

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

**M I N U T E S**

**Council Chamber**

**May 24, 2016**

**RECONVENE: 9:05 a.m.**

**PRESENT:** VOTING MEMBERS:

Councilmember Don Couch, Chair  
Councilmember Robert Carroll, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Elle Cochran  
Councilmember Don S. Guzman (arrived at 9:32 a.m./left at  
10:12 a.m.)  
Councilmember Michael P. Victorino (arrived at 9:36 a.m.)

NON-VOTING MEMBERS

Councilmember Stacy Crivello (arrived at 10:12 a.m.)

**EXCUSED:** Councilmember Mike White

**STAFF:** 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)

**ADMIN.:** Michael J. Hopper, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
William Spence, Director, Department of Planning  
Mary Jorgensen, Senior Planner, Long Range Planning Division,  
Department of Planning  
Pamela Ann Mayer Eaton, Planning Program Administrator, Long  
Range Planning Division, Department of Planning  
Michael Napier, GIS Analyst, Long Range Planning Division,  
Department of Planning  
David Yamashita, Planner, Long Range Planning Division,  
Department of Planning  
Jennifer Maydan, Planner, Long Range Planning Division,  
Department of Planning

**OTHERS:** Kelly King  
Richard DeLeon  
Thomas Croly

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Ron McOmber  
Deborah dela Cruz  
Butch Gima  
Dick Mayer  
Gwen Hiraga, Senior Advisor, Munekiyo & Hiraga  
Lynn McCrory, Senior Vice President of Government Affairs, Pulama  
Lanai  
Arlan Chun, Senior Vice President of Development & Construction,  
Pulama Lanai  
Albert Perez, Executive Director, Maui Tomorrow Foundation  
Plus (3) other people

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

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**PC-40 COMMUNITY PLAN UPDATE PROCESS (CC 16-85)**

CHAIR COUCH: . . .(gavel). . . Will the Planning Committee meeting of May 20, 2016 please come back to order? It is, today is May 24, 2016. It's 9:06 a.m. and my name is Don Couch. I'm the Chair of the Committee. And with us today is the Vice-Chair of the Committee, Robert Carroll, good morning.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning.

CHAIR COUCH: Aloha, good morning. Councilmember Guzman will be here shortly. Excused for the day are Councilmember Victorino and Council Chair Mike White. And with us, a non-voting Member, we have with us, is Stacy Crivello, good morning.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR COUCH: And please note that Riki Hokama, who is a non-voting Member, is not here today. And so with all of us, we have bare quorum until Mr. Guzman comes in. I don't think Mr. White's here. I think he's in the same place as Mr. Hokama and Mr. Victorino. So if you need personal breaks or whatever, wave your hands. While she is always, her input is always welcome, unfortunately, her vote doesn't count and her body as quorum doesn't count here so we have to be very careful, we're at bare quorum. From the Administration, we have Will Spence, the Director of Planning.

MR. SPENCE: Good morning, \_\_\_\_\_.

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CHAIR COUCH: Good morning. And we have Pam Eaton, who is going to sit with him today. And we have a few members from the Department in the audience in case they need to come down and talk about some things. We have Deputy Corporation Counsel, Michael Hopper, good morning. And Legislative Attorney, Greg Garneau.

MR. GARNEAU: Good morning.

CHAIR COUCH: Good morning. Committee Secretary, Pauline Martins, good morning. And from the Hana District--I guess Hana's not here today.

MR. GARNEAU: That's correct.

CHAIR COUCH: Okay, so no Hana today. From the Lanai District Office, we have Denise Fernandez. Good morning.

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

CHAIR COUCH: Okay. From the Molokai District Office, we have Ella Alcon, good morning.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR COUCH: Great. Members, we are reconvening a meeting from May 20, 2016. We only had a few minutes left after our long Budget discussion so all I was able to do was get anybody who wanted to testify, which was, there was only one person that wanted to testify and then we immediately recessed the meeting. What I wanted to do before we got testimony last time, but didn't, so I will do it now, is I'm going to read the letter that I sent to Chair White that is the basis for this meeting. This is for the public and for anybody who has concerns. It says, Dear Chair White. The subject is Community Plan Update Process. During our prolonged discussion of the proposed Lanai Community Plan Update, we considered many of the important issues facing this special island community as it undergoes another change in ownership. The Community Plan Advisory Committee (CPAC) spent a great deal of time and energy on their revisions to the draft plan that was presented to them. Subsequently the Lanai Planning Commission (LPC) spent a great deal of time and energy on their revisions to the draft forwarded to them from the CPAC. The Planning Committee devoted an even greater period of time on our revisions to the draft forwarded to us from the LPC. Let's be clear. The Planning Department did not make any revisions to the documents after the CPAC's final vote. It did not make any revisions to the document after the LPC's final vote, and it did not make any changes to the document during the Planning Committee's deliberations. The Planning Department made recommendations all along to the CPAC, the LPC, and the Planning Committee and those recommendations were appropriately considered by each body. The only changes made to the document were those approved by the CPAC, the LPC, and the Planning Committee. That is how the process was designed in Chapter 2.80B, Maui County Code. All requirements were followed. The substantive content did not significantly change throughout, except for the land use designations for the proposed new resort, which were ultimately removed by the Council. Nonetheless, the Council has needed four meetings to pass the plan on first reading. This is due to problems with the process,

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not problems with the plan. The proposed Lanai Community Plan Update is a good plan. The CPAC, LPC, and Planning Committee are justifiably proud of their work. And this is in the letter so I'm going to read it--I just needed to pause for a second. People literally died working on this plan. The plan should be passed on first and second reading and not be held up due to concerns with the process. The process needs to be discussed in an open, thoughtful dialogue with the Council, the Planning Department and the community. We need to share our concerns and ideas and find common solutions rather than holding a good plan hostage to an unsatisfactory process. There are no proposed bills to consider at this time, no draft language, no specific changes. Ideally, all issues will be on the table and all minds will be open. Together we can agree on key revisions to the process and prepare a consensus bill that could be in effect by the time the first Maui Island Community Plan is drafted. As the Chair of the Planning Committee, I request that this matter be referred so that we can begin this important discussion as soon as possible. May I respectfully request that the matter relating to the Community Plan Update process be referred to the appropriate committee for discussion? If the matter is referred to the Planning Committee, I pledge to schedule it for a discussion at the first available meeting after the Council concludes deliberations on the proposed Fiscal Year 2017 Budget. That's this meeting. So that's all we're discussing today. We probably are likely to go a couple more meetings at different times because we want to get input from everybody as to the process. Is it working? Is it not? This is why we have Will Spence here. He's going to give an update on the process. So with that, I'm going to resume public testimony. We never did close public testimony at the other meeting. So without any objection, we'll resume public testimony.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. So, let me find...the first person to testify is Kelly King, followed by Richard DeLeon.

**. . . CONTINUE PUBLIC TESTIMONY . . .**

MS. KING: Aloha, Chair, Councilmembers, good morning. I know there's no legislation up for discussion today but I just wanted to give some general comments on the community planning process. A week ago or so we had a presentation given at the Kihei Community Association meeting and I have to tell you, it was frightening. It was frightening how different the proposed massive amounts of development are from the actual community plan. And so I just wanted to comment to you as you go through this process that we have this Countywide policy plan, we have community plans. One of the issues is that that, the community plans are supposed to be updated every ten years and we've gone well beyond those ten years so we're behind the time limit for those plans, you know, my understanding was that the process is holding it up and there are things that are trying to go into these various community plans that are holding up the updates. But I just want to respectfully submit to you that over a thousand hours of community time has gone into these plans. And I expected to see a lot more people here, maybe they'll be here at the 1:30 hearing but it's very disheartening to be involved in these. And I was involved in some of the Maui, the

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Focus Maui Nui planning process and to have it, have things changed so regularly, they should be the exception. An exception is an exception. It's not--and when it happens over and over again, it becomes a rule. And these community plan updates that we need to get going on have a basis for them in the community. So I wanted to share those thoughts with you and also my--I know you have remote testimony but I think it's so important that when you have, when you're discussing the community plan for Lanai, that you have direct discussion on Lanai when you're discussing the...and the neighbor islands are one thing, our neighbor islands, which are Lanai and Molokai, but also when you're having discussions about the Kihei Community Plan, come to Kihei. We had that, the Kihei Community Association meeting last week was standing room only. But, you know, we had Councilman, Chair there but no other Councilmembers. It's very important for you to see the reaction of the community. One of the last questions that was asked in that meeting was, do we think, as a community, we have the infrastructure for all this development? And everybody in there, in the room, raised their hand, no, we don't believe we have the infrastructure. Nothing was said about another school, with all these new residential units coming on board. And nothing was said about upgrading our water delivery. So I think so much can be learned by going into those communities. Easy on the island of Maui, not so easy on the neighbor islands, but I think it's worth the cost. Thank you.

CHAIR COUCH: Members, any questions to the testifier? Seeing none...just to remind the Members and anybody in the audience that it is required by 2.80B to go to the communities and hear the community plans. And this Committee has gone to Lanai numerous times and discussed it with the community. So just to be aware, everybody in this room has been to Lanai at least twice, most of us more than that, to discuss this community plans, and it is a requirement in 2.80B to go to the communities.

MS. KING: Thank you.

CHAIR COUCH: Thank you. Next to testify is Richard DeLeon, followed by Thomas Croly.

MR. DeLEON: ...*(spoke in Hawaiian language)*... Chair, Councilmembers. And today, since there is no legislation, but my manao and my thought is about community plans and the County plan. The process does work and that's why it's in the Charter but everybody have to keep in mind that the community plan is the voice of the people that elected you today. You have to hear them out. It's the only way you can find balance because they are the voice. You have to give them the opportunity 'cause if you take the voice away, they lose faith. And when they lose faith, they lose trust and anarchy continues, and we see this around the world. So we need to keep our community viable and have a good understanding and working relationship between the two. The process do work. So thank you very much for your guys' time. Aloha.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you. Next to testify is Thomas Croly and Thomas is the last one to sign up to testify in the Chambers so we'll go to the District Offices after this.

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MR. CROLY: Aloha, Chair. Aloha, Committee. Thomas Croly speaking on my own behalf and just my experiences, to some extent, with County government. Maui County swims in layers of bureaucracy, getting the simplest things done means navigating State law, County law, SMA rules, General Plan objectives, a policy plan, and now community plan designations. Yes, all these are part of our structure here. But taken as a whole, we can see it's almost gone array, it really has. The community plans really were designated to be guidelines to help the Planning Department guide. We've given them the force and effect of law and I want to remind everyone, the only people who can create law in Maui County is this body here. The Community Plan Advisory folks, they don't create law, okay. They give a recommendation to this body and then it's up to this body to consider that recommendation. But let's not, you know, let's understand the process. The process is, the Department recommends changes. They go out to the community and say, what do you think about these changes? The community, through these advisory committees, give some feedback and some input. The department then has to take that and figure out, how could this be implemented? Is this even legal to be implemented? Are we taking away someone's property rights when we do this? There's a lot of considerations that go with that. Then they come to this body and this body is the one that has to balance all of those things. So it's, there's no one taking away the voice of the people but the voice of the people is through you. We are a republic. We elect the officials that sit in this room to act on our behalf. Everything else separate from that is just input. We're providing you input, just as I'm standing here providing you input. You can take it or not. The community plans are designed to get that input from the community but, make no mistake, it's the department's ability to implement existing land designations, property owner rights, and, ultimately, the communities are not writing their plans. Ultimately, they're giving input and it's this body that is going to approve and write those plans. So I just, you know, as I haven't been involved in the Lanai Community Plan as I wouldn't expect to be being from Kihei but I have seen how, you know, drawn out this process has become and perhaps we need to look at how do we get that input and how do we bring it into this room because ultimately you folks are the ones that are going to make the law. Thank you.

CHAIR COUCH: Thank you, Mr. Croly. Members, any questions to the testifier? Seeing none, thank you. Okay, let's go to the Lanai Office. Denise?

MS. FERNANDEZ: Good morning, Chair. Our first testifier is Ron McOmber.

MR. McOMBER: Good morning, Chair, Members of the Committee.

CHAIR COUCH: Good morning.

MR. McOMBER: . . .*(inaudible)*. . .

COUNCILMEMBER BAISA: Don, you should tell him to wait here.

CHAIR COUCH: Hang on a second, Ron.

COUNCILMEMBER COCHRAN: We cannot hear, understand a single word.

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CHAIR COUCH: We can't quite hear you. We're trying to get, we're going to try and get the volume turned up. Maybe if we can get the Clerk in here? I don't know if he's listening. Josiah?

MS. FERNANDEZ: Chair, do you want him to repeat his --

COUNCILMEMBER BAISA: Yes.

CHAIR COUCH: Yes.

MS. FERNANDEZ: --testimony?

CHAIR COUCH: We will.

MS. FERNANDEZ: Okay, so he's going to repeat it.

CHAIR COUCH: Hang on.

MR. McOMBER: Good morning, Chair, Members of the Committee. What I'm testifying, I'm hoping that you received a letter yesterday that was put out by Sally Kaye. There isn't really much more to add to that letter than what she said. It's right on. It's a statement how we feel on the CPAC. Everybody that, on the CPAC had reached \_\_\_\_\_ different, you know, different opinions but they think Sally's was right on. This needs to be looked at and, actually, if you can eliminate the page that we asked to be eliminated or terminated in that process, we would like to have the CPAC meet back on Lanai again and let us go over these opinions. Thank you very much and consider Sally's request because it was spot on. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you, Mr. McOmber. Let's go to the Molokai Office.

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

CHAIR COUCH: Okay, back to Lanai Office.

MS. FERNANDEZ: The next testifier is Deborah dela Cruz.

MS. dela CRUZ: Hello, my name is Deborah dela Cruz. I am a member of the Lanai CPAC. I agree with the idea of separating the discussion of the community plan process from the approval of the Lanai Community Plan. I don't agree with passing the plan out of hand. Chair Couch's Communication 16-85 states, the substantive content did not significantly change throughout, except for the land use designations for the proposed new resort, which were ultimately removed. I must have a different definition of substantive. The main stumbling block to passage has been language that you've added regarding the relationship between the community plan designations and zoning. The sentence buried on Page 201 of the 203-page plan reviewed in June 2015 said, community plan land use designations are not regulatory. That was surely

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substantive. This was followed by changes in December 2015 to Page 9-3 and Appendix 9.2 that the community plan land use designation does not permit any uses established by the property's zoning unless specifically prohibited or restricted. Again, substantive, especially as the CPAC and Planning Commission were never advised about adding specific prohibitions or restrictions. The reason for the delay in passage has been due to this problem with the plan, not the process. Communication 16-21 describes the December 2015 changes as explanatory information about the relationship between the community plan designations and zoning. I've heard a lot of explanations about this explanatory information during and outside of your meetings. When explanatory information requires a lot of explanation, it's not explanatory. It's also confusing and can be misinterpreted. The language does not belong in a community plan. It affects the whole County. Clearer language should, therefore, be considered by the entire County and added to the Maui County Code if approved. If passed only for Lanai, the same language will be handed to your constituents' plans and you will be having this same discussion eight more times. So please look at this as three separate actions, not necessarily in this order. First, a discussion about the process. Second, passage of the Lanai Community Plan minus your December 2015 changes to Page 9-3 and Appendix 9.2. And third, a possible change to the Maui County Code to clarify the relationship between the community plan designations and zoning. Thank you.

CHAIR COUCH: Thank you, Ms. dela Cruz. Members, any questions to the testifier? Seeing none, thank you. We have...any more on Lanai, Denise?

MS. FERNANDEZ: Yes. Our last testifier is Butch Gima.

MR. GIMA: Good morning. This is Butch Gima. . . *(inaudible)*. . . basically, we need to take care of business. If you guys follow through with what you said previously and take out the language . . . *(inaudible)*. . . prohibited language. If you do that, then this \_\_\_\_\_ breeze through. Now this is not new and as I testified at the previous hearing what has made it difficult is you guys have not answered any of the questions posed to you on the March 12<sup>th</sup> hearing on Lanai. Had you done that, we wouldn't have a lot of these process problems. If you do not remove the \_\_\_\_\_ specifically prohibited language then do these hearings . . . *(inaudible)*. . . decoration. So please follow through on what you said you were going to do when you were here in March. And, Don, you heard Debbie and I mention to you . . . *(inaudible)*. . . that it's better to pass a separate law or ordinance to take care of this \_\_\_\_\_ specifically prohibited language instead of leaving . . . *(inaudible)*. . . as Debbie said a few minutes ago and the succeeding community plan that you guys going have to deliberate. So, again, the expectation and understanding of the Lanai community was you're gonna take out . . . *(inaudible)*. . . specifically prohibited language. Your failure to do so will be an insult to our community. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you. And do we have anybody else in the Chambers wanting to testify? Oh, we have one more. We have Dick Mayer. And Dick, Mr. Mayer is the last person to sign up to testify. If you want to testify in the Chambers, please come down as soon as possible. Thank you.



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MR. MAYER: Good morning, Chair --

CHAIR COUCH: Good morning.

MR. MAYER: --and Members. I'm sorry that the people, the public, had great difficulty hearing anything from Lanai and would hope that you can improve that system. People on Lanai should be able to speak up so the public here on Maui can hear what they're saying. With regard to the letter, which you read at the very beginning of the meeting, I'm glad you read it. There's a very critical sentence that's in there, which I believe is totally wrong. It says, the substantive content did not significantly change throughout, except for the land use designations for the proposed new resort, which were ultimately removed. In fact, there were very substantive changes made and that was made after public testimony closed. In other words, the document was passed out at a meeting, I think in January, which said we're going to change Appendix 9.2, some language in Chapter 9, and made very great changes. And I think the process thereby was really violated because the public had no opportunity to comment. The Council heard each other's discussion on it, did not hear anything from the public, certainly nobody from Lanai was able to speak on it, and it was inserted into the document. And so I think this letter which went out to the Council is very, very misleading in that it has very substantive changes that totally change the way the whole plan will be interpreted, its impact on the areas, and because I believe the Planning Department would very much like, and maybe others as well, would like this to become a model for all of the other community plans. And, therefore, I'm asking you to remove that language, put back the language that was originally in there from the, both the Planning Commission and the CPAC on Lanai. Their language should be utilized, should be honored, and certainly not twisted by saying that no substantive changes were made. Substantive changes were made and I think it goes against what the community is saying. I believe, I heard only parts of sentences from Lanai in the testimony, I believe that's also what they were saying, that these are substantive changes and they don't like them. Thank you very much.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you. Anybody else wanting to testify? Last chance. Seeing nobody coming down, Members, without any objections, we'll close public testimony.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay, public testimony is closed. Thank you.

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

CHAIR COUCH: And I would like to note the presence of Councilmember Guzman. He will be in his seat shortly. Alright, and yeah, unfortunately, we're having issues with our sound system, apparently. I believe the Members were able to hear and *Akaku* was able to hear, and some people in the audience were able to hear. So we're working on trying to figure out what's going on there. Alright. Okay, Members. Again, my intent

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in introducing this item was to create a vehicle for discussing issues relating to the current community plan update process. The current process takes too long. Months of work by the Department before the process starts, six months with the Community Plan Advisory Committees, six more months with the Planning Commission, and a year with the Planning Committee, if there are no extensions. So built in already is two years of discussion, which is good. I mean, we need to have discussion, community discussion. Two years, I'm not sure. That's one of the issues. The requirements of Chapter 2.80B are very detailed and more than the State law requires. There have been issues with expectations of the advisory committees and the planning commissions. All of the island plans, the Countywide Policy Plan, the Maui Island Plan, the proposed Lanai Community Plan, which, Update, which, by the way, the Lanai and Molokai Community Plans are also island plans. Remember our whole long discussion on Maui Island Plan, it was like four years? Yeah. There were no island plans done for Lanai and Molokai. Those were going to be incorporated in the community plans. So a lot of stuff that was in our Maui Island Plan was also in, added to the Lanai Community Plan by the Department. It's not just the Lanai Community Plan, same with Molokai. The island plan portion have been added in the Molokai Community Plan as well. All of the island plans, again, Countywide Policy Plan, Maui Island Plan, and the proposed Lanai Community Plan Update and the proposed Molokai Community Plan Update, have an enormous effort and taken, has been an enormous effort and taken years to complete. As we look towards the remaining six community plans, we have the opportunity to define and streamline, possibly streamline, and improve the process going forward. The most critical aspect of the six community plans are the land use designations and the associated maps. That is the purpose of the discussion today. I've asked the Planning Department to give a presentation to us to talk about how the Department has been managing the community plan update process, the problems that they have encountered, and suggestions for improvements. Mr. Spence?

**. . . BEGIN PRESENTATION . . .**

MR. SPENCE: Thank you, Mr. Chairman and Members of the Committee. I think this is a very important topic, how we process our community plans, the requirements of the law and how they affect, how that's processed. And I think that it's not well understood by the general public, as well as decision makers. There's one thing, often we pass laws that, you know, they all sound good but when the rubber meets the road and you actually have to apply them, it's very different. So, let's see how this works. Okay. So these are the items we wanna just briefly touch on today. Why we update community plans, the critical role of community involvement, as well as other people's involvement, preparing the first draft, how, through the process, consensus is, tried to be built. Ultimately, Council review and adoption and then let's discuss the, what the issues are that we encounter along the way and a couple of options. They're gonna be just food for thought. Okay, so why do we update the community plans? Okay, first off, updates are required by the Charter and by 2.80B. The Charter, both of those laws ...

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CHAIR COUCH: Mr. Spence, thank you for the pause there. Much to my surprise, Mr. Victorino is here today. I thought he was off on HSAC business. So, sorry --

COUNCILMEMBER VICTORINO: No, sir --

CHAIR COUCH: --welcome, Mr. Victorino.

COUNCILMEMBER VICTORINO: --I had some other business but not the HSAC, thank you.

MR. SPENCE: So, timing is good, we're right at the beginning of why we process and what are the requirements. Okay so, updates, the Charter and 2.80B require that we update the General Plan every 10 years. The content is, there's different content requires, requirements, some of it isn't within the Charter. 2.80B has a lot more detail but then we have also Hawaii Revised Statutes that has changed content requirements since the last time we did the General Plan. Okay, so why do we change the General Plan, why update them? Your, first thing is the populations and demographics change. We have an aging population on Maui. We also have new generations coming up. And with those new generations and...I know I will forever be a newcomer in some people's eyes and that's fine with me but you have a lot of people that moved to this island so you have natural increase in population, you have people that moved to the islands and with those things, community values change. You know, we talk about, we talk a lot about the X gen, generation, and we talk about the millennials, and those things are very real where community ideals and values change, how the segments of the community operate. Those things all weigh in on how you look at your general and community plans. New issues arise. Ten years ago, homeless was not such a big issue. Sea level rise was only on the horizon as a discussion item. Those, so you have to deal with these new things that come up. Then, of course, with some of the community plans, some projects get built, other projects do not, and you want to revisit those things. The process itself, this is what everybody thinks of as the process. You have 6 months with the CPAC, you have 6 months with the Planning Commission and you have 12 months with the County Council. That's what everybody thinks of it. And then it goes to the Mayor's Office and if the Mayor doesn't like it, he sends it back to Council, and you either change it or don't and all that stuff, and it's finally adopted by ordinance. This is the real timeline. The Planning Department spends 18 months drafting a plan before it ever gets to a CPAC. This is also by Charter and by 2.80B, that the Planning Director shall propose revisions to the community plans. So the professional planning staff goes and they gather all the most pertinent data, population change, generational changes, issues that come up. They do a lot of GIS analysis. They look at, you know, housing shortages, you know, those are more of the concrete things that you can get at. They also reach out to the community. They have workshops, they attend different community groups like staff has already gone out to West Maui taxpayers associations and other things in preparation for the West Maui Community Plan. And then they start drafting. They write a lot. They produce a lot of graphics, they produce maps that are applicable to this plan. It takes about 18 months from start to the time that they have a, the Director's proposed revisions, to the plan that is presented to a community plan advisory committee. The community plan advisory committee then spends six months reviewing those recommendations and, as the name implies, they are advisory. They,

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on the Director's proposed revisions, they provide advice to the County Council and to the Planning Commission on what they believe is a good plan. The Planning Commission will take their recommendations and they will review them and they also, by Charter and by 2.80B, are required to make findings and recommendations and transmit those to the County Council. Ultimately, the County Council takes these and reviews them. They review the entire record and you adopt a final plan to be signed by the Mayor. During that time, and, you know, part of the reason the Council gets 12 months to do this, you're dealing with Budget, as you're all painfully aware, you have other committees, you have other County work that's ongoing, so you gave yourself 12 months in order to do this. A lot of changes happen during the, during each step. The Planning Director makes a recommendation. The CPAC changes a number of those things and makes recommendations. The Planning Commission will also make their own proposed changes. And, ultimately, when it gets to the Council, the Council traditionally makes a lot of changes. When I was staff in the '90s and we were viewing the different community plans, the Council, there was a lot of changes made by the Council at that time, in each one of the plans. There was, just in the...where did I put it? In the Kihei-Makena Plan, there was like 40 things that were reviewed and proposed changes from what the, at that time we just called 'em citizens' advisory committees, from what those CAC's recommended to what was ultimately adopted. And there was all these variations thereof. It's a moving process. It's no one person's process. It's no one body's process. It's the voice of many people and ultimately, and the community, you know, the individual people who are not a part of any particular body, those voices are very important and it's encouraged all the way through. But it's the voice of the Planning Department, it's a voice of the people who sit on the CPAC or representative of the community, members of the Planning Commission, who are also supposed to be representative of the community, and then, of course, the elected officials who are elected by the citizens of this County. So there's many voices in this. So where does the Planning Department start? First off, I explained a little bit, we start with community involvement. These are some of the, we go out and do workshops. Some of these are from Molokai when we went out and engaged the community in workshops. Do you wanna, Pam, do you want to jump in?

MS. EATON: Sure.

MR. SPENCE: Pam Eaton is the Division Head for the Long Range Division and she, she's right on the frontlines, along with the staff planners, dealing with the process.

MS. EATON: Good morning, Councilmembers, and thank you for your attention and for this important topic. So what happens when we get to the community? 'Cause the bottom line is, as Will said, there is much that goes into the community plan first draft and I underscore first draft. It is a loosely written first draft of which we are taking to the community to get their feedback and their imprint, if you will, on what's going on. So what is the goal in terms of us going in there and working with the community? It's basically to hear the needs, concerns and desires from all segments of the community, all segments; to educate the public on community plans, which is why this is such a great opportunity right now to talk to you guys to try to get down to what this process is and what, at least, our objectives are in working with communities, as well as the Planning Committee and the Council on these community plans. Most important, and

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I cannot stress this enough to people who are sitting in this room right now, is to gain trust. This process will not work if we don't have trust with you all, with the community, with the various stakeholders. That is absolutely important and we're never gonna move forward on these community plans if we do not have trust. But it's to gain the trust of the planning process and to create advocates and to support the plan through the process. So how do we involve the public during the drafting? You can all read up here but one of the most important aspects during that 18-month process is staff, we go out, and we not only have public workshops and public meetings and seminars, but I can tell you that with Molokai, staff went out and had 54 interviews. We're in the process now of just, with leaders and stakeholders and people that represent, and that's the whole point, diverse groups and aspects of the plan. So we go out and do one-on-one interviews, we do interviews with user groups, stakeholders, we graduate onto public meetings, public workshops. This is critical. This is absolutely critical 'cause this gets to the earlier slide that Will was describing and that is why are we doing community plans? What has changed? Why is this important? And that gets to the heart and soul of the community. We do a lot of civic group presentations, which is what we're doing now with West Maui. And, again, I want to remind folks, this hasn't been mentioned yet, we have three planners. But let's underscore that. This is all done in-house, by us and the three planners and three to four GIS people. So right now, we have Lanai out there, we have Molokai submitted and we are working on West Maui. So let's kinda keep that in mind as we move forward. We work with stakeholder meetings, like Will mentioned, we hope and look forward to meeting with folks like West Maui, Kaanapali 20/20, anybody who wants to meet with us, we are trying to get out there and do these civic group presentations to try to have an understanding of what this process is. Okay. So what do we do? How do we start with that first draft? How do we go from 1998 to a 2016 plan? The first thing is, of course, we look at the existing community plan and that's when we work without planning, our PID Division, Planning Implementation Division, what has been implemented? What has not been implemented? What's no longer on the table? So that's kind of our first start to find out where the community plan is, the existing plan is now. Then, of course, with consistency, we look to the Countywide Policy Plan and the Maui Island Plan. And one word about that, one of the things that we are trying to do in these community plans, make no mistake, and now I'm really referring to the community plans, is trying to eliminate the redundancy. We have the framework of the Maui Island Plan. We have the policies in the Countywide Policy Plan and obviously that's our starting point. So that's what we start with and to try to streamline these plans. Our GIS section and our division is phenomenal. They're doing some amazing things with mapping analysis and assessment, like Will talked, to really look and analyze not only the population and changing demographics, but as we get into land use and looking at potential impacts--by the way, 2.80B requires that we look at impacts of projected growth areas and projected development and possibly looking at balancing that with the County's abilities with needed infrastructure, as was mentioned earlier, and how that growth might be sequenced. We're required to do that. We also--I can tell you with Molokai and we've done it with West Maui--we've met with every single County agency, sat down with the director, the deputy, their staff and talked to them about what is the state of the infrastructure? What are the needs? What's the demand? What's the supply? What are the most, you know, current reports that might be done, like a water capacity analysis, what is it? So we've

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started with them. We had the pleasure of meeting with Elle Cochran and her staff and learned a lot there. So we are really getting sort of down to the nitty gritty of what do we have right now and how can we move forward. So once we take that time and really reach out to the community to try to, you know, look to things, towards the vision, the objectives, what the pressing issues are as of 2016, as opposed to 1998, how do we move forward? So what happens is the first draft gets developed and that is the draft to give the CPAC something to work with. Once CPAC--and, again, that's all in 2.80B--is appointed and they have that first meeting, the clock starts ticking. And, again, that's not the Planning Department, that's 2.80B, that's mandated right now, and so there's a, you know, the CPAC is run in six-months' time and I can tell you with the last couple of plans that we've done, it's challenging, it's very challenging. And we're trying to address things every time but, like, for example, get more of the community involved, have more of the informational stuff upfront so that by the time you have that, which goes by very quickly, six months, in a blink of an eye, and you've got 13 people, hopefully a very diverse representation of the community, going through every single chapter. And they, and I have to say, particularly in Molokai, it was a phenomenal group of people, incredibly dedicated, very, very passionate. I think we had like 27 meetings. You know, some of 'em were three hours, some were six hours, some of 'em were night to night, just very, very dedicated group of people. Okay, so what is the planner's role, aside from being a target and a punching bag? Think Budget. Think Budget. You guys were all involved in the Budget. You were sitting in the hot seat and trying to have to reconcile amongst the people in your community, your constituents, and then amongst the entire island and you had to make very, very, very difficult decisions. So for a planner, we are that bridge between the various groups and viewpoints. We have to find that middle ground and that gets very, very emotionally challenging, shall I say, it's very, very difficult but we're kind of out there. We do not have agendas. Our one and only role is to be out there and be neutral and making sure people are represented. And that does not always happen. We have to keep the plan within the County's scope and I think this gets lost. I think people forget, this is a County document. It is a County document that we must then, if it's to be successful, we must have the capability to then implement what it is in the County document. And so, unfortunately, we tend to be the mom who has to do the reality check and we have to remind CPAC or Planning Commission or the community or the Planning Committee that there's, that there are things that the plan can only have, can only do so much. The bottom line is you have to take the heart, the soul, the desire of the community, address their fears, all of those things, and then balance it with State mandates, Federal mandates and it's very difficult to be that reminder in terms of here's what the County responsibility, the County role is. Action items, you know, we try to work with communities and Molokai was very good with this and reminding, the County can, in terms of action items, we can't mandate that the Federal government do this. We can work with them, we can support them but it's trying to keep that reality check and that balance. What can the County do and what is the County responsibility?

MR. SPENCE: Okay, and just a comment on the reality check. At some point, this Committee will take up the Implementation Report of the General Plan and in that you're going to see--and believe me, we've tried to reign things in--but between the Countywide Policy Plan, the Maui Island Plan and nine community plans, there are

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over a thousand implementing actions. And a lot of those are unrealistic and a lot of those things, you know, I mean, we wish as a County we had all the money in the world to do those things but it's just not feasible. So keep that in mind as we go forward with these plans.

MS. EATON: So in terms of the process, there's sort of two processes, if you will. There's the mandated process in 2.80B and that's one that we're all frustrated with, very, very difficult, very challenging to rush through a plan in six-months' time, in six-months' time again and then Council to have a year. And we all know that has not been very realistic and has been very challenging. But the other process, and that is the actual planning process to develop the community plan, and I think this has been misunderstood, I've heard it from various Members, as well as members of the public, and I see it now. And that is that it's one of consensus building. I think sometimes what happens is you, is folks will come in with this all or nothing attitude, my way or no way. This is a plan that should represent not just the vocal minority but the entire community, the entire community. And I've heard in planning school and in many other past lives, pretty much a planning process is not successful unless everybody's disappointed. It's the bottom line. Work with one another. So we have to hear--and I'm thinking this, especially going into West Maui, it's a very diverse community. And there's a lot of important issues and a lot of challenges. And I say that also coming out of Molokai. So the plan, this one plan, this rough, rough, rough, rough draft, as it should be, because it needs to be formed and guided by the community desires and stakeholders and interest groups, so we have to hear those diversity opinions and then strive for agreement on the big issues, think, this is a ten-year plan, on the big issues, really focus on the big issues. So that, what we've seen so far and some of the things we see is the reason why some of this public outreach is so important, as you saw in some of the pictures, you tend to get a lot of people who come, who will voice their opinions, who aren't as afraid, who will say things, and that's very, very important to capture that. And so one final word about that, though, is this plan and draft that evolves through the community, it does not belong to any one entity or body. This is not a CPAC plan. This is not a Planning Commission plan. This is not any particular interest group's plan. This is a plan that represents the whole community and it must evolve through the process, that is the point. So Council review and adoption, as you all know very well, is it is our desire and our hope as we move forward, to have the Council, because this will be fully vetted, and to have the Council focus on these bigger types of issues and ensure the consistency with the Maui Island Plan, the Countywide Policy Plan but also with these, you know, CIP action items, there's a check there because we're trying to tell them how CIP works, work with the Budget in terms of making sure these actions get implemented. And that's a huge reality check in terms of, like Will talked about, you know, over a thousand actions and what can really be done and what infrastructure can truly be replaced and so forth. And that's very, very important as well.

MR. SPENCE: Let me say something about the matrix. This is something that all the Councilmembers have brought up. We want a matrix of this, we want a matrix of that. When, and as you know, the Planning Department has been very resistant to producing a matrix of the whole process. When we did the Maui Island Plan, this is what we had, this is one of the matrixes, that we had for the Maui Island Plan. This,

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to me, this doesn't tell you what happened. It shows you all the changes but there's no context. It's a huge amount of work that really, it doesn't produce the knowledge, the context, the overall vision of the plan, to actually adopt something that's good. In speaking with several Councilmembers, what we're really looking at is a matrix that--and I clarified with several Members--what we're looking at is a matrix of the land use changes. What did the CPAC say about the university campus on Lanai? What did the Planning Commission say about it? Was the recommendation the same or did it change? What, you know, ultimately, what did the Planning Committee adopt or recommend to the full Council? The, so I find this kind of matrix for land use and see how things evolve through the process, a very useful tool. And we're very willing to accommodate that. It's this other, 170 page, changing could to should to shalls that I find, I think it's a waste of our time and it's a waste of the Council's time. So, anyway, we've already transmitted a matrix for Lanai. We are, we're doing one, we already transmitted one for Molokai as well. So I want talk a little bit about the issues in the process and the options. Okay. First off, every, Pam noted it, every level feels rushed. The CPACs do not feel like they have enough time. As you know, on the Maui Island Plan, it went like a year, year and a half, more than what was allotted by time. And now for the Lanai Plan, the, you know, there was some unfortunate circumstances. But even at then, that CPAC felt rushed. Same on Molokai, they feel like they don't have enough time to do things, very common. That happened in the '90s as well, you know, the ones that I sat through. There was all these last, very last minute changes and lot of requests for extensions, those kinds of things. The second thing, and sometimes planning commissions feel the same, they wish they had more time. I know that on Molokai, there was no formal request but there was a lot of discussion, at least in private. I wish we had more time to discuss this. And we just say, well, this is the law the way that it's laid out. This also produces, the changes through the process produces an us versus them kind of stigma, you know, the CPACs, understandably, you know, they take ownership of the work that they've done. They put their heart and soul into it, I understand that, but then comes along the way that our law says, the planning commissions are going to review it, they're gonna make findings and their own recommendations. So they're going to change what the CPAC recommended. Then, ultimately, it gets up to the County Council. The County Council's going to go, are you kidding me? Or last minute people are going to come in and go, oh, I wish I was in the plan. So, and those things get voted on last minute. We saw a lot of that with the Maui Island Plan. I guarantee you, we saw a lot of that with the previous community plans. In the Kihei-Makena Plan, there was 45 changes that were land use changes that were not reviewed by the CPAC, the CAC at that time. Nineteen of those were only reviewed by the County Council. That means, the Planning Commission never saw them either but they were adopted all the same. I'm not saying that's good or bad. I'm saying this is a part of our process and there are changes at the last minute. The, for all the folks who, I mean, people look at the CPAC and go, this is the voice of the community. It's true but if you recall, you can pull down the matrix from the Kihei-Makena Community Plan, that CPAC, that CAC, voted in 1,700 acres of project districts and other projects that nobody now finds desirable. The project districts over by Maalaea, the Spenser project that was so controversial, the one just makai by Alexander & Baldwin, nobody really liked those but those were recommended and those got into the plans. So is that the voice of the community, you know, that becomes a problem to make that gross generalization. And then,



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ultimately, wordsmithing this matrix that I just held up, the big, fat one, that's representative of how much wordsmithing we've done. And that's what drove everybody nuts during the Maui Island Plan and, you know, we've done some of it with the subsequent plans, and it's just impossible to get through in ten years. Everybody says, well if you just managed it correctly, you would get through it in ten years. Here's the timeline. And you have to remember, prior to 2.80B, we did not have the Maui Island Plan or the Countywide Policy Plan. Those are two different documents that we didn't have before. We have nine community plans. They take approximately, I don't know, two years each, something like that. But, as you know, between the Countywide Policy Plan and the Maui Island Plan, we spent seven years. Now that's not the fault of any one person or anything, that's indicative, I think, of the process and the content and the requirements we have made of ourselves. When we adopted 2.80B, I don't think anybody ever did a timeline and said, can we do this in 10 years? 'Cause we added all these other requirements and never did the math. So, honestly, it's going to take between 16 and 20 years to do what's required by Charter in 10. And if we don't take this time, I guarantee there'll be a lot of people feel very shortchanged that we didn't involve the community, we didn't do this, we didn't do that. Something's gonna get cut out that's somebody's not going to like. Okay, you heard Pam say...back one, there we go...you heard Pam say there's only three of us that do this and a handful of, and like three GIS people. Okay, if we had, if the Planning Department requested a ton of money and we could hire a bunch of consultants or new staff or something and we could get all the CPAC processes all done at one time and we would be through with that, that, you know, the idea that that would speed up the process, it would all come to a jam at planning commission because they can only handle one at a time. And once they're done with it, it goes to County Council one at a time. So I, under the current form, I'm not sure how we can speed up this process. Greg, you want to hit next, please? Okay, final slide, besides the Mahalo slide, these are options. This is just food for thought. I don't think these are the only options but these are things that we can talk about. First off, we can leave it status quo and I hear a lot of dissatisfaction from community, from legislators, from everybody involved, including the Planning Department. We could go to 20-year plans, and so updating every 20. And that could be possible if we focused on just a few issues instead of the great span of issues in 2.80B. We could eliminate planning commission review. It could go from a CAC to the Council but that would require a Charter amendment. Lot of discussion from the Maui Island Plan is put the community plans first. Do those first and then as, when Bill 84 was going around, Charmaine Tavares, former Mayor and Councilmember Charmaine Tavares' vision for the Maui Island Plan was to, not to have such a complex document, but it was to tie the interregional issues together for the, all the community plans on Maui. So your roadways, your sewer, your water systems, airport, those interregional issues, a much simpler plan than what we ended up with. That would help save some time. And then, of course, we can just look at, we can look at other processes and come back to this Committee with other recommendations. We can look at other places, how they deal with it. I know the other counties struggle with getting theirs in according to their own charters of ten years. So, Members, I know that went a little bit long and I appreciate it, though. I think it's important that there be an overall view and not just, you know, a quick fix on this. Lot of things needed to be said.

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**. . . END OF PRESENTATION . . .**

CHAIR COUCH: Thank you.

MR. SPENCE: Thank you, Mr. Chairman.

CHAIR COUCH: Thank you, Department, both Mr. Spence and Ms. Eaton. Okay, Members, you got a lot of information, you have the slides before you. It's almost time for our mid-morning break anyway so--but I do want to, you know, there was couple things mentioned in testimony and I wanted to set straight before we move forward. Even though it's regarding the Lanai Community Plan, there was a statement in my letter that was challenged. Just so you know, Table 9-2 and 9-3 were combined to 9-2 and it was discussed in the December 16<sup>th</sup> meeting so, and extensively with the community, on Lanai, we did that, I believe. And then prior to first, during first reading when we were over on Lanai yet again, it was discussed and the community asked, a few things got, be added, and some things be taken out. Those were in the form of amendment summary forms from the Council meeting that we'll be discussing tonight, or this afternoon. So just to set the record straight, there were, there was a lot of public testimony and a lot of opportunity for the public. So I want that on the record that that is when things started with those tables. So with that, we're going to go into recess, 10:25, please be back and we'll have our questions, get your questions ready for the Department. This meeting is in recess. . . .(gavel) . . .

**RECESS: 10:12 a.m.**

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

CHAIR COUCH: . . .(gavel) . . . Will the Planning Committee meeting of May 20, 2016 please come back to order. It is May 24<sup>th</sup>, we're resuming a recessed May 20<sup>th</sup> meeting and a recess of the recess. Alright, Members, you heard from the Department. I'm assuming you have a ton of questions so I'm ready and willing to just go down the line and you guys can ask away. We'll start with the Vice-Chair of the Committee, Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. For Mr. Spence, I agree the presentation, That was a really nice presentation. I think it covered ...

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

VICE-CHAIR CARROLL: I'm sorry?

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

VICE-CHAIR CARROLL: Oh, okay.

CHAIR COUCH: Thank you.

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VICE-CHAIR CARROLL: I figured my voice was loud enough, I didn't need it but...thank you for the presentation over there and getting, looking back over here, if you give me a moment, talking about going to the 20-year plan, 20 years. In order to be able to go over the plans because the Planning Commission, as you stated, they are not capable of doing all of the plans. If they came in too fast, they can't handle it anyway. And then you have the other one over here, no Planning Commission review. Since you put that on there, why did you put no Planning Commission review on there?

MR. SPENCE: Those, that final slide of the PowerPoint was simply for discussion purposes. I'm trying to think, I mean, everybody says--and when I say everybody, I'm including the Planning Department, the County Councilmembers--when I've spoken to them in private and what I've heard in public, just members in the community. I hear the complaints from the community that, my God, when are we going to get to my community plan area? Everybody thinks it takes too long. I've never heard anybody say the timeline is fine. So I just throw these things out for discussion. I think some of 'em absolutely won't be doable but we need to start thinking differently than what we have been thinking otherwise, status quo doesn't seem to work.

VICE-CHAIR CARROLL: Number four...can I continue, Chair?

CHAIR COUCH: Yeah.

VICE-CHAIR CARROLL: Number four, you put, put community plans first and the Maui Island Plan limited to interregional things that come up. And we talked about that for years and years from the first time, way back before when they first started with going out to the community in the 1970s, I think it was '72 or something.

MR. SPENCE: Right.

VICE-CHAIR CARROLL: But it was never, it was only talked about. How would you implement that now? How would you suggest that be implemented at this time if we did go that way?

MR. SPENCE: What it would do would be, the round of the community plans that we're in now, which still will take a very long time to do, at the end of that, instead of doing a seven-year or five-year, six, whatever it was, Maui Island Plan, it would, it could be, that part of it could substantially be cut down in time because it would, it could be a much simpler plan to tie together those interregional issues. That was the original intent, to put together, at least the original vision of it, to tie together the roadways, sewers, water systems, those kinds of things, rather than being all encompassing, the way that it turned out.

VICE-CHAIR CARROLL: Thank you, Chair. That's all for now.

CHAIR COUCH: Okay.

MR. SPENCE: Mr. Chair?

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CHAIR COUCH: Go ahead.

MR. SPENCE: A little, another comment. I, you know, by, just a comment on the Planning Commission thought. I'm not suggesting, it's just food for thought is what it is. Because the Planning Commission takes six months review, that would save six months on nine community plans, on each one of those so that's pretty simple math. But the way the Charter reads right now and the way that 2.80B reads right now is the, you know, the planning commissions shall review and make recommendations to the community plans and to General Plan Updates, actually all land use ordinances so, you know, I throw that out just food for thought.

MS. EATON: Just a quick comment on that, Member Carroll. One thought could be, because when you look at the plans that need to be done, I mean, obviously, the amount of time and effort for West Maui, which is going to be huge and extraordinary and very diverse, may not necessarily be the same amount of time for Paia or Hana or something like that. So with regard to planning commissions, because in my mind the planning commissions play an important role in that they are looking every month at the ongoing permit processing. They are seeing where the rubber hits the road in terms of development, permit processing and all kinds of situations and issues as those arise. And to me, that's another element of a reality check. So one thought would be--I know in many, many processes in communities in state and Federal areas that I was involved in, they would take the planning commission, which is the so-called body that looks at, you know, permitting and regulatory issues and so forth, and they would be represented. Again, here we have Sunshine Law, so two members, three, whatever would be allowable, on the CPAC so that you do have at least on the CPAC--or they called it a CAC--members of that body that deals with the ongoing permitting, processing, zoning, implementation, BVA. And then the other option that I forgot to mention in the presentation was, what we would like to do, we would like to present to you guys, as amenable, to the Planning Committee, or the full Council like every three to four months, give you guys an update, here's what's going on, just like today, much shorter, but just a quick drill in in terms of here's what the community's sentiment is, here's the issues we're dealing with. So just to keep you all more in touch to try to shut down or, rather, you know, narrow down some of the time, streamline, and then have Planning Commissioners on the CPAC so that that's done at that point in time because that is an important role, the people who are seeing these permits and dealing with what's happening in the community.

VICE-CHAIR CARROLL: Thank you, Chair. I'd like to have more discussion on that later.

CHAIR COUCH: Sure.

VICE-CHAIR CARROLL: Can I give the other Members time to have their say.

CHAIR COUCH: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: You really want me to talk about this?

CHAIR COUCH: Absolutely.

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COUNCILMEMBER BAISA: I have the scars. I have to say that I'm not surprised that we're sitting here talking about this. I think we're going to be talking about it for a very long time until we get to the point where we change some things and I'm really glad to see the options that the Director has put in the report for us 'cause it's there, it's front and center and it's the things we know we have to deal with. You know, obviously, we all agree that the process we have now is not making too many people happy. And 20-year plans, in my opinion, are just a non-issue, too long. Unfortunately, what we're seeing is our community is changing very rapidly and it's worse than 10 years. It's happening so that one day we're good and the next day we hear HC&S is gone.

MR. SPENCE: Correct.

COUNCILMEMBER BAISA: You can't wait 20 years or 10 years to deal with that and that has a huge impact on community as well as the General Plan. And so that's a problem. The other thing is, in the Maui Island Plan, we put in some areas where we felt that, you know, some development would be alright and then we pick up *The Maui News* and the people that were going to develop have pulled out, they're not going to do it. So, you know, there's constant change that's impacting what is done. So I don't think 20 years is an option. It has to be, if anything, much, much less. And I have ideas about that which I've been dying to put forth for, ever since I chaired the Maui Island Plan but I don't think that some people going to like them but I'm gonna say them anywhere 'cause I'm on my way out the door. And if I can leave a legacy, I think that's important. What I have observed, in my opinion, and, again, and nobody take this personally, it's what I see and my comments are offered in the spirit of can we find a better way to get a product that we can use because we all say, we gotta go to the community plan, we gotta go the General Plan, everything should be aligned and if we're going to align it, stuff, then what we are aligning with has to be current. It cannot be 10 years old or 15 years old or whatever, it has to be up to date. Planning Department is busy. They are terribly, terribly busy. They have a jillion things going on and we keep adding more and more. And, you know, apologies to the Planning Department, you know, I'm part of the problem about why you're dealing with all of these B&B permits and all this stuff on top of regular permits and complaints and everything else that you guys are trying to do meanwhile trying to do these immense plans. So there's not a whole lot of time in the Department. I think what we need to have is some setup, some body, and I don't mean somebody, I mean some body, you know, a group or a person that has this assigned to them. You know everybody, somebody, and nobody. Somebody has to be their primary responsibility to deal with dealing with these plans and it has to be, in my opinion, an ongoing process. It cannot be something that we pull out every now and then, oh, well, we gotta update the community plans, cannot be, it's gotta be ongoing. And so, it should never stop. I don't think that the Planning Department is, you know, able to deal with all of that because it's just too much within the hours that they have, the limitations that they have for travel, for budget, for staff, I mean, you know, we don't make it easy for them. We don't give them a whole lot and ask them to do a whole lot so it's very difficult. I've said it before and I'm going to say it again, I really feel that we need to have the assistance of maybe some contracted entity, like MEDB, who did Focus Maui Nui, and let them go into the community and do a lot of this information gathering. Our

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Planning staff, it's very, very hard for them to be on Lanai, Molokai, in my garage at the Makawao, whatever it is. You know, I remember being part of Focus Maui Nui and they came to MEO, met with my drivers in their break room. They also went to my friend's house and had a meeting around the garage, in the garage around the luau table, at night. But they had the ability, and they weren't worried about civil service and hours and OT and, you know, all the things that we have to worry about, but they could interview thousands of people and get that information, synthesized it, and then give it to our Planning Department, which has the more sophisticated planning skills and education and training to put this in some kind of a form in a draft. But I think doing the legwork is what is killing us. That's one of things I see. The other thing, I think, is because these CACs, you know, we struggle to appoint people and we're always lucky to get great volunteers who are very committed. And they spend hours and hours and hours, I know 'cause I followed the GPAC from almost the beginning to the end. What happens is, we keep telling them they're advisory but when you spend thousands of hours looking at paper, and I had, at one point, in the back of my car, two laundry baskets of paper. You want to talk about matrixes? I had matrixes coming out of my ears and information, documents. And so you spend all that time and you kinda take ownership of it and I understand that. If I put that much into something and went through all that grief, I feel ownership of it and I don't feel good when you tell me, well, you're advisory so you told me it's going be red but I want blue so too bad, which is, I think, causing some of the angst that we see when we get these plans. And Planning Department, of course, is coming from a different perspective, trying to respect the input but also trying to deal with legalities and format and consistency and all kinds of things that the little groups are not thinking about because they're thinking about my community, my home where I live. And so, it's this, it's this process. It's a process and to take it back to what I think is the root, we should have done the community plans first. I've said this over and over and over. When I first took it over, I felt it was upside down and I still feel it's upside down 'cause now you have somebody else driving the bus and that's the Maui Island Plan and the Policy Plan and the community plans are trying to fit under that and be in sync. The other way, I think it would've been better. So I really like the option in here that the Director has put on here. Taking out the Planning Commission, I am concerned about that. I think that might be too draconian because, you know, we do have great respect for our Planning Commission. We don't always agree with what they do but that's the way it is.

MR. SPENCE: Right.

COUNCILMEMBER BAISA: Nobody always agrees with anybody. And, but, you know, maybe we could, by consistently amending and putting this, little bits of it, on the program rather than we're going to spend six months, you know, put some of it on the agenda all the time so that it's happening. I think it has to be circular, happening all the time and I think that might help. But comprehensive revision, I think everybody knows where I'm going with this plan and I can go on and on and on. But I understand the situation that we have and I understand why we have it. But, let's face it, somebody said something this morning and it was very clear to me. We took a risk when we were elected to put ourselves in these seats and to take heat and to make good decisions based on what we learned, what we hear and trying to look out

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for the majority, that's the American way. It isn't easy. I get torn in many directions by people who send me letters, make phone calls, and say you don't understand. And I'm trying real hard to keep my eyes on the big picture, and that's not easy. And we are in a political system where we have to be concerned about not making our constituents unhappy. I'm sorry, that's just part of what we do. But the final decision rests in these nine seats and at some point, we cannot defer a decision anymore. We must make a decision. So those are my thoughts, Chair. And I want to thank everyone who has been involved with this process. We all, mostly, most of the people that do it, are volunteers. And our staff works really, really hard. They're dedicated, they're knowledgeable, they do everything they can so none of this is to be taken lightly. But I think what we do here with this, Chair, is going to set the tone for many years to come. And so we need to be very careful about what we decide and I thank you very much for also sitting as Chair because this is not a fun place to be. I've been in that chair. Thank you.

CHAIR COUCH: Thank you.

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Yes, Mr. Spence?

MR. SPENCE: Real quickly. And I --

CHAIR COUCH: Closer to the mic, please.

MR. SPENCE: -- so appreciate Councilwoman Baisa's comments because she bore the heat of the day with the Maui Island Plan and it was such a pleasure working with her through it. Two things. One, it is ongoing. We still have, and that's one of the things I'm concerned about is we never get to the point where we're finished. We're continually planning. The, Lanai is ongoing. We, all the while, we were working with Lanai through the Planning Commission, we're doing the CPAC over on Molokai and when we transmitted Lanai and working with the Councilmembers, we're working with the Planning Commission over there on Molokai. And then we're starting, you know, to think about West Maui. So it's one backed up against the other. The other thing, and this is a little off topic, when I said that the Maui Island Plan CPAC took a year, I'm asking, and I saw Mr. Mayer's head going, no. I really make a point in trying to bring accurate information to whatever body I'm advising. So I'm having somebody look that up, exactly what the timeline was 'cause I don't want to misrepresent anything. So I'll get that information to you. I know it took longer than anticipated though. Thank you.

CHAIR COUCH: Okay, thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I wanted to start with the closing comments of Ms. Baisa. In regards to the Planning Department and, you know, not disregarding their hard work 'cause they, you know, put a lot of time and energy, as Mr. Spence mentioned in his opening comments. I like the part where miss-it's not Pogue. Eaton --

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CHAIR COUCH: Eaton, yeah.

COUNCILMEMBER COCHRAN: --Eaton --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --got it--mentioned trust, you know, and how critical that is to have between the community, the different group, you know, clear across the board and that's not easy. And I'm feeling and we're seeing it and we're hearing it currently from Lanai that that's broken. They were not feeling that. So that's where the hardship lies. So I understand that and I think it's just an overall look at government as a whole, that trust is really not as strong as it used to be, so consensus building definitely, of course. And, you know, the part that, the numbers that Director Spence put out there in regards to Kihei, had 47 land use changes and only 19 were or weren't looked at, I think, or something to that effect, and that's a scary notion to think, then look at Kihei, that's why Kihei looks the way it looks. And the matrix, I think I'm one of those people who say, I want the matrix, I want see how all the changes have been, you know, that long paper with all the categories and everything. And, Mr. Spence, you said that it didn't produce anything good. I've sat through GPAC. I was there because I wanted to make sure a green circle wasn't drawn around Lipoa Point in Honolulu. I went to every charrette, every, by golly, no one's going to put a mark on that map, that paper, that said green light, good to go, and build. That wasn't going to happen as long as I was around. And it was a good thing I did show up 'cause at one point they did, and I said, ah, ah, ah, who did that? And it was a typo so luckily I was there to catch it. But, you know, it's a long process and both Ms. Baisa, and you, Director, touched on the point that, you know, it's always changing, it's in the works and we have a current community plan. It's in, the 1990 plan is in effect. That is what we're all supposed to be following. But if you look at that and what we truly see outside these windows, isn't quite what's on that plan so you got all these ways for people to come in for district boundary amendments, community plan amendments, special use, conditional use, I mean, the list goes on and on and on how people can come in and change this plan around and all the maps out, right out from under us. And lot of 'em, we don't see, the people sitting here. And so that's, to me, is, so we wait ten years, we pick up the ball again and go okay, where are we at, look around, what do you want community? It's just a, I don't know, a strange system, and I think, yeah, it definitely needs help and I'm grateful that you did put out some food for thought here and your options of how to better this process, you know, and hearing a thousand implementing items that need to be done. That's, yeah, outrageous. And so I would like to see if there's a way to sort of base things more on reality, as in Budget, moneywise, we just got out of Budget. I mean, I think that is a driving factor of what is built, do we truly have the infrastructure that it's needed to implement all these thousand items or not. And I'll tell ya, a lot of those items are going to fall off to the wayside 'cause we can't simply afford it --

UNIDENTIFIED SPEAKER: Correct.



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COUNCILMEMBER COCHRAN: --not even in the ten years. So, you know, take it off. Sorry, that cannot happen right now. And I like the idea that you said, tie in all the different infrastructure from the road systems, to the water, to sewer, to, all of that totally makes sense, that's where the whole comprehensive overarching bigger picture, look at what we want on these maps, are affected, how each one helps one another or doesn't. And there, again, is Budget, you know, how do you build out those roads, how do you build out the facilities that are needed? But, you know, I just, it's one of those things, Chair. I mean, I'm grateful for the discussion this morning. And I agree with Ms. Baisa in regards to community plans first. You know, you start at the more detailed ground level and then see how all those connect and then here we bring it up to that bigger picture, like I just explained. Everyone wants this over here and then that community wants that, is all the infrastructure, you know, there to make it happen or what do we need to build out to make it happen? And there, again, we'll figure out how much is that gonna cost. So we're in this process and, you know, I know it's gonna set the tone and the pace for others. As West Maui's coming along, I'd like to make sure that we work through any trust issues we might have, work through, you know, just bringing back that consensus and collaboration with all people and having truly that trust in one another, that we're doing the right thing, making the right decisions. So I guess I don't really have questions, Chair, just a lot of comments in regards to the presentation and also my Members' comments, but here to help, here to help this process along. I think --

CHAIR COUCH: Thank you, Miss ...

COUNCILMEMBER COCHRAN: --Ms. Eaton ...

CHAIR COUCH: Yeah. Ms. Eaton?

MS. EATON: I want to thank you for your comments about Budget, really thank you. And I want to touch on that because what happens is, when we go to, let's say CPAC, that first process, and I know Ms. Baisa's very familiar with this, we are the sheriff, you know, we're the ones that get, you know, we have to come into town saying this ain't gonna happen. I mean, seriously, we have to carry that hat and say that and they don't want to hear it and we say it, and we say it, and we say it, but the bottom line is, again, hearing some of the comments from Lanai and so forth, their plan, they override us and put it back in. Okay, okay, that's fine. Then it goes to Planning Commission and, again, we really can't buy that entire road system. I mean, we try. I mean we even brought in, and they were phenomenal, Director Goode and Director Taylor, and they did a very, very good informational talk on what is involved in infrastructure systems and capacity just to your point about Budget. And we say again and again, Budget hearings are critical, you need to go to Budget hearings and so forth. But, again, we get overridden. And so then, to me, again, we talk about Council. That's where, when you guys, 'cause you guys, you are deciding our Budget and when you see these action items in the tables in the seven chapters, that, ultimately, these nine Members make that decision and that is where we could really start in terms of having reality-based community plans. That's critical.

MR. SPENCE: And just, Mr. Chair?

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CHAIR COUCH: Go ahead.

MR. SPENCE: Just a little bit along those lines. I mean, we've seen this over and over. At least in the last round of community plans, I can point to half a dozen parks. The community said, I want a park here. And that's like, good, comes along, time to buy that piece of property and it cost \$5 million or something like that and, I mean, and it popularly went through the planning process and got adopted. When it comes time to pay that tab, it's like, we don't have that money and so now, you know, the reality of these plans, you know, hits a pavement and we're trying really hard to put those, you know, that reality into these plans. I like to dream big but, boy, it's expensive too. Quick comment, what Councilmember Cochran was commenting on about Lipoa Point. What you're referring to is a land use matrix, which I said, I find very useful. You can see the progression of things. What I don't find useful is the text matrix, where you follow the CPAC said, shall do whatever, shall mow the lawns in the parks more often. The Planning Commission says, should mow the lawns more often. And the County Council ultimately says, could --

COUNCILMEMBER COCHRAN: May.

MR. SPENCE: --provided there's budget for it, mow the lawns more often. You know, that kind of text following and the effort to put together 180 pages of that, I don't think that's very valuable. Now that I've talked to a couple of Councilmembers and understand, what you're really looking for is this land use matrix, I'm like, ah, good, we can do that, and I'm happy to provide that.

CHAIR COUCH: Okay, thank you. Thank you, Ms. Cochran. Members, I want to remind everybody that any--and correct me if I'm wrong, Department--but I believe any community plan change has to come through Council. Is that correct?

MR. SPENCE: That's correct.

CHAIR COUCH: Okay.

MR. SPENCE: Whether it's --

CHAIR COUCH: So all of the --

MR. SPENCE: --initiated --

CHAIR COUCH: --changes ...

MR. SPENCE: --by you or --

CHAIR COUCH: Right.

MR. SPENCE: --the Department --

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CHAIR COUCH: Or --

MR. SPENCE: --or someone in the community.

CHAIR COUCH: --a landowner wants to --

MR. SPENCE: Correct.

CHAIR COUCH: --change the, it still has to come through here so, ultimately, it's our decision as to, you know, all those changes that got made everywhere, is our, our being Council, you know. Most of us weren't on the Council when a lot of these plans were made and changed. So Council's the ultimate responsibility for all of these plans. Get great input from the Department, great input from the community and, as we've heard, communities, you know, the input is on both sides and somewhere in the middle, all the way. So it's one of those things that, that's our job, as Ms. Baisa said, we're the ones that get to determine what we think is best based on a ton of input from a ton of people. So, anyway, Mr. Victorino?

COUNCILMEMBER VICTORINO: Not a heck of a lot to be said, you guys said it all.

CHAIR COUCH: That's it? No more questions?

COUNCILMEMBER VICTORINO: What the hell am I gonna say that they didn't say already? And, you know what, I professed this all the way. Nobody in this room but Ms. Baisa and I have been around long enough to see all of this.

CHAIR COUCH: Correct.

COUNCILMEMBER VICTORINO: You know, there's a lot of experts in this room. The experts on this side of the table have no idea what work means until they have to do it. And when we talk about different issues, you know, I've said that, it should've started at the community level and moved up. A lot of things we've said for many years so I have no problem with that, you know, so what else am I gonna add? The only thing I'll add is, our communities change quite rapidly today. So it's something not been talked about, our communities changed. My community has changed greater than anybody else's community right here. Go right out that door and I can tell you, my community has changed. And I'm not only talking about what has been built, I'm talking the dynamics and the demographics of my community. No place else has changed as much as my...this used to be the bastion of residential, local families. Go walk around now. You find a lot of new faces in this community, right up here. We got a lot of smart people now, lot of smart people that know how to solve all the problems. I hear it every day when I walk around. No, I'm being facetious but I'm being factual, you know, I being factual. Budget, they don't care, so long as they don't have to pay for it. They want it their way so long as they don't have to pay for it. So all that being said, Mr. Chair, changing the process via the Charter is probably the best bet, and that's gotta be done. I think that's something that needs to be done. I agree with Mr. Spence, let's do 20-year instead of 10 because 10 years, too fast. I been here 10 years. Ms. Baisa been here 10 years. And we're leaving in December. It moves

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fast and you're not much further behind, neither are the other ones, you know, so it changes quite rapidly. We got all these experts that come in. But let me say one thing, we've got to make these people understand, and I think this came out very apparent and very early on when we got the plan, the island plans, they did everything based upon the sky is the limit, don't worry about money, let the Council and the others figure it out. We had DOE issues put in this whole plan, the island plan. Where did that come up? We had other transportation issues put in the plan, which we have no jurisdiction, airports, harbors. Whoa, you know, we got to get real, our community plan must be about your community and what you can do and if you want to involve the State or Feds or others, then you gotta make sure that that's said and not put on the burden of the County. We already pay a lot of unfunded mandates. So, you know, there's a lot of issues starting from that end, coming across, and back and forth. My bottom line in all of this, I think you hit the nail on the head, it's not my plan, your plan, their plan, it's our plan. Just because you don't get your way doesn't mean you get all habut. Habut, I say it there, lot of habut people up here. They comment all the time. We have a habut world now.

CHAIR COUCH: Can you spell that for the transcriber?

COUNCILMEMBER VICTORINO: No, they go figure it out. I ain't gonna...it's like Mr. White has said--what was the word we used about, they look, what was the word he used the other day? I forget. He used the word about how the staff looked, you know. They were ...

CHAIR COUCH: Flummoxed.

COUNCILMEMBER VICTORINO: No, I forget --

COUNCILMEMBER COCHRAN: Haggard.

COUNCILMEMBER VICTORINO: --the word. What was the word?

COUNCILMEMBER COCHRAN: Haggard.

COUNCILMEMBER VICTORINO: No, no.

CHAIR COUCH: Moving along.

COUNCILMEMBER VICTORINO: Something else, something local.

CHAIR COUCH: Moving along.

COUNCILMEMBER VICTORINO: But anyhow, yeah, we'll, you know, as soon as I go back and check the records, I'll probably remember, you know what I mean. But there's a world out there that has no idea except what they want in their area. You mentioned about parks. We're building parks down here and the neighborhoods adjacent to the parks don't want the parks. They don't want the parks. And yet, we need parks, you know. So that's another example of there's a need, we put it there, and then the

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people adjacent to it say, no, no, we don't want it. We weren't a part of it, we don't, you know, it's very saddening. It's actually saddening how we've developed, you know, nobody wants to do anything. All talk about how we want affordable housing, all, we want workforce housing but every time we put a plan out, not in my neighborhood, not in my neighborhood, not my side, go put it someplace else. Well, there's only so many places we can go and then we run out of space, right? So I had to pontificate because everything else was done and everything I agree with my colleagues saying, you know, the bottom line in all of this is, when we all start working as a community and not as individuals, not a special interest, only then and only then can we accomplish, not only the island plan, but everything else. And the world changes on a dime. One major incident tomorrow and the tourists stop coming. You know these jets that are being knocked out of the sky in other countries may one day come to haunt us somewhere here in Hawaii. So let us not think about what we don't have and what we're lucky not to have but let's start thinking how we can make sure we're ready if and when that happens. Thank you, Chair.

COUNCILMEMBER BAISA: Chair?

CHAIR COUCH: Thank you, Mr. Victorino? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you. One more thing that I forgot to talk about and I think it's important. In the, what we went through in the past in order to get the Policy Plan as well as the Maui Island Plan done, I'm beginning to think that I wanted to raise an idea. I won't be here for the next term because Mr. Victorino and I are, have reached our term limits but somebody's going to be here and this work will go on and it has to be done, it's very important. At one point, it was difficult to convince the members that we have a special committee to deal only with planning, and I mean not the regular planning issues that Mr. Couch sees in his Committee, where somebody's changing some plan from this to that or whatever, but a committee that is focused on this work is really important. We would never have gotten the Maui Island Plan through if we didn't have a committee that was given the responsibility of working only on the Maui Island Plan. It set aside a time and a place where we all had to come and we had to focus. We would not have done it without that. I think that the new Council may want to think about that because this not going to go away. We're going to be dealing with individual community plans and if we don't want to bog them up in Council for months and months and months trying to deal with them and deal with the regular work that the Planning Committee has to do, Chair, I think that, you know, whoever's going to be here might want to think about it.

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: And also, I want to give credit where credit is due. You know, everybody talks about me and the community plans, I mean the Maui Island Plan. I want to give thanks to my Vice-Chair, and that was Mr. Couch. He was there with me the whole time, worked with me diligently the whole time, was very on it, made a lot of suggestions and subbed for me when I couldn't be here. So he has a tremendous background also in what when on. So, Don, I just want to thank you again. I don't think I could've done it without your help.

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CHAIR COUCH: Thank you, Ms. Baisa. Members, I've got a couple questions for the Department and then we'll go back to Mr. Carroll. First, I wanted to make a comment on what Mr. Victorino said where, you know, everybody has the big grandiose ideas and gives it to Council and says, let Council figure it out. The problem is, when Council figures it out, we get beat up for it. But that's, I think, what we're paid to do.

COUNCILMEMBER BAISA: That's the nature of the beast.

CHAIR COUCH: That's nature of the beast. But keep in mind that we're trying to make something that's real, I mean, wish list, as Mr. Spence and Mr. Victorino says, big, huge wish list but we have to figure out what's available in the Budget, how much we have to tax the homeowners and everybody else out there and what needs, what can be done and what can legally be done. So thank you, Mr. Victorino, for bringing out that quote. I really like that one. Department, there've been concerns about, especially in the first community plan we're doing on Lanai, you know, as you said, the processes the CPAC deals with, it gives their recommendations, then the planning commissions give their recommendations, then it comes to us. At any time during that process, when those, say the Planning Commission makes changes, is it envisioned, is it in law, that those changes have to go back to the CPAC for review or is that just part of the process where the advice is taken, and maybe not taken in certain cases, and the Commission comes up with their recommendations and then at Council, they come back and come up with their recommendations? At any time, does it go back down the line to, for further review?

MR. SPENCE: Thank you, Mr. Chairman. No, there is nothing in 2.80B that requires a change that the Planning Commission proposes or even a change, any of the changes that the County Council proposes, go back to the CPACs.

CHAIR COUCH: Is that something ...

MR. SPENCE: Or to the Planning Commission, for that ...

CHAIR COUCH: Is that something that is feasible to do?

MR. SPENCE: I think it would just take more time. I think it's a, you know, if we're concerned about how long this is all taking already, and as I at least tried to point out in the presentation, it's been very common with the adoptions of, shoots, even the Maui Island Plan, and certainly the previous community plans, there are a lot changes that took place on a Council level that never went back the other way, you know, in the previous rounds. It was, people aired concerns about it, just like they're airing concerns now that, you know, changes are taking place at a Council level that we never saw, even though it was posted and discussed at a public meeting. There were a lot of those concerns aired last round in the '90s and I even had, I have some, at least had some newspaper clippings about when the first community plans were adopted in the 1980s, headlines were, plan is held up because of, you know, such and such a project. And one of 'em, Mr. Mayer might remember, was the Kulamanu Project and he testified against that and so the adoption of the plan was delayed because of that.

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So there's, you know, there's, sorry, there's controversy at the Council level, as there is really in each level, but particularly because you are the final authoritative body that is going to adopt the plan by ordinance.

CHAIR COUCH: Okay.

MR. SPENCE: And, Mr. Chair?

CHAIR COUCH: Yes.

MR. SPENCE: Just a comment on both what Mr. Victorino and you said. Some of the, our community plans, I'll say the Maui Island Plan, but also the community plans have some very unpopular projects in them. And, you know, people, I think it's a, when, I think it's an illustration that the community plans are not adopted by just the community. They're adopted by, you know, the voice of many people along the way, including the planners and the Commission and the Council and the community. You know, people don't want, whatever, in my backyard, things like Honuaula, very controversial. That was in the last two community plans. People still don't want that thing built but if we're saying the community plans are the voice of the community and we should be following the community plan, that's in the community plan, that was adopted. The Spencer project that, very controversial, lawsuits filed over it, et cetera, that was adopted in the community plan. We've already seen, you know, what's happened with Olowalu, you know, that project has been put by the wayside and that was just in the Maui Island Plan because controversy and stuff but yet we adopt these plans. Just because they're adopted in the plans doesn't mean...it's certainly some people's voices, it's not everybody's voices. I think it is a broader context to how these plans are adopted and who adopts them.

CHAIR COUCH: Thank you, Mr. Spence. And you bring up a good point in this, in the Lanai Community Plan. The CPAC and the Planning Commission put in the third resort over in--I can't remember the, the old Club Lanai area--and after some testimony from the community, part of the community that didn't want that in there, there was some things that brought up that, oh, made sense, and also triggered some things at Council so we removed something that the community wanted but we felt wasn't good for the island. We aren't getting criticized for that. We're getting criticized for something that, we combined two tables to one.

MR. SPENCE: But that's a huge change from what both the CPAC and the Planning Commission adopted.

CHAIR COUCH: The resort --

MR. SPENCE: Correct.

CHAIR COUCH: --the third resort.

MR. SPENCE: Removing the --

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CHAIR COUCH: Correct

MR. SPENCE: --resort.

CHAIR COUCH: So, you know, it's interesting when people pick and choose what they like and what they are, won't go after, so, it's just interesting. The other question I have--and I'll get to you, Ms. Baisa in a second--in 2.80B I believe it says, you're supposed to take the existing community plans and update it. It seems like on, certainly Lanai and Molokai, especially what I see when we get from Molokai, it's more than a rewrite. It looks like it's, I mean, it's more than an update, it's more like a rewrite. Is that because of the fact that it's an island plan too, combine with the community plan? And are we going to see something like this for West Maui, South Maui, and all the rest of the Maui communities because we have a Maui Island Plan? What's the process going to be there?

MS. EATON: So with regard to Molokai, if you look at 2.80B, I believe it's like A through K, it mandates that very specific contents must be in the community plan. Multimodal transportation, I mean, it literally says that. So because of that and because we had to follow 2.80B, that dictated much of the content and that is why Molokai changed so much. In addition to that, there are also Hawaii Revised Statutes dealing with sustainability and sea level rise that must also be addressed in the community plan. So that is why the format, and quite frankly, it grew in content. With regard to West Maui, what we, again, 2.80B dictates that all these various things be put in but because we do not want to be redundant and because 2.80A deals with the General Plan, we are trying to not have the redundancy and why cover and rehash what has already been in and decided in the 2009 communitywide Policy Plan as well as the Maui Island Plan. So I think the intent would be to really focus on land use and projected growth areas. And to get to that level of specificity, which is in the projected growth areas in the Maui Island Plan, where they actually do bring up some regional concerns with West Maui. So it would be to focus on that, to focus on those areas in more detail that's not in the Maui Island Plan.

CHAIR COUCH: Okay, thank you. Member Baisa and then Member Carroll.

COUNCILMEMBER BAISA: You can take Mr. Carroll first.

CHAIR COUCH: Okay, Mr. Carroll?

VICE-CHAIR CARROLL: The discussion we're having is illuminating. But we're at the point, I think, in this discussion, to where I've made a lot of notes over here, and I would like to at a next meeting--I assume you're going to have another meeting --

CHAIR COUCH: Yes.

VICE-CHAIR CARROLL: --over here--I would like to take all of the things and all of what we've talked about so far and at the next meeting, I would like to come up with, well, some more questions, but also some things that, verbiage that I would like to be considered.



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CHAIR COUCH: Okay.

VICE-CHAIR CARROLL: And that's where I'm at right now.

CHAIR COUCH: Okay. And, Members, that's what the outcome of this meeting is going to be, we're gonna defer this item, is gonna be my recommendation, and ask you to come up, if you have, suggestions on the options, food for thought. If you have other suggestions, language, potential language that we can deal with, I'm open. And from the public as well, any potential language issues that we need to deal with. That's what this meeting is for, is to bring up to the surface what some of the issues are and then any input from Members, community, everybody --

VICE-CHAIR CARROLL: That's --

CHAIR COUCH: --Department.

VICE-CHAIR CARROLL: --really why I'd like to, at the next meeting, because I think the language and the verbiage is going to be very important --

CHAIR COUCH: Sure.

VICE-CHAIR CARROLL: --inside here, and I'd like to consider that.

CHAIR COUCH: Okay.

VICE-CHAIR CARROLL: Thank you.

CHAIR COUCH: And if you get it before the next meeting is scheduled, please post it. Please submit it for posting so that everybody gets a chance to take a look at it before the meeting starts. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. There's just one more thing I think we want to talk about a little bit and I think it's very relevant to what we're trying to do here today and all of the concern and difference of opinions and whatever. As an elected official, and I'm sure the Planning Department, who is not elected, but is also working very hard and has the responsibility, one of the things that is difficult is we're told that we have to listen to the community and we have to listen to everybody. That is not a small job. First of all, you have to contact everybody. And we all know that everybody is not in the loop. I'm sorry, but along, a lot my own acquaintances, my own family, people I have interactions with, some of them don't have a clue. If you talk to them about the Maui Island Plan, they don't know such a thing exists. All they know, that if they want to do something, they gotta come to the County and go through a bunch of paperwork and spend a lot of money and a process but they have no idea what is driving this because they don't pay any attention. And they don't pay attention, a lot of them, because they don't know any better. They're too busy trying to hold their three jobs down and take care of their kids and do whatever it is they have to do. So what happens is, there are people in our community, who are very

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knowledgeable, they're very involved, they show up at meetings, they have the time to come, they're articulate, they know how to speak, they're not afraid to come and shake at the podium, like we see people that come and they're in tears, they're so nervous, I'm so afraid they're going to faint. Sometimes I want to say, oh, please, you know, just settle down, it's okay, we're just regular people. 'Cause I feel, my heart goes out to people that sometimes come, they're so afraid, and I think a lot of 'em don't come because they're afraid. And in the past--I'm just telling what I know--some of them were really put in a tight spot when they came to testify. I think this Council does a much better job of not doing that. We don't get people on the podium and try to debate with them and make them feel bad, we listen. And I think that's why a lot of people don't come or don't know, don't have the time. And so who does come are the people that have the time, have the knowledge, know how to do it, can get on a computer and send us an e-mail or a letter or whatever it is that they send. And so these people express their feelings but there are thousands, and literally thousands, who we never hear from. So that is the tricky part of making the decisions that we have to make. There is the vocal minority and the organized minority and there is this vast group of people out there who we never hear from. So I think this is something I wish people would take into consideration when they say, our community, or this, we want, or this area wants. I think we better pay a little bit more attention to how many people are behind that or who they are and it's really scary as a Councilmember because, you know, you gonna listen and be, have a whole lot of putting pressure on you, are the ones that are able to speak or have the time or knowledgeable or can do, can show up, and so that's what you hear. But then when you go to a wedding or you go to a luau or you go to a funeral or you go to your neighbor's house, you talk with other people. And, first of all, they never heard what you talking about and when they do, they're just amazed and they have different ideas, different suggestions. So our challenge is, how do we determine what is the true situation in that community? And I see this all the time and I know that every now and then, a group gets really, really organized and they know how and they go out and get petitions and they bring us a bunch of signatures. Again, do 10,000 people represent 160,000?

MR. SPENCE: Right.

COUNCILMEMBER BAISA: I think it's something we need to think about when we talk about what is the will of the community? Thank you.

CHAIR COUCH: Thank you, Ms. Baisa. Members, any other...Mr. Spence?

MR. SPENCE: Just a comment on what Councilmember Baisa is saying. That's part of the outreach we're trying to do before we even present a draft of the plan is, so we're getting an input. I mean, you can't be around land use and planning and Council meetings without seeing the same faces over and over again. And that's, I'm not saying that's a bad thing. Those are the people who are invested and, you know, they take an interest in this thing. But as you say, that's not the whole community by any stretch of the imagination. There's the hotel workers, the waiters, the waitresses, the landscapers, the people who run the tours and God, it goes on and on. You never see those people. You never hear from them, and so part of our outreach is to reach out to all segments of the community.

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COUNCILMEMBER BAISA: Chair?

CHAIR COUCH: Okay, thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Just one last thing on that. And that was the reason why I mentioned Focus Maui Nui.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: Because they had the ability to go and talk to the people that don't come and are not reached. And it's simply because they operate in a different discipline and, as a nonprofit --

CHAIR COUCH: Sure.

COUNCILMEMBER BAISA: --you know, they can go wherever and whenever and whatever. And I still have not gotten over that. I thought it was one of the most effective community organizing I've ever seen. Thank you.

CHAIR COUCH: Thank you. One last thing for me. If anybody else has anything, please let it be known.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yeah, okay.

COUNCILMEMBER VICTORINO: Before you get started ...

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: To tack onto what Ms. Baisa has brought up and I think this is another area. We know our community plan regions.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: Specifically, Maui Nui needs to hit the regions and focus on the regions, okay. But we also have to remember, in today's world, what happens in West Maui affects Hana.

MR. SPENCE: Right.

COUNCILMEMBER VICTORINO: What happens in Kula affects Wailuku. I don't care if the water doesn't come down the mountain, it still affects us. So what I'm saying is, even though we go regionally, when we come to the next level, which is what, the Island Plan, we have to now put the rationale of our decisions based upon the various segments of the community and how they start to interact. With HC&S closing down, it affects probably beyond just employees, six regions of this County. Six regions of

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this County or six districts of this County are touched HC&S. By them shutting down, six regions have changed from what we had put in the original plan for ag and all of that. And the other thing--and I'll close with this--is when these selective groups come in and say, we must do it this way or else. Or like I get all these e-mails, I am a citizen and I want it done this way. Well, I hate to mention to them, when I go to church and I go to the stores and I go all around this community, there's the everyday people that have no time, not even to e-mail, that come up to me and say, what's so important about that? We have things that are good. I challenge them to come with me, walk in my shoe for a day. I'll take 'em around. I'll take 'em around and I'll show 'em what the real people are.

MR. SPENCE: Right.

COUNCILMEMBER VICTORINO: You know, I'm really being adamant about this because we've come to this point, where we started years ago, we've come to this point, and we're like going back again. It's like, like a ping pong game, back and forth, back and forth, and we got some real wise people in this room that tell us how, what, where and when to do things. Well, frankly, Scarlet, I really don't give bleep bleep about it. We're gonna change and I'm gonna fight hard and those residents that are starting to come out of the woodwork and saying, enough is enough, enough is enough. And we're gonna have to work on it. But when we make our change, I'd like it to be regionalized so if Maui Nui is going to go to different regions, get that region's concern, but then, when we get to the final plan, incorporate 'em all. I think this is gonna be real pivotal and the interaction now, today, and our society is global, first and foremost, but just in our island, no matter what happens somewhere, it affects somebody else. And that's so important to remember. Thank you, Chair.

CHAIR COUCH: Okay. Before we go, and you may have one more...go ahead, Mr. Spence.

MR. SPENCE: Okay, so I just want to correct an earlier statement that I said. The Maui Island Plan GPAC met for 10 months, not a year and possibly more as I previously said. So I, sorry, I just believe in representing things accurately to this Committee and that's important to me.

COUNCILMEMBER VICTORINO: It's not like, Mr. Spence, we've never made a mistake in our lives. I, you know, oh, I can tell you about mistakes, no problem.

CHAIR COUCH: So ...

COUNCILMEMBER COCHRAN: Chair? Chair?

CHAIR COUCH: Okay, Ms. Cochran?

COUNCILMEMBER COCHRAN: Last for me. And in talking about GPAC, there were certain representatives from that group that came, that went to Planning Commission, I mean, they tracked the whole, entire process to very end and inserted their comments, saying, hey, wait a minute, I was there at GPAC, I am a member of GPAC, and this is what was discussed and what was voted on and now you guys are saying totally

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opposite, whatever. You know, so there's certain people who carried through and watched the whole process roll out and made sure their voices and reasoning were interjected when needed to be. So I do recall that with the GPAC and that matrix proves all that too. But just to, yeah, put that in. Thank you, Chair.

CHAIR COUCH: Okay, thank you. Mr. Spence, you mentioned, or, I'm sorry, Ms. Eaton mentioned that in other jurisdictions, members of the planning commission were also on the CPAC. I don't want Mr. Hopper to think he's been ignored this whole meeting so I would like to ask Mr. Hopper, is that something we can do here or are there restrictions in the Charter about who can be on the CPAC? I can imagine that if we have only two then that's not a problem with the Sunshine Law. Mr. Hopper, any thoughts? And you don't have to answer today if you don't have it on top of your head. That might be something for the next meeting.

MR. HOPPER: I think we've done that, or the Council has done that before and had that at the same time. I think for Molokai, I think DeGray Vanderbilt was on both the Commission and the CPAC, or maybe not. I think that has been done in the past. I don't think there's an expressed prohibition on it, as I recall, but I would say that, that's something for the Council to consider if you do have duplicate members, you're going to get that members input twice. So if the goal is to have more diversity of opinion through the Commission and the CPAC process, you may want to have different members. It's kind of up to the Council on that one. So I think it's been done before, if I recall correctly, or maybe that was with CPAC and GPAC but I do believe that Planning Commission members have been on CPACs at the same time before. Whether that's a good idea from a policy perspective is up to the Council but I can't recall anything from a legal perspective that would actually prohibit that.

CHAIR COUCH: Okay, thank you. Members, any further questions, comments? Department? Okay. Members, it's the Chair's recommendation to defer this item and we'll bring it back probably...definitely prior to picking up the Molokai Community Plan, which, by the way, you've all received, so that's coming up. But we'll do one more round of this and see if there's anything that needs to come out, any changes that need to be made, in the process before we move forward.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: And this also will help with the Department so they can move forward with the West Maui --

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: --Plan.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yes.

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COUNCILMEMBER VICTORINO: And I just want to say thank you very much for allowing this, you know, and the Department for coming in, and all of those who did help. You know, I agree with Ms. Baisa, there's a, many, many parties that have been involved in this all the way through. Again, the sad thing about it is, and I'll say it in this manner, is that the pie in the sky, no limit, was really the whole premise of the GPAC. There was no limitation. When it came to us, the budgetary and as well as the authority, was then really apparent and where we could and couldn't put things in place, you know. And so I just want people to understand that this process is not a bad process. It needs to be changed and we have to make it for whenever we set this up again, for whatever group, that they understand, this is the parameters, you gotta stay within these parameters. Pie in the sky cannot be the ultimate goal because then they come back and say, well, this is what we wanted. But we can't afford it. I mean, you know, you want sewer treatment plants all around this County. Oh, we can do that but are you willing to have your rates raised tenfold, fifteen-fold, whatever it might be? You know, so the realization is very important. So I think that would be my only comment to the future is, making sure that whoever comes on the GPAC and all these community plan organization, reality has to be in there and pie in the sky has to be pushed off to the side unless you know where that source of money could come from to achieve the plan.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR COUCH: Thank you. Mr. Spence, you had a comment?

MR. SPENCE: Mr. Chairman, I just think, next time you schedule this, let us know far enough in advance and we will bring some additional ideas and refinements to the process on how we think things could work.

CHAIR COUCH: Okay, thank you.

MR. SPENCE: Possible ways.

CHAIR COUCH: Alright, Members, thank you very much for a very good discussion. I look forward to seeing any potential options that you might come up with and the Department. So, and I'll be working with the Department, contrary to popular opinion, I don't come up with stuff and just out of the blue, I'm working with the Department. Most of this is done at the Department's request and they helped me write that letter as well. So just to let you know, this isn't, contrary to popular opinion, or at least some opinion that's being out, put out there, this is not my doing.

COUNCILMEMBER VICTORINO: So ...

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: That's what it said, I mean --

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CHAIR COUCH: I know.

COUNCILMEMBER VICTORINO: --all the e-mails --

CHAIR COUCH: I understand.

COUNCILMEMBER VICTORINO: --I got is your name's put on there.

CHAIR COUCH: So thank you, Members. We are a Committee and we will continue to act as a Committee. So this meeting is, the item is deferred and this meeting is --

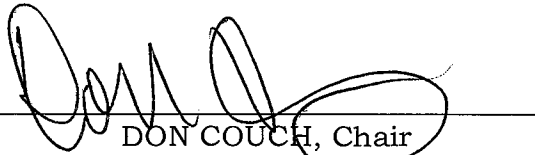
COUNCILMEMBER VICTORINO: No objections.

**ACTION: DEFER.**

CHAIR COUCH: --adjourned. . . .(gavel). . .

**ADJOURN: 11:33 a.m.**

APPROVED BY:

A handwritten signature in black ink, appearing to read "Don Couch", is written over a horizontal line.

DON COUCH, Chair  
Planning Committee

pc:min:160524r:alp

Transcribed by: Annette L. Perkett

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CERTIFICATE

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

DATED the 16<sup>th</sup> day of June 2016, in Haiku, Hawaii.

  
Annette L. Perkett  
Annette L. Perkett