody has to enforce it. I'm not sure zoning enforcement is that locale.

COUNCILMEMBER GUZMAN: Thank you.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: And Mr. Hokama then Chair White.

COUNCILMEMBER HOKAMA: Chairman, thank you for letting me share some thoughts. You know too bad enforcement doesn't have that same energy as Mr. Guzman 'cause if enforcement did maybe things would be different. But I understand, you know, Planning's perspective also and I don't know if they would be the right one 'cause more than likely if we are going to do it we should get it at the front end whereby someone who is authorized will certify what is going to be transported and have penalties. Should that process fail then that person who is certifying it can be criminally charged or whatever is the appropriate penalties by law. But I support that because right now on Lanai we've never had it and because of landscaping material I have an invasion of frog and toads that we never ever had on Lanai. Okay that's through development and landscape and nurseries. Larvae coming on leaves and whatnot. So I would say I think this is an important subject 'cause for me now I'm just waiting for somebody to come to this County say you have to put up money to deal with this issue --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --that should have been avoided. So I take this very seriously 'cause for me I don't think the tax base has that extra capacity to just have General Fund go all over the place for --

CHAIR COUCH: Right.

COUNCILMEMBER HOKAMA: --things that we shouldn't be dealing with, Chairman. So, I just share that that I support what to minimize it. I know that Corp. Counsel is going to say well there's a Federal interstate commerce thing, you know, we cannot stop within the US borders intra and interstate commerce I guess would be what would be charged against us. But I still think that we have a responsibility to protect our communities and our environment and that's by Constitution and Charter.

CHAIR COUCH: We also have the ability to quarantine it's my understanding.

COUNCILMEMBER HOKAMA: Yeah. So I look forward to the options, Chairman, thank you.

CHAIR COUCH: Okay. Chair White?

COUNCILMEMBER WHITE: Yeah, I concur with both Mr. Guzman and Hokama. I think we should have the State Department of Health and the State Department of Ag here when we discuss this the next time --

CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: --because the responsibility is theirs. Right now there's a quarantine on any ohia products --

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: --leaving the Big Island and that's for good reason. Had we had the same kind of thing in place for coqui frogs and little fire ants with the State doing some inspections and as Mr. Hokama points out if there were fines and penalties in place that would be effective at the State level then some of this might have been avoided. But we're not providing any...we don't seem to be providing any penalties for people shipping things without first inspecting to see if there are invasive species on board. So I think it's a discussion that needs to happen. You know, Mr. Hokama mentioned being asked for money to solve a problem. Well we just put up \$1.2 million --

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: --just for coqui just for this year that's on top of who knows how much we've spent over the last ten years or so on Miconia, coqui frogs, fire ants --

COUNCILMEMBER HOKAMA: Fire weed.

COUNCILMEMBER WHITE: --pampas grass, fire weed. So I say we invite some other folks over to share in our fun. Thank you.

CHAIR COUCH: Okay I'll note that that we invite Department of Health and Department of Ag and DEM.

COUNCILMEMBER WHITE: And I would agree this is not the Planning Department's responsibility --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --to enforce.

CHAIR COUCH: So I was kind of protecting their...okay, Members...Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yeah, and not to be so detailed or, you know, specific but I think we need to be in a sense and yeah sorry but on the other end there's the enforcement part of it. And but it's one of those self-policing too in a way, yeah you may have people out there who will just totally disregard the list here --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --and take in things that are not supposed to be. But, you know, we just hopefully have other peoples' eyes and ears out there seeing that it's being done and then now we can direct it to the entity that needs to take action on those improper uses. But, you know, the non-treated wood how are you going to say

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

they're taking in non-treated or treated and I get all that but I think at least there's a list black and white stating the do's and don'ts, and yes we hopefully --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --have great people out there who are going to abide by the rules. And that's kind of where I stand with that and I understand this may not be the place but there's, we've got to find entities that can be in charge to oversee all that kind of stuff.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: So, I get Mr. Guzman's passion about this --

CHAIR COUCH: Oh, yeah.

COUNCILMEMBER COCHRAN: --and we need to, yeah, put our foot and lay it down.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: And this is hopefully going to take that step.

CHAIR COUCH: You bet.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR COUCH: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, just so that we're all clear. Currently without this ordinance proposal this concept can go forward through a what, Special Use Permit application process? Is that one way to do it without the ordinance currently, Director, or would this be a Conditional? But it would be a permit process whereby they have a chance to operate --

CHAIR COUCH: Correct.

COUNCILMEMBER HOKAMA: --and then there's a review to see if there's...it does well, they have some issues regarding this or that and then they would get the renewal. But, you know, there's a way to already make this happen I think, Chairman. If you would let the Director --

CHAIR COUCH: Yeah.

COUNCILMEMBER HOKAMA: --comment, please.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

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MS. McLEAN: I would have to...the ordinance that's in the binder doesn't include because it doesn't need to the special uses that are listed in the Ag District. So I don't know off the top of my head if this type of operation would be one of those listed special uses. I can look really quick 'cause the Code's right here.

CHAIR COUCH: Well regardless and we can look that up but regardless I think we want to send this out to the Planning Commission and get their manao on it as well. Is there any concerns about that, Members?

COUNCILMEMBER COCHRAN: No.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: I think that's going to be very helpful, Chair.

CHAIR COUCH: Okay, as she's looking that up are there any other comments or concerns about this?

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: So, Chair, are you open to having maybe some additions put into existing language you have here in front of us today or?

CHAIR COUCH: Do you want to...if you want to do that now that's fine, we might run out of time or, you know, give direction --

COUNCILMEMBER COCHRAN: Just make newer...

CHAIR COUCH: --to the Department so that when they bring it to the Planning Commission that they can make those changes at that time where...

COUNCILMEMBER COCHRAN: And you'll be tracking?

CHAIR COUCH: And then we'll get...

COUNCILMEMBER COCHRAN: You'll be tracking it?

CHAIR COUCH: Yeah, we'll get it back with those changes made.

COUNCILMEMBER COCHRAN: Okay, well...

CHAIR COUCH: Is that the normal process, right, Ms. Mclean?

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

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MS. McLEAN: Well, we would like to send down a bill that is as close to what the Council wants to see as possible. As I said we would send it out for agency transmittal and we'll get comments from Environmental Management, Department of Health, Department of Agriculture. We'll also brainstorm with Staff and we might have some of our own comments and suggestions. But if there are other concepts or specific language that you want considered it's better to put that out there now so that the commissions can also discuss those things.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Comment?

COUNCILMEMBER COCHRAN: Well, I guess, Chair, the whole biosolids thing initially was completely taken out but if you're taking into consideration other islands that have no like I stated an EKO compost of sorts, that word manures after food scraps, it was going to specify animal manure, not just all manures. And then in regards to adding in this, and it's kind of the middle of that paragraph, this term includes processing of organic, non-treated waste materials, or other materials and add in somewhere certain food service wares that are certified compostable. 'Cause, you know, those will degrade down to be able to be used as, you know, for composting purposes obviously if it's certified compostable. But there's no verbiage in here and so that was suggested by a couple testifiers. So just, you know, to say, to state that item should be allowed or encouraged to be utilized rather than landfilled obviously, this would be a great place to have it be reused.

CHAIR COUCH: Ms. McLean, would...because of those new things, or newer things, they're not that new, compostable food containers, is that something that needs to be added to this?

COUNCILMEMBER COCHRAN: Or would it just be covered under other materials? You know there's...that can be used...

MS. McLEAN: It could fall under other materials.

CHAIR COUCH: Is it enough to follow? Are you okay with that then?

MS. McLEAN: I think so, yeah.

COUNCILMEMBER COCHRAN: Okay, well, I guess the public is just wanting to make sure this not left out in, you know, defining what are allowable products, items, whatever to be used. The other, Chair, was in regards to animal carcasses up there in the...by food scraps so people were saying, so this is where I kind of had my questions, I mean we know the smell of decomposing animal carcasses, and then trying to figure out where exactly, how large are these facilities going to be. I mean somehow there's got

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

to be...I'm sure there's State Department of Health and EM considerations that people need to, you know, follow but I hate to have something next door that's this facility with all this food and animal and manure decomposing next door.

CHAIR COUCH: But that's supposed to be agricultural, I mean in an agricultural area.

COUNCILMEMBER COCHRAN: Right but I mean on a big commercial level not just your neighborly, neighborhood home stuff. So anyhow I guess this stuff will be vetted through the Planning Commission.

CHAIR COUCH: Yeah, just for your information the definition of manure is animal \_\_\_\_\_ usually with...

COUNCILMEMBER COCHRAN: So that. Okay.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: So no need specify it's animal type.

CHAIR COUCH: That's --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --my opinion anyway. Members, any other...Mr. White?

COUNCILMEMBER WHITE: No.

CHAIR COUCH: Okay, it looked like you were going to...yes, Ms. McLean?

MS. McLEAN: If I could respond to Councilmember Hokama's question that this is not currently listed as a special use in the Agriculture District. So if someone wanted to do it today in the Ag District they'd need a Conditional Permit.

COUNCILMEMBER HOKAMA: Thank you.

COUNCILMEMBER COCHRAN: And, Chair --

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: --I recall that DEM would not have any jurisdiction over this type of facility. It is strictly DOH.

CHAIR COUCH: Well, that's something that...

COUNCILMEMBER COCHRAN: Why that is I don't know but.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

---

CHAIR COUCH: Well, that's something we may be able to put in here and that's why I want to get DEM here.

COUNCILMEMBER COCHRAN: Okay to have us on this, our --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --level --

CHAIR COUCH: That's yeah.

COUNCILMEMBER COCHRAN: --to add them in but currently it's only DOH.

CHAIR COUCH: Right. Any other concerns, Members? 'Cause I'd like to pass this out to the Planning Commission. They can hear our concerns. So without any further discussion, I would like to make a recommendation.

COUNCILMEMBER COCHRAN: Recommendation.

CHAIR COUCH: I would like to recommend that...I'll entertain a motion to recommend the adoption of the proposed resolution received by a correspondence dated, September 18, 2015, from the Department of Corporation Counsel, entitled Referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill Amending Title 19, Maui County Code, Relating to Composting, and incorporating any nonsubstantive revisions.

VICE-CHAIR CARROLL: So moved.

COUNCILMEMBER COCHRAN: Chair, second the motion.

CHAIR COUCH: Okay it's been moved by Member Carroll, seconded by Member Cochran. Any further discussion? Okay, seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed? Let the measure show that it passes pretty much six "ayes," zero "noes," and one excused Member Baisa.

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**December 16, 2015**

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**VOTE: AYES: Chair Couch, Vice-Chair Carroll, Councilmembers Cochran, Guzman, Victorino and White.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Baisa.**

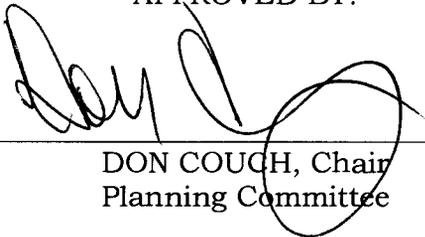
**MOTION CARRIED.**

**ACTION: ADOPTION OF RESOLUTION.**

CHAIR COUCH: Okay, Members, thank you so much. Let's put on our...let's really take a look at the Lanai Community Plan, just little additions, the final things that the Planning Committee...Planning Department would like us to look at and Table 9.2 and be ready. I want to say Happy Holidays, Merry Christmas, Happy New Year. This is our last one for the year. Thank you, Staff, you guys have done a wonderful job as well. And thank you, Members, for putting up with some of the...some real interesting subjects and it take a while but we want to get it right. So I appreciate it. Aloha, Merry Christmas. Happy New Years. This meeting is adjourned. . . .(gavel). . .

**ADJOURN: 11:58 a.m.**

APPROVED BY:



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DON COUCH, Chair  
Planning Committee

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Transcribed by: Cathy Simmons

**PLANNING COMMITTEE**  
**Council of the County of Maui**

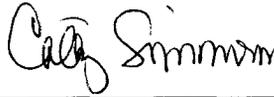
**December 16, 2015**

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CERTIFICATE

I, Cathy Simmons, 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 this 11<sup>th</sup> day of January 2016, in Wailuku, Hawaii.



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Cathy Simmons